



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART I **E+W**

#### INTRODUCTORY

##### *Preliminary*

### 1 **[<sup>F1</sup>Children's homes in England]. E+W**

- (1) Subsections (2) to (6) have effect for the purposes of this Act [<sup>F2</sup>as it applies in relation to England].
- (2) An establishment [<sup>F3</sup>in England] is a children's home (subject to the following provisions of this section) if it provides care and accommodation wholly or mainly for children.
- (3) An establishment is not a children's home merely because a child is cared for and accommodated there by a parent or relative of his or by a foster parent.

<sup>F4</sup>(4) .....

<sup>F5</sup>(4A) An establishment <sup>F6</sup>... is not a children's home if it is—

- (a) a hospital (within the meaning of the National Health Service Act 2006); or
- (b) a residential family centre,

or if it is of a description excepted by regulations.]

- (5) Subject to subsection (6), an establishment is not a children's home if it is a school.
- (6) A school is a children's home at any time if at that time accommodation is provided for children at the school and either—
  - (a) in each year that fell within the period of two years ending at that time, accommodation was provided for children, either at the school or under arrangements made by the proprietor of the school, for more than 295 days; or

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- (b) it is intended to provide accommodation for children, either at the school or under arrangements made by the proprietor of the school, for more than 295 days in any year;

and in this subsection “year” means a period of twelve months.

But accommodation shall not for the purposes of paragraph (a) be regarded as provided to children for a number of days unless there is at least one child to whom it is provided for that number of days; and paragraph (b) shall be construed accordingly.

- (7) For the purposes of this section a person is a foster parent in relation to a child if—
- (a) he is a local authority foster parent in relation to the child;
  - (b) he is a foster parent with whom a child has been placed by a voluntary organisation under section 59(1)(a) of the 1989 Act; or
  - (c) he fosters the child privately.

#### Textual Amendments

- F1** S. 1 heading substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 2\(e\)](#); S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F2** Words in s. 1(1) inserted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 2\(a\)](#); S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F3** Words in s. 1(2) inserted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 2\(b\)](#); S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F4** S. 1(4) repealed (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 2\(c\)](#); S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F5** S. 1(4A) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, [Sch. 5 para. 2\(3\)](#); S.I. 2010/807, [art. 2\(2\)](#), Sch. 1 (with arts. 3–22)
- F6** Words in s. 1(4A) repealed (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 2\(d\)](#); S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

#### Modifications etc. (not altering text)

- C1** S. 1(6): power to disapply conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 5](#) (with ss. 88–90)

#### Commencement Information

- I1** S. 1 wholly in force at 1.4.2002; s. 1 not in force at Royal Assent see s. 122; s. 1 in force for W. at 1.7.2001 by [S.I. 2001/2190](#), [art. 2](#), [Sch.](#) Table; s. 1 in force for E. for certain purposes at 20.11.2001 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), [3\(2\)\(3\)\(a\)\(i\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 1 in force for E. for certain purposes at 1.1.2002 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), [3\(2\)\(4\)\(a\)\(i\)\(5\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 1 in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), [3\(2\)\(7\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210)

## 2 Independent hospitals etc. **E+W**

- (1) Subsections (2) to (6) apply for the purposes of this Act [<sup>F7</sup>as it applies in relation to Wales].
- (2) A hospital which is not a health service hospital is an independent hospital.

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- (3) “Hospital” (except in the expression health service hospital) means—
- (a) an establishment—
    - (i) the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or
    - (ii) in which (whether or not other services are also provided) any of the listed services are provided;
  - (b) any other establishment in which treatment or nursing (or both) are provided for persons liable to be detained under the <sup>M1</sup>Mental Health Act 1983.

- (4) “Independent clinic” means an establishment of a prescribed kind (not being a hospital) in which services are provided by medical practitioners (whether or not any services are also provided for the purposes of the establishment elsewhere).

But an establishment in which, or for the purposes of which, services are provided by medical practitioners in pursuance of the [<sup>F8</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006] is not an independent clinic.

- (5) “Independent medical agency” means an undertaking (not being an independent clinic [<sup>F9</sup>or an independent hospital]) which consists of or includes the provision of services by medical practitioners.

