

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II Establishments and Agencies

Registration

Section 10 Requirement to register

62. *Subsection (1)* provides that any person who carries on or manages an establishment or agency of any description must be registered, and it will be an offence to carry on or manage such an establishment without being registered in respect of it. The principle is that each establishment or agency should have a registered owner or proprietor (person who ‘carries on’ the business). If the person who carries on the business is not in day-to-day control of it, it is intended that the regulations will require the appointment of a manager who must also be registered by the registration authority (see *section 22*). *Subsection (2)* provides that an agency operating from several branches must register each branch separately.
63. *Subsection (3)* – registration is required in respect of voluntary adoption agencies under the provisions of Part II, but the relevant sanctions remain within section 11 of the Adoption Act 1976.
64. *Subsection (4)* enables the Secretary of State to make provision about registers to be kept by the Commission.
65. *Subsections (5) and (6)* relate to offences. A person who carries on or manages an establishment or agency without being registered will be guilty of an offence and liable to a fine up to level 5 on the *standard scale*[#]. If the person continues to run an unregistered establishment or agency after having been convicted of this offence, or after their registration has been cancelled, then they will be guilty of an offence and liable to six months’ imprisonment, or a fine, or both.

^I See paragraph 97 of these notes for definition of standard scale.