

2002 No. 1493 (C. 43)

**CHILDREN AND YOUNG PERSONS, ENGLAND
PUBLIC HEALTH, ENGLAND
SOCIAL CARE, ENGLAND**

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

Made - - - - - *27th March 2002*

The Secretary of State, in exercise of the powers conferred upon him by sections 118(5) to (7) and 122 of the Care Standards Act 2000(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and extent

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 14 (England) and Transitional, Savings and Amendment Provisions) Order 2002.

(2) This Order extends to England only.

Interpretation

2.—(1) In this Order—

“the Act” means the Care Standards Act 2000;

“the 1989 Act” means the Children Act 1989(b);

“the No. 9 Order” means the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) Order 2001(c);

“the No. 10 Order” means the Care Standards Act 2000 (Commencement No. 10 (England) and Transitional, Savings and Amendment Provisions) Order 2001(d).

(2) In this Order, a reference—

(a) to a numbered article is to the article in this Order bearing that number;

(b) in an article to a numbered paragraph is to the paragraph in that article bearing that number.

Appointed days

3.—(1) This article shall have effect subject to article 4.

(2) 1st April 2002 is the day appointed for the coming into force of—

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

(b) 1989 c.41. Section 65 of the Children Act 1989 was amended, and section 65A was added to that Act, by section 116 of, and paragraph 14(13) and (14) of Schedule 4 to, the Care Standards Act 2000.

(c) S.I. 2001/3852.

(d) S.I. 2001/4150.

- (a) section 95 of the Act;
- (b) section 116 of, and Schedule 4 to, the Act in so far as they relate to paragraph 14(13) and (14) of that Schedule.

Transitional provisions

4.—(1) In this article—

“the Regulations” means the Disqualification for Caring for Children Regulations 1991(a);
“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.

Amendment of the No. 9 Order

5. In Schedule 1 to the No. 9 Order—

- (a) in paragraph 6(3)(c)(i)(aa), for the words “section 115(4)” there shall be substituted the words “115(3) or (4)”;
- (b) in paragraph 6(3)(c)(i)(aa) and (bb), the words “and that the application is accompanied by a statement referred to in section 113(3C) of that Act” on both occasions where they occur shall be omitted;
- (c) in paragraph 10(9), for the words “section 11(1) to (3), (5) and (6)” there shall be substituted the words “sections 11(1) to (3), (5) and (6) and 26”;
- (d) in paragraph 15(4), for the words “Section 11(1) to (3), (5) and (6)” there shall be substituted the words “Sections 11(1) to (3), (5) and (6) and 26”;
- (e) in paragraphs 15(5) and (6), for the words “section 11” on both occasions where they occur there shall be substituted the words “sections 11 and 26”.

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

Amendment of the No. 10 Order

6. In article 3(2) of the No. 10 Order, there shall be added at the end the words “of this Order and article 4 of the Care Standards Act 2000 (Commencement No. 14 (England) and Transitional, Savings and Amendment Provisions) Order 2002”.

Signed by authority of the Secretary of State for Health

27th March 2002

Jacqui Smith
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, in relation to England only, certain provisions of the Care Standards Act 2000 which amend other statutory provisions (article 3). They amend the Protection of Children Act 1999, to allow certain authorities to refer persons for inclusion in the list of individuals considered unsuitable to work with children. They also amend provisions in the Children Act 1989 concerning persons disqualified from carrying on or being employed in children's homes and related appeals.

Article 4 makes transitional provision in connection with the amendments to the Children Act.

Article 5 amends the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) Order 2001. The amendments relate to the applications for criminal record certificates to be made by persons licensed under the Nurses Agencies Act 1957 to carry on nurses agencies, and their staff, for the purpose of being treated as registered under the Care Standards Act 2000. The amendments also provide that in certain circumstances a person who during a certain period is not treated as registered under that Act, or has applied for registration under that Act in accordance with paragraph 15 of that Order, shall not be subject to section 26 of the Act. Section 26 makes it an offence to apply false descriptions of establishments or agencies without being registered under the Act.