But if any of the services are provided for the purposes of an independent clinic, or by medical practitioners in pursuance of the [<sup>F8</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006], it is not an independent medical agency.

- (6) References to a person liable to be detained under the <sup>M2</sup>Mental Health Act 1983 do not include a person absent in pursuance of leave granted under section 17 of that Act.

- (7) In this section “listed services” means—
- (a) medical treatment under anaesthesia or sedation;
  - (b) dental treatment under general anaesthesia;
  - (c) obstetric services and, in connection with childbirth, medical services;
  - (d) termination of pregnancies;
  - (e) cosmetic surgery [<sup>F10</sup>other than—
    - (i) ear and body piercing;
    - (ii) tattooing;
    - (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; and
    - (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current];
  - (f) treatment using prescribed techniques or prescribed technology.

- (8) Regulations may—
- (a) except any description of establishment from the definitions in subsections (2) to (4);
  - (b) except any description of undertaking from the definition in subsection (5);
  - (c) modify the definition in subsection (7).

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### Textual Amendments

- F7** Words in s. 2(1) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, [Sch. 5 para. 3](#); S.I. 2010/807, [art. 2\(2\)](#), Sch. 1 (with arts. 3-22)
- F8** Words in s. 2(4)(5) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, [Sch. 1 para. 199](#) (with Sch. 3 Pt. 1)
- F9** Words in s. 2(5) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), [ss. 106, 199](#); S.I. 2004/759, art. 3(1); S.I. 2004/873, [art. 2](#)
- F10** Words in s. 2(7)(e) added (1.4.2002) by [Private and Voluntary Health Care \(Wales\) Regulations 2002 \(S.I. 2002/325\)](#), regs. 1(1), [3\(4\)](#) (with reg. 1(2))

### Commencement Information

- I2** S. 2 wholly in force at 1.4.2002; s. 2 not in force at Royal Assent see s. 122; s. 2 in force for W. at 1.7.2001 by S.I. 2001/2190, [art. 2](#), [Sch.](#) Table; s. 2 in force for E. at 20.11.2001 by S.I. 2001/3852, [arts. 1\(4\), 3\(2\)\(3\)\(a\)\(i\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 2 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, [arts. 1\(4\), 3\(2\)\(4\)\(a\)\(i\)\(5\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 2 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, [arts. 1\(4\), 3\(2\)\(7\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

### Marginal Citations

- M1** 1983 c. 20.  
**M2** 1983 c. 20.

## 3 [F11 Care homes in England] **E+W**

(1) For the purposes of this Act, an establishment [F12 in England] is a care home if it provides accommodation, together with nursing or personal care, for any of the following persons.

(2) They are—

- (a) persons who are or have been ill;
- (b) persons who have or have had a mental disorder;
- (c) persons who are disabled or infirm;
- (d) persons who are or have been dependent on alcohol or drugs.

[F13(3).....]

[F14(4) And an establishment F15... is not a care home if it is—

- (a) a hospital (within the meaning of the National Health Service Act 2006); or
- (b) a children's home,

or if it is of a description excepted by regulations.]

### Textual Amendments

- F11** S. 3 heading substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 3\(d\)](#); S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

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- F12** Words in s. 3(1) inserted (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 3(a)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F13** S. 3(3) repealed (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 3(b)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F14** S. 3(4) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, **Sch. 5 para. 4(3)**; S.I. 2010/807, **art. 2(2)**, Sch. 1 (with arts. 3-22)
- F15** Words in s. 3(4) repealed (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 3(c)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

#### Commencement Information

- I3** S. 3 wholly in force at 1.4.2002; s. 3 not in force at Royal Assent see s. 122; s. 3 in force for W. at 1.7.2001 by S.I. 2001/2190, **art. 2, Sch.** Table; s. 3 in force for E. for certain purposes at 20.11.2001 by S.I. 2001/3852, **arts. 1(4), 3(2)(3)(a)(i)** (subject to transitional provisions in **Sch. 1** and with transitional provisions in **Sch. 2**) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 3 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, **arts. 1(4), 3(2)(4)(a)(i)(5)** (subject to transitional provisions in **Sch. 1** and with transitional provisions in **Sch. 2**) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 3 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, **arts. 1(4), 3(2)(7)(a)** (subject to transitional provisions in **Sch. 1** and with transitional provisions in **Sch. 2**) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

