

2001 No. 290 (C. 17)

**PUBLIC HEALTH ENGLAND
DENTISTS, ENGLAND**

**The Care Standards Act 2000 (Commencement No. 2
(England) and Transitional Provisions) Order 2001**

Made - - - - 4th February 2001

The Secretary of State for Health, in exercise of the powers conferred by sections 118(7) and 122 of the Care Standards Act 2000(a) and all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, interpretation and extent

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 2 (England) and Transitional Provisions) Order 2001.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Care Standards Act 2000; and

“the 1984 Act” means the Registered Homes Act 1984(b).

(3) This Order extends to England only.

Appointed days

2.—(1) For the purposes only of enabling an application for registration to be made under section 23(3) of the 1984 Act, 19th February 2001 is the day appointed for the coming into force of section 39 (temporary extension of meaning of “nursing home”) of the Act.

(2) 19th March 2001 is the day appointed for the coming into force of section 39 of the Act in so far as it is not already in force.

Transitional provisions

3.—(1) Where a person has before 19th March 2001 duly made an application for registration under section 23(3) of the 1984 Act in respect of premises falling within section 21(3B)(a) and (b) of the 1984 Act(c), paragraph (2) of this article shall apply.

(2) Section 23(1) of the 1984 Act shall not apply to him—

(a) until such time as the application is granted, or

(b) if the application is refused—

(i) if no appeal is brought, until the expiration of 28 days after service of notice of the Secretary of State’s decision; and

(ii) if an appeal is brought, until it is determined or abandoned.

(a) 2000 c. 14. The powers are exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State, and in relation to Wales, as the National Assembly for Wales.

(b) 1984 c. 23.

(c) See section 39(d) of the Care Standards Act 2000.

(3) Where, on 19th February 2001, a person is registered under Part II of the 1984 Act in respect of premises—

(a) which are used, or intended to be used, by a dental practitioner for the purpose of treating his patients under general anaesthesia; and

(b) which do not fall within section 21(3B)(b)(i) or (ii) of the 1984 Act,

the person registered under Part II of the 1984 Act shall by 19th March 2001 notify the Health Authority that the premises are used, or intended to be used, for the purpose of treating his patients under general anaesthesia.

Signed by authority of the Secretary of State for Health

4th February 2001

Hunt
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 39 of the Care Standards Act 2000 (“the Act”) in relation to England only. Section 39 amends section 21 of the Registered Homes Act 1984 (“the 1984 Act”) so as to extend the meaning of “nursing home”. The effect of the amendment is to require a dentist who uses or intends to use premises for the purpose of treating patients under general anaesthesia to be registered in respect of those premises (unless the premises are also used for the purpose of treating his patients under general anaesthesia under the NHS). Dentists who are already registered under Part II of the 1984 Act must notify the Health Authority by 19th March 2001 that they use (or intend to use) the premises for the purpose of treating patients under general anaesthesia.

Section 39 will come into force on 19th February 2001 for the purpose of enabling applications for registration to be made, and on 19th March 2001 for all other purposes. This is an interim measure to be repealed, in due course, when Part II of the Act, which will establish a new scheme for the registration of private health care, is fully implemented.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Care Standards Act 2000 have been brought into force in relation to England (as well as Wales) by the Care Standards Act 2000 (Commencement No. 1) Order 2000 (S.I. 2000/2544 (C. 72)) and in relation to England by the Care Standards Act 2000 (Commencement No. 1 (England) and Transitional Provisions) Order 2000 (S.I. 2000/2795 (C. 79)). Certain provisions have been brought into force in relation to Wales alone by the Care Standards Act 2000 (Commencement No. 1) (Wales) Order 2000/2992 (W. 192) (C. 93).

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 40 (partially)	15th October 2000	2000/2795
Section 40 (in so far as not already in force)	1st January 2001	2000/2795
Section 41	1st January 2001	2000/2795
Section 80(8) (partially)	2nd October 2000	2000/2544
Section 94	2nd October 2000	2000/2544
Section 96 (partially)	15th September 2000	2000/2544
Section 96 (in so far as not already in force)	2nd October 2000	2000/2544
Section 99	15th September 2000	2000/2544
Section 100	2nd October 2000	2000/2544
Section 101	2nd October 2000	2000/2544
Section 103	2nd October 2000	2000/2544
Section 116 and Schedule 4 (partially)	1st January 2001	2000/2544
Section 116 and Schedule 4 (partially)	1st January 2001	2000/2795
Section 117(2) and Schedule 6 (partially)	1st January 2001	2000/2544

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