Article 6 amends the Care Standards Act 2000 (Commencement No. 10 (England) and Transitional, Savings and Amendment Provisions) Order 2001, to enable certain provisions of the Children Act 1989 repealed by that Order to continue in force for transitional purposes under article 4.

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—

- (a) 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
 - the Care Standards Act 2000 (Commencement No. 11) Order 2002 (S.I. 2002/629) (C.19);
- (b) 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);
 - the Care Standards Act 2000 (Commencement No. 2 (England) and Transitional Provisions) Order 2001 (S.I. 2001/290) (C.17);
 - the Care Standards Act 2000 (Commencement No. 3) (England) Order 2001 (S.I. 2001/731) (C.26);
 - the Care Standards Act 2000 (Commencement No. 4) (England) Order 2001 (S.I. 2001/1193) (C.39);
 - the Care Standards Act 2000 (Commencement No. 5) (England) Order 2001 (S.I. 2001/1210) (C.41);
 - the Care Standards Act 2000 (Commencement No. 6) (England) Order 2001 (S.I. 2001/1536) (C.55);
 - the Care Standards Act 2000 (Commencement No. 7 (England) and Transitional, Transitory and Savings Provisions) Order 2001 (S.I. 2001/2041) (C.68);
 - the Care Standards Act 2000 (Commencement No. 8) (England) Order 2001 (S.I. 2001/3331) (C.109);
 - the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) Order 2001 (S.I. 2001/3852) (C.125);
 - the Care Standards Act 2000 (Commencement No. 10 (England) and Transitional, Savings and Amendment Provisions) Order 2001 (S.I. 2001/4150) (C.134);
 - the Care Standards Act 2000 (Commencement No. 12) (England) Order 2002 (S.I. 2002/1245) (C.33); and
 - the Care Standards Act 2000 (Commencement No. 13) (England) Order 2002 (S.I. 2002/839) (C.22).

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3 (partially)	20th November 2001	2001/3852
Sections 1 to 3 (partially)	1st January 2002	2001/3852
Sections 1 to 3 (in so far as they are not already in force)	1st April 2002	2001/3852
Section 4 (partially)	20th November 2001	2001/3852
Section 4 (partially)	1st January 2002	2001/3852
Section 4 (partially)	1st April 2002	2001/3852
Section 4 (partially)	1st July 2002	2001/3852
Section 5 (partially)	1st April 2002	2001/3852
Section 6(3) and Schedule 1 (partially)	16th March 2001	2001/1193

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 6 and Schedule 1 (partially)	9th April 2001	2001/1193
Section 7	1st April 2002	2001/3852
Section 10 (partially)	1st April 2002	2001/3852
Section 11 (partially)	20th November 2001	2001/3852
Section 11 (in so far as not already in force)	1st April 2002	2001/3852
Section 12 (partially)	20th November 2001	2001/3852
Sections 12 and 13 (partially)	1st January 2002	2001/3852
Sections 12 and 13 (in so far as they are not already in force)	1st April 2002	2001/3852
Sections 14 to 16 (partially)	20th November 2001	2001/3852
Sections 14 to 16 (partially)	1st January 2002	2001/3852
Sections 14 to 16 (in so far as they are not already in force)	1st April 2002	2001/3852
Sections 17 to 20	1st April 2002	2001/3852
Section 21 (partially)	20th November 2001	2001/3852
Section 21 (in so far as not already in force)	1st April 2002	2001/3852
Section 22	20th November 2001	2001/3852
Section 23(1) to (3)	2nd March 2001	2001/731
Section 23(4) (partially)	1st January 2002	2001/3852
Section 23 (in so far as not already in force)	1st April 2002	2001/3852
Section 24	1st April 2002	2001/3852
Section 25 (partially)	20th November 2001	2001/3852
Section 25 (in so far as not already in force)	1st April 2002	2001/3852
Section 26	1st April 2002	2001/3852
Section 27 (partially)	1st January 2002	2001/3852
Section 27 (in so far as not already in force)	1st April 2002	2001/3852
Sections 28 to 30	1st April 2002	2001/3852
Section 31 (partially)	20th November 2001	2001/3852
Sections 31 and 32 (partially)	1st January 2002	2001/3852