#### 4 Other basic definitions. **E+W**

- (1) This section has effect for the purposes of this Act.
- (2) “Residential family centre” means, subject to subsection (6), any establishment [<sup>F16</sup>in England] at which—
  - (a) accommodation is provided for children and their parents;
  - (b) the parents’ capacity to respond to the children’s needs and to safeguard their welfare is monitored or assessed; and
  - (c) the parents are given such advice, guidance or counselling as is considered necessary.  
In this subsection “parent”, in relation to a child, includes any person who is looking after him.
- (3) “Domiciliary care agency” means, subject to subsection (6), an undertaking which consists of or includes arranging the provision of personal care in their own homes for persons [<sup>F17</sup>in England] who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
- (4) “Fostering agency” means, subject to subsection (6)—
  - (a) an undertaking which consists of or includes discharging functions of local authorities [<sup>F18</sup>in England] in connection with the placing of children with foster parents; or
  - (b) a voluntary organisation [<sup>F19</sup>in England] which places children with foster parents under section 59(1) of the 1989 Act.
- <sup>F20</sup>(5) .....
- (6) The definitions in subsections (2) to (5) do not include any description of establishment, undertaking or organisation excepted from those definitions by regulations.

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- (7) “Voluntary adoption agency” means an adoption society within the meaning of the [<sup>F21</sup>the Adoption and Children Act 2002] which is a voluntary organisation within the meaning of that Act [<sup>F22</sup>whose principal office is in England].
- [<sup>F23</sup>(7A) “Adoption support agency” [<sup>F24</sup>means an undertaking in England which is an adoption support agency within] the meaning given by section 8 of the Adoption and Children Act 2002.]
- (8) Below in this Act—
- [<sup>F25</sup>(a) any reference to a description of establishment is a reference to—
- (i) a children's home [<sup>F26</sup>in England],
  - (ii) a children's home [<sup>F27</sup>in England] providing accommodation for the purpose of restricting liberty,
  - (iii) an independent hospital in Wales,
  - (iv) an independent hospital in Wales in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983,
  - (v) an independent clinic in Wales,
  - <sup>F28</sup>(vi) . . . . .
  - (vii) a residential family centre [<sup>F29</sup>in England];]
- (b) a reference to any establishment is a reference to an establishment of any of those descriptions.
- [<sup>F30</sup>(9) Below in this Act—
- (a) any reference to a description of agency is a reference to—
    - (i) an independent medical agency in Wales or, where the activities of an independent medical agency are carried on from two or more branches, a branch in Wales of an independent medical agency,
    - <sup>F31</sup>(ii) . . . . .
    - <sup>F31</sup>(iii) . . . . .
    - (iv) a fostering agency or, where the activities of a fostering agency are carried on from two or more branches, a branch of a fostering agency,
    - (v) a voluntary adoption agency, or
    - (vi) an adoption support agency or, where the activities of an adoption support agency are carried on from two or more branches, a branch of an adoption support agency;
  - (b) a reference to any agency is a reference to an agency or branch of any of those descriptions.]
- <sup>F32</sup>(10) . . . . .

#### Textual Amendments

- F16** Words in s. 4(2) inserted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 4\(a\)](#); S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F17** Words in s. 4(3) inserted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 4\(b\)](#); S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F18** Words in s. 4(4)(a) inserted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 4\(c\)\(i\)](#); S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

