
STATUTORY INSTRUMENTS

2002 No. 1493

**The Care Standards Act 2000 (Commencement
No. 14 (England) and Transitional, Savings
and Amendment Provisions) Order 2002**

Transitional provisions

- 4.—(1) In this article—
- “the Regulations” means the Disqualification for Caring for Children Regulations 1991⁽¹⁾;
- “responsible authority” has the meaning given to it in paragraph 3(1) of Schedule 6 to the 1989 Act.
- (2) This paragraph applies to any written consent obtained before 1st April 2002—
- (a) for the purposes of section 65 of the 1989 Act from a responsible authority;
- (b) for the purposes of regulation 3 of the Regulations from the Secretary of State.
- (3) Section 65 of the 1989 Act shall have effect from 1st April 2002 in relation to any written consent to which paragraph (2) applies as if the consent had been obtained from the Commission.
- (4) Where before 1st April 2002 a responsible authority made a decision (“the authority’s decision”) refusing to give their consent under section 65 of the 1989 Act—
- (a) if an appeal was brought against the authority’s decision before 1st April 2002—
- (i) sub-paragraphs (1) to (4) and (6) of paragraph 8 of Schedule 6 to the 1989 Act shall continue in force in relation to the authority’s decision and the appeal notwithstanding the repeal of the provisions of Schedule 6 to the 1989 Act specified in Schedule 6 to the Act;
- (ii) the functions, powers and duties that immediately before 1st April 2002 the responsible authority had under the 1989 Act in relation to the authority’s decision and the appeal shall apply to, and be exercisable by, the Commission instead of the responsible authority;
- (b) if an appeal was not brought against the refusal before 1st April 2002, section 65A of the 1989 Act shall apply as if the authority’s decision were a decision of the Commission.
- (5) Where before 1st April 2002 the Secretary of State made a decision (“the Secretary of State’s decision”) refusing to give his consent under regulation 3 of the Regulations—
- (a) if an appeal was brought against the Secretary of State’s decision before 1st April 2002, sub-paragraphs (1) to (4) of paragraph 5 of Schedule 5 to the 1989 Act shall continue in force in relation to the decision and the appeal notwithstanding the repeal of the provisions of Schedule 5 to the 1989 Act specified in Schedule 6 to the Act;
- (b) if an appeal was not brought against the refusal before 1st April 2002, section 65A of the 1989 Act shall apply as if the Secretary of State’s decision were a decision of the Commission.

(1) [S.I. 1991/2094](#). These Regulations are revoked by regulation 3 of the Disqualification from Caring for Children Regulations 2002 ([S.I. 2002/635](#)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