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 31 and 32 (in so far as they are not already in force)	1st April 2002	2001/3852
Sections 33 to 36 (partially)	20th November 2001	2001/3852
Sections 33 to 36 (in so far as they are not already in force)	1st April 2002	2001/3852
Section 37	1st April 2002	2001/3852
Section 38	20th November 2001	2001/3852
Section 39 (partially)	19th February 2001	2001/290
Section 39 (in so far as not already in force)	19th March 2001	2001/290
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
Sections 43, 45(4), 48, 49, 50, 51 and 52 (partially)	20th November 2001	2001/3852
Sections 43(1), (2), (3)(b), 44, 45, 46(1) to (6), (7)(a) and (b) and (8), and 47 to 53 (partially)	1st April 2002	2001/3852
Section 54 and Schedule 1 (partially)	10th April 2001	2001/1536
Section 54 and Schedule 1 (partially)	7th May 2001	2001/1536
Section 54 (partially)	25th March 2002	2002/1245
Section 55 (partially)	7th May 2001	2001/1536
Section 55 (partially)	25th March 2002	2002/1245
Section 59 (partially)	7th May 2001	2001/1536
Section 60 (partially)	7th May 2001	2001/1536
Section 62 (partially)	7th May 2001	2001/1536
Section 62 (partially)	25th March 2002	2002/1245
Section 63 (partially)	7th May 2001	2001/1536
Section 63 (partially)	25th March 2002	2002/1245
Section 65 (partially)	7th May 2001	2001/1536
Section 66 (partially)	7th May 2001	2001/1536
Section 66 (partially)	25th March 2002	2002/1245
Section 67 (partially)	25th March 2002	2002/1245

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 70(1)	25th March 2002	2002/1245
Section 71 (partially)	7th May 2001	2001/1536
Section 71 (partially)	25th March 2002	2002/1245
Section 79 and Schedule 3 (partially)	16th March 2001	2001/1210
Section 79 (partially) and Schedule 3 (in so far as not already in force)	2nd July 2001	2001/2041
Section 79(1) (partially)	2nd September 2002	2001/2041
Section 79(1) (partially)	1st April 2002	2002/839
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 98	1st April 2001	2001/1193
Section 99	15th September 2000	2000/2544
Section 100	2nd October 2000	2000/2544
Section 101	2nd October 2000	2000/2544
Section 102	18th March 2002	2002/629
Section 103	2nd October 2000	2000/2544
Section 104 (partially)	18th March 2002 and 1st April 2002	2002/629
Sections 105(1) to (4), 107 and 108 (partially)	20th November 2001	2001/3852
Sections 105 to 110 (in so far as they are not already in force)	1st April 2002	2001/3852
Section 111 (partially)	1st July 2002	2001/3852
Section 112	4th October 2001	2001/3331
Section 113(1), (3) and (4) (partially)	25th March 2002	2002/1245
Sections 114 and 115	16th March 2001	2001/1210
Section 116 and Schedule 4 (partially)	2nd October 2000	2000/2544
Section 116 and Schedule 4 (partially)	1st January 2001	2000/2795
Section 116 and Schedule 4 (partially)	2nd July 2001	2001/2041
Section 116 and Schedule 4 (partially)	1st April 2002	2001/3852

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 116 and Schedule 4 (partially)	1st April 2002	2001/4150
Section 117(2) and Schedule 6 (partially)	2nd October 2000	2000/2544
Section 117(2) and Schedule 6 (partially)	4th October 2001	2001/3331
Section 117(2) and Schedule 6 (partially)	1st April 2002 and 1st July 2002	2001/3852
Section 117(2) and Schedule 6 (partially)	1st April 2002 and 1st July 2002	2001/4150

Certain provisions of the Act have been brought into force in relation to Wales only, by the following statutory instruments—

S.I. 2000/2992 (W.192) (C.93)

S.I. 2001/139 (W.5) (C.7)

S.I. 2001/2190 (W.152) (C.70)

S.I. 2001/2354 (W.192) (C.80)

S.I. 2001/2504 (W.205) (C.82)

S.I. 2001/2538 (W.213) (C.83)

S.I. 2001/2782 (W.235) (C.92).

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