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- F19** Words in s. 4(4)(b) inserted (29.4.2019) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(c)(ii)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F20** S. 4(5) repealed (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(d)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F21** Words in s. 4(7) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 139, 148, **Sch. 3 para. 104** (with Sch. 4 paras. 6-8); S.I. 2005/2213, {art. 2}
- F22** Words in s. 4(7) inserted (29.4.2019) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(e)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F23** S. 4(7A) inserted (7.12.2004 for E. for certain purposes and 30.12.2005 otherwise) by Adoption and Children Act 2002 (c. 38), ss. 8(3)(a), 148 (with Sch. 4 paras. 1, 6-8); S.I. 2004/3203, **art. 2**; S.I. 2005/2213, {art. 3}; S.I. 2005/3112, **art. 2**
- F24** Words in s. 4(7A) substituted (29.4.2019) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(f)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F25** S. 4(8)(a) substituted (1.10.2010) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, **Sch. 5 para. 5(2)**; S.I. 2010/807, **art. 2(2)**, Sch. 1 (with arts. 3-22)
- F26** Words in s. 4(8)(a)(i) inserted (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(g)(i)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F27** Words in s. 4(8)(a)(ii) inserted (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(g)(ii)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F28** S. 4(8)(a)(vi) repealed (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(g)(iii)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F29** Words in s. 4(8)(a)(vii) inserted (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(g)(iv)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F30** S. 4(9) substituted (1.10.2010) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, **Sch. 5 para. 5(3)**; S.I. 2010/807, **art. 2(2)**, Sch. 1 (with arts. 3-22)
- F31** S. 4(9)(a)(ii)(iii) repealed (2.4.2018) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 4(h)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F32** S. 4(10) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 93(1)**, 115(7); S.I. 2015/994, art. 6(q)

### Commencement Information

- I4** S. 4 wholly in force at 30.4.2003; s. 4 not in force at Royal Assent see s. 122; s. 4 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, **Sch.** Table; s. 4 in force for E. for certain purposes at 20.11.2001 by S.I. 2001/3852, **arts. 1(4)**, 3(2)(3)(a)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, **arts. 1(4)**, 3(2)(4)(a)(i)(ii)(5) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(4) in force for E. and s. 4(1)(6)(8)(9) in force for E. for certain purposes at 1.4.2002 by S.I. 2001/3852, **arts. 1(4)**, 3(2)(7)(b) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(1)(9) in force for E. for certain purposes, s. 4(2)(3)(5) in force for E. and s. 4(6)(8) in force for E. in so far as not already in force at 1.4.2003 by S.I. 2001/3852, **arts. 1(4)**, 3(2)(8)(a) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(7)(9) in force for E. for certain purposes at 25.2.2003 and otherwise in force for E. at 30.4.2003 by S.I. 2003/365, **art. 3(1)(3)-(5)** (subject to Sch.)

### Registration authorities

## 5 Registration authorities. **E+W**

For the purposes of this Act—

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- [<sup>F33</sup>(a) the registration authority in the case of establishments and agencies mentioned in subsection (1A) is Her Majesty's Chief Inspector of Education, Children's Services and Skills (referred to in this Act as “the CIECSS”);]
- (b) the registration authority [<sup>F34</sup>in the case of establishments and agencies mentioned in subsection (1B)] is the National Assembly for Wales (referred to in this Act as “the Assembly”).

[<sup>F35</sup>(1A) The establishments and agencies [<sup>F36</sup>mentioned in subsection (1)(a)] are—

- (a) children's homes in England,
- (b) residential family centres in England,
- (c) fostering agencies in England or, where the activities of a fostering agency are carried on from two or more branches, the branches in England,
- (d) voluntary adoption agencies whose principal office is in England, and
- (e) adoption support agencies in England or, where the activities of an adoption support agency are carried on from two or more branches, the branches in England. <sup>F37</sup> ...

<sup>F37</sup>(f) .....]

[<sup>F38</sup>(1B) The establishments mentioned in subsection (1)(b) are—

- (a) independent hospitals in Wales;
- (b) independent clinics in Wales;
- (c) independent medical agencies in Wales.]

<sup>F39</sup>(2) .....

