

2002 No. 2001

SOCIAL CARE, ENGLAND

The Care Standards Act 2000 (Commencement and Transitional Provisions) (Amendment) (England) Order 2002

Made - - - - 29th July 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, interpretation and extent

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement and Transitional Provisions) (Amendment) (England) Order 2002.

(2) In this Order—

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

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

(3) This Order applies in relation to England only.

Amendment of the No. 9 Order

2.—(1) The No. 9 Order shall be amended in accordance with the following paragraphs of this article.

(2) In article 3(5)(b)(i) and (ii) and (8), for the words “1st September 2002” there shall be substituted the words “1st January 2003”.

(3) In Schedule 1—

(a) in paragraph 2(6)(b), for the words “1st September 2002” there shall be substituted the words “1st January 2003”;

(b) in paragraph 3, sub-paragraph (1)(b)(iii) shall be omitted;

(c) in paragraph 5(1), for the words “paragraphs 6 (supply of information) and 7” there shall be substituted the words “paragraph 7”;

(d) paragraph 6 shall be omitted;

(e) in paragraph 10—

(i) in sub-paragraphs (1) and (3), for the words “5 to 7” there shall be substituted the words “5 and 7”;

(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) S.I. 2001/3852. Relevant amending instruments are S.I. 2001/4150, S.I. 2002/1493 and S.I. 2002/1790.

(c) S.I. 2001/4150.

- (ii) sub-paragraph (5)(b) shall be omitted;
 - (iii) in sub-paragraphs (7) and (8), for the words “1st September 2002” on each occasion where they occur there shall be substituted the words “1st January 2003”;
- (f) in paragraph 13—
- (i) in sub-paragraph (2), for the words “1st September 2002” there shall be substituted the words “1st January 2003”;
 - (ii) in sub-paragraph (5)(a), for the words “1st August”, “1st September 2002” and “5th August” there shall be substituted respectively the words “1st December”, “1st January 2003” and “6th December”;
 - (iii) in sub-paragraph (5)(b), for the word “August” there shall be substituted the word “December”;
 - (iv) in sub-paragraph (8)(b), for the words “1st September 2002” on each occasion where they occur there shall be substituted the words “1st January 2003”;
 - (v) in sub-paragraph (14)(b), for the words “1st September 2002” and “31st August” there shall be substituted respectively the words “1st January 2003” and “31st December”;
- (g) in paragraph 14(8) and (9), for the words “1st September 2002” there shall be substituted the words “1st January 2003”;
- (h) in paragraph 15(1)(b)(i) and (2)(b)(i), for the words “31st August” there shall be substituted the words “31st December”.

Amendment of the No. 9 Order: registration in respect of care homes

3.—(1) This paragraph applies where but for the provisions of article 2(3)(c) and (d), a person (“the registered person”) would, solely by virtue of paragraph 6 of Schedule 1 to the No. 9 Order, not be treated, for the purposes of Part II of the Care Standards Act 2000, as having been granted registration in respect of a care home.

(2) Where paragraph (1) applies, paragraph 5 of that Schedule shall have effect in relation to the registered person as if—

- (a) in sub-paragraph (4) of that paragraph, for the words “the registration commencement date or, if later, twenty-eight days after the return date” there were substituted the words “1st August 2002”;
- (b) in sub-paragraph (7) of that paragraph, for the words “the registration commencement date or, if the determination is made after the registration commencement date, with effect from the date on which the determination was made” there were substituted the words “1st August 2002”.

Amendment of the No. 10 Order

4. In article 3(4) of the No. 10 Order, for the words “1st September 2002” there shall be substituted the words “1st January 2003”.

Signed by authority of the Secretary of State for Health

29th July 2002

Jacqui Smith
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further amendments to the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) Order 2001 (“the No. 9 Order”), and the Care Standards Act 2000 (Commencement No. 10 (England) and Transitional, Savings and Amendment Provisions) Order 2001 (“the No. 10 Order”).

The day appointed for the coming into force of certain provisions of the Care Standards Act 2000, in respect of the registration under that Act of residential family centres, domiciliary care agencies and nurses agencies, is altered from 1st September 2002 to 1st January 2003 (article 2(2)). Consequential amendments are made to transitional provisions in the No. 9 Order in relation to such registration (article 2(3)(a),(e)(iii),(f) to (h)). A further consequential amendment is made to the No. 10 Order (article 4).

Article 2(3) also amends provisions in the No. 9 Order relating to persons who before 1st April 2002 were registered in respect of a residential care home or nursing home under the Registered Homes Act 1984, or who are authorised to carry on a nurses agency under the Nurses Agencies Act 1957. Under the No. 9 Order, in certain circumstances they will be treated as registered under the Care Standards Act 2000. This is subject to the provision that they will not be so treated unless they apply for criminal record certificates under the Police Act 1997 by 1st August 2002 or 1st September 2002 and, in the case of a nurses agency, provide certain other information to the National Care Standards Commission by 1st September 2002. Article 2(3) removes this provision and, with article 3, makes consequential amendments to the No. 9 Order.

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);
 - the Care Standards Act 2000 (Commencement No. 13) (England) Order 2002 (S.I. 2002/839) (C.22);
 - the Care Standards Act 2000 (Commencement No. 14 (England) and Transitional, Savings and Amendment Provisions) Order 2002 (S.I. 2002/1493) (C.43); and
 - the Care Standards Act 2000 (Commencement No. 15 (England) and Transitional Provisions) (Amendment) Order 2002 (S.I. 2002/1790) (C.55).

<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

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 4 (partially)	1st April 2002	2001/3852
Section 4 (partially)	1st September 2002	2001/3852 (amended by 2002/1790)
Section 5 (partially)	1st April 2002	2001/3852
Section 6(3) and Schedule 1 (partially)	16th March 2001	2001/1193
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

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
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

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
Section 70(1) (partially)	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 95	1st April 2002	2002/1493
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

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 105 to 110 (in so far as they are not already in force)	1st April 2002	2001/3852
Section 111 (partially)	1st September 2002	2001/3852 (amended by 2002/1790)
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
Section 116 and Schedule 4 (partially)	1st April 2002	2001/4150
Section 116 and Schedule 4 (partially)	1st April 2002	2002/1493
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	2001/3852
Section 117(2) and Schedule 6 (partially)	1st September 2002	2001/3852 (amended by 2002/1790)
Section 117(2) and Schedule 6 (partially)	1st April 2002	2001/4150
Section 117(2) and Schedule 6 (partially)	1st September 2002	2001/4150 (amended by 2002/1790)

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)

S.I. 2002/920 (W. 108) (C. 24)

S.I. 2002/1175 (W. 123) (C. 31).

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