



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART IX

#### GENERAL AND SUPPLEMENTAL

### CHAPTER I

#### GENERAL

#### <sup>F1</sup>113 Default powers of appropriate Minister.

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##### Textual Amendments

**F1** S. 113 repealed (3.4.2017) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 41(c)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

#### <sup>F2</sup>113A Fees payable under Part 2

<sup>F3</sup> .....

##### Textual Amendments

**F2** S. 113A inserted (20.11.2003 for certain purposes, 30.10.2005 for E. for certain further purposes, otherwise prosp.) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. **105(2)**, 199; S.I. 2005/2925, **arts. 2(1), 3** (as amended by S.I. 2006/836, art. 3) (and see transitional provisions in S.I. 2006/1680, art. 4)

**F3** S. 113A repealed (6.4.2010) by Health and Social Care Act 2008 (c. 14), ss. 95, 166, 170(3), Sch. 5 para. 31, **Sch. 15 Pt. 1**; S.I. 2010/807, **art. 2(1)**, Sch. 1 (with arts. 3-22)

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*Changes to legislation:* Care Standards Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## 114 Schemes for the transfer of staff.

- (1) This section and the next apply to a scheme made under section 38<sup>F4</sup> ... or 79(3) for transferring eligible employees.
- (2) Subject to those provisions, such a scheme may apply to all, or any description of, employees or to any individual employee.
- (3) Such a scheme may be made by the appropriate Minister, and a recommendation may be made to Her Majesty in Council to make an Order containing such a scheme, only if any prescribed requirements about consultation have been complied with in relation to each of the employees to be transferred under the scheme.

### Textual Amendments

- F4** Word in s. 114(1) omitted (1.8.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 21](#); [S.I. 2012/1319](#), art. 2(4)

### Commencement Information

- II** S. 114 wholly in force at 1.7.2001; s. 114 not in force at Royal Assent see s. 122; s. 114 in force for E. at 16.3.2001 by [S.I. 2001/1210](#), [arts. 1\(3\)](#), 2(d); s. 114 in force for W. at 1.4.2001 for certain purposes by [S.I. 2000/2992](#), art. 2(2), [Sch. 2](#); s. 114 in force for W. at 1.7.2001 by [S.I. 2001/2190](#), art. 2, [Sch. Table](#)

## 115 Effect of schemes.

- (1) The contract of employment of an employee transferred under the scheme—
  - (a) is not terminated by the transfer; and
  - (b) has effect from the date of transfer as if originally made between the employee and the transferee.
- (2) Where an employee is transferred under the scheme—
  - (a) all the rights, powers, duties and liabilities of the old employer under or in connection with the contract of employment are by virtue of this subsection transferred to the transferee on the date of transfer; and
  - (b) anything done before that date by or in relation to the old employer in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the transferee.

This subsection does not prejudice the generality of subsection (1).

- (3) Subsections (1) and (2) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the old employer or the transferee that he objects to the transfer.
- (4) Where an employee objects as mentioned in subsection (3), his contract of employment with the old employer is terminated immediately before the date of transfer; but he is not to be treated, for any purpose, as having been dismissed by that employer.
- (5) This section does not prejudice any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions.

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But no such right arises by reason only that, by virtue of this section, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.

(6) In this section—

“date of transfer” means the date of transfer determined under the scheme in relation to the employee;

“transferee” means the new employer to whom the employee is or would be transferred under the scheme;

and expressions used in this section and in the provision under which the scheme is made have the same meaning as in that provision.

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#### Commencement Information

**I2** S. 115 wholly in force at 1.7.2001; s. 115 not in force at Royal Assent see s. 122; s. 115 in force for E. at 16.3.2001 by S.I. 2001/1210, arts. 1(3), 2(d); s. 115 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table

#### 116 Minor and consequential amendments.

Schedule 4 (which makes minor amendments and amendments consequential on the provisions of this Act) shall have effect.

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#### Commencement Information

**I3** S. 116 partly in force; s. 116 not in force at Royal Assent see s. 122; s. 116 in force for certain purposes at 2.10.2000 by S.I. 2000/2544, art. 2(2)(g) (with art. 3); s. 116 in force for E. for certain purposes at 1.1.2001 by S.I. 2000/2795, art. 2(2)(b) (with art. 3); s. 116 in force for W. for certain purposes at 28.2.2001 by S.I. 2001/139, arts. 1(3), 2(2)(b) (with transitional provisions in art. 3); s. 116 in force for W. for certain purposes at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 116 in force for E. for certain purposes at 2.7.2001 by S.I. 2001/2041, arts. 1(4), 2(1)(d) (subject to art. 2(2)(3) and with transitional, transitory and savings provisions in art. 3, Sch.); s. 116 in force for E. for certain purposes at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(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. 116 in force for E. for certain purposes at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a)(b) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); s. 116 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)-(10) and to transitional provisions in Schs. 1-3); s. 116 in force for E. for certain purposes at 1.4.2002 by S.I. 2002/1493, arts. 1(2), 3(2) (subject to transitional provisions in art. 4); s. 116 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2(1); s. 116 in force for E. for certain purposes at 24.2.2003, 30.4.2003 and 1.6.2003 by S.I. 2003/365, art. 3(2)(5)(6) (subject to Sch.); s. 116 in force for W. for certain purposes at 5.3.2003 and 30.4.2003 by S.I. 2003/501, art. 2(1)(3)(a); s. 116 in force for E. for certain purposes at 7.3.2003 by S.I. 2003/933, art. 2(1)(c); s. 116 in force for certain purposes at 26.7.2004 by S.I. 2004/1757, art. 2(c)

#### 117 Transitional provisions, savings and repeals.

(1) Schedule 5 (which makes transitional and saving provision) shall have effect; but nothing in that Schedule shall be taken to prejudice the operation of sections 16 and 17 of the <sup>M1</sup>Interpretation Act 1978 (which relate to the effect of repeals).

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- (2) The enactments mentioned in Schedule 6 to this Act are repealed to the extent specified in that Schedule.

#### Commencement Information

- I4** S. 117 partly in force; s. 117 not in force at Royal Assent see s. 122; s. 117(2) in force for certain purposes at 2.10.2000 by S.I. 2000/2544, art. 2(2)(h); s. 117(1) in force for W. for certain purposes at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 117(1) in force for W. at 26.8.2001 by S.I. 2001/2782, art. 2(1)(l); s. 117(2) in force for E. for certain purposes at 4.10.2001 by S.I. 2001/3331, arts. 1(3), 2(b); s. 117 in force for E. for certain purposes at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(j) (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. 117 in force for E. for certain purposes at 1.4.2003 by S.I. 2001/3852, arts. 1(4), 3(2)(8)(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); s. 117 in force for E. for certain purposes at 1.4.2002 and in force for E. for certain further purposes at 1.4.2003 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(c)(4) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 117 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)-(10) and to transitional provisions in Schs. 1-3); s. 117 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2(1); s. 117(2) in force for W. for certain purposes at 30.4.2003 by S.I. 2003/501, art. 2(3); s. 117(2) in force for E. for certain purposes at 30.4.2003 and 1.6.2003 by S.I. 2003/365, art. 3(5)(6) (subject to Sch.); s. 117(2) in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2

#### Marginal Citations

- M1** 1978 c. 30.

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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\(3\)](#)