**Textual Amendments**

- F33** S. 5(1)(a) substituted (1.10.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, **Sch. 5 para. 6(2)(a)**; S.I. 2010/807, **art. 2**, Sch. 1 Pt. 2 (with arts. 3-22)
- F34** Words in s. 5(1)(b) substituted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 5(a)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F35** S. 5(1A) inserted (1.10.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, **Sch. 5 para. 6(3)**; S.I. 2010/807, **art. 2**, Sch. 1 Pt. 2 (with arts. 3-22)
- F36** Words in s. 5(1A) inserted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 5(b)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F37** S. 5(1A)(f) and preceding word omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), ss. **93(2)(a)(i)**, 115(7); S.I. 2015/994, art. 6(q)
- F38** S. 5(1B) inserted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 5(c)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)
- F39** S. 5(2) repealed (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 5(d)**; S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

**Commencement Information**

- I5** S. 5 partly in force; s. 5 not in force at Royal Assent see s. 122; s. 5 in force for W. at 1.7.2001 by S.I. 2001/2190, **art. 2**, **Sch.** Table; s. 5 in force for E. for certain purposes at 1.4.2002 by S.I. 2001/3852, **art. 3(2)(7)(c)** (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

[<sup>F40</sup>5A **General duties of Commission for Healthcare Audit and Inspection** **E+W**

<sup>F41</sup> .....



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#### Textual Amendments

- F40** S. 5A inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. {103}, 199; S.I. 2004/759, [art. 3\(1\)](#)
- F41** S. 5A repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 166, 170, Sch. 5 para. 7, [Sch. 15 Pt. 1](#); S.I. 2009/462, [art. 2](#), Sch. 1 paras. 35, 36

### [<sup>F42</sup>**5B** **General duties of Commission for Social Care Inspection** **E+W**

<sup>F43</sup> .....

#### Textual Amendments

- F42** S. 5B inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. {104}, 199; S.I. 2004/759, [art. 4\(2\)](#)
- F43** S. 5B repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 166, 170, Sch. 5 para. 7, [Sch. 15 Pt. 1](#); S.I. 2009/462, [art. 2](#), Sch. 1 paras. 35, 36

### **6** **National Care Standards Commission.** **E+W**

<sup>F44</sup> .....

#### Textual Amendments

- F44** S. 6 repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, [Sch. 14 Pt. 2](#); S.I. 2004/759, [art. 13](#)

### **7** **General duties of the Commission.** **E+W**

<sup>F45</sup> .....

#### Textual Amendments

- F45** S. 7 repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, [Sch. 14 Pt. 2](#); S.I. 2004/759, [art. 13](#)

### **8** **General functions of the Assembly.** **E+W**

- (1) The Assembly shall have the general duty of encouraging improvement in the quality of Part II services provided in Wales.
- (2) The Assembly shall make information about Part II services provided in Wales available to the public.
- [<sup>F46</sup>(3) The Assembly shall have such additional functions in relation to Part II services provided in Wales as may be specified in regulations made by the Assembly.

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- [<sup>F47</sup>(3A) But the functions which may be so specified do not include functions of making, confirming or approving subordinate legislation (as defined by section 158(1) of the Government of Wales Act 2006).]]
- (4) The Assembly may charge a reasonable fee determined by it in connection with the exercise of any power conferred on it by or under this Act.
- (5) The Assembly may provide training for the purpose of assisting persons to attain standards set out in any statements published by it under section 23.
- [<sup>F48</sup>(6) The Assembly must have particular regard to the need to safeguard and promote the rights and welfare of children in the exercise of—
- (a) its functions exercisable by virtue of [<sup>F49</sup>section 5(1)(b)] and subsections (1) to (3) of this section; and
- [<sup>F50</sup>(b) any other functions exercisable by the Assembly corresponding to functions exercisable [<sup>F51</sup>by the Care Quality Commission—
- (i) under Chapters 2 and 3 of Part 1 of the Health and Social Care Act 2008 in relation to health care in England, or
- (ii) under the Mental Health Act 1983 in relation to England.]]]
- [<sup>F52</sup>[<sup>F53</sup>(7)] In this section, “Part II services” means services of the kind provided by persons registered under Part II [<sup>F54</sup>. . . ]

#### Textual Amendments

- F46** S. 8(3)(3A) substituted (1.4.2007) for s. 8(3) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 40\(2\)](#); S.I. 2007/935, [art. 5](#)
- F47** S. 8(3A) substituted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b), [Sch. 5 para. 8\(2\)](#); S.I. 2009/462, [art. 2](#), Sch. 1 para. 35
- F48** S. 8(6) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 109, 199; S.I. 2004/873, [art. 2](#)
- F49** Words in s. 8(6)(a) substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 6\(a\)](#); S.I. 2017/1326, [art. 2\(3\)\(h\)](#), Sch. (with [art. 6](#))
- F50** S. 8(6)(b) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 40\(3\)](#); S.I. 2007/935, [art. 5](#)
- F51** S. 8(6)(b)(i)(ii) substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 6\(b\)](#); S.I. 2017/1326, [art. 2\(3\)\(h\)](#), Sch. (with [art. 6](#))
- F52** S. 8(7) (originally numbered s. 8(6)) inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 147, 199, [Sch. 9 para. 18\(3\)](#); S.I. 2004/759, [art. 5\(2\)](#)
- F53** S. 8(6) (as second appearing) renumbered as s. 8(7) (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 40\(4\)](#); S.I. 2007/935, [art. 5](#)
- F54** Words in s. 8(7) repealed (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b), [Sch. 5 para. 8\(4\)](#); S.I. 2009/462, [art. 2](#), Sch. 1 paras. 35, 36

#### Commencement Information

- I6** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 122; s. 8 in force for W. for certain purposes at 1.7.2001 by S.I. 2001/2190, [art. 2](#), Sch. Table; s. 8 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, [arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)\(5\)](#)) and to transitional provisions in [Schs. 1-3](#); s. 8 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, [art. 2](#); s. 8 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, [art. 2](#); s. 8 in force for W. for certain purposes

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at 1.4.2004 by S.I. 2004/1015, art. 2; s. 8 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

## 9 Co-operative working. **E+W**

F55 .....

### Textual Amendments

**F55** S. 9 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, Sch. 14 Pt. 2; S.I. 2004/759, art. 13

## 10 Inquiries. **E+W**

- (1) F56 .....
- (2) The appropriate Minister may cause an inquiry to be held into any matter connected with a service provided in or by an establishment or agency.
- (3) Before an inquiry is begun, the person causing the inquiry to be held may direct that it shall be held in private.
- (4) Where no direction has been given, the person holding the inquiry may if he thinks fit hold it, or any part of it, in private.
- (5) Subsections (2) to (5) of section 250 of the <sup>M3</sup>Local Government Act 1972 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to a local inquiry under that section; and references in those provisions as so applied to a Minister shall be taken to include references to the Assembly.
- (6) F57 .....
- (7) The report of the person who held the inquiry shall, unless the Minister who caused the inquiry to be held considers that there are exceptional circumstances which make it inappropriate to publish it, be published in a manner which that Minister considers appropriate.

### Textual Amendments

**F56** S. 10(1) repealed (20.11.2003 for certain purposes and 1.4.2004 otherwise) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 147, 196, 199, Sch. 9 para. 19(b), Sch. 14 Pt. 2; S.I. 2004/759, arts. 5(2), 13

**F57** S. 10(6) repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 95, 166, 170, Sch. 5 para. 9, Sch. 15 Pt. 1; S.I. 2009/462, art. 2, Sch. 1 paras. 35, 36

### Commencement Information

**I7** S. 10 partly in force; s. 10 not in force at Royal Assent see s. 122; s. 10(1)-(5)(7) in force for E. at 1.4.2002 by S.I. 2001/3852, art. 3(2)(7)(e) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 10(2)-(7) in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 10(2)-(7) in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 10(2)-(7) in force for W. for certain purposes

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at 1.4.2004 by [S.I. 2004/1015, art. 2](#); s. 10(2)-(7) in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730, art. 2](#)

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**Marginal Citations**

**M3** 1972 c. 70.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(1)(a)(iii) words substituted by [2008 c. 23 s. 4\(2\)\(a\)](#)
- Sch. 2A para. 8A inserted by [2022 asc 1 Sch. 4 para. 13\(2\)\(b\)](#)
- Sch. 2B para. 11 inserted by [2022 asc 1 Sch. 4 para. 13\(3\)](#)