
STATUTORY INSTRUMENTS

2002 No. 3210

The Care Standards Act 2000 (Commencement and Transitional Provisions) (Amendment No. 2) (England) Order 2002

Transitional provisions

4.—(1) Where a person (“the authorised person”) is authorised to carry on a nurses agency (“the agency”) by a licence which has been granted to him by a local authority under section 2 of the 1957 Act and that licence ceases to be valid on 31st December 2002 by virtue of section 2(6) of the 1957 Act, paragraph (2) shall apply for the period from the expiry of the licence until—

- (a) in a case where an application for renewal of a licence is made by the authorised person before 1st January 2003 but is not determined before that date and is not withdrawn or abandoned, the date on which that application is finally disposed of; or
- (b) in a case where no application for renewal of the licence is made by the authorised person before 1st January 2003, 1st April 2003 or, if later, the date which is the effective date in respect of the authorised person for the purpose of the No. 9 Order⁽¹⁾.

(2) Where this paragraph applies, the licence referred to in paragraph (1) shall, notwithstanding section 2(6) of the 1957 Act, continue to be treated as valid subject to any conditions imposed by the local authority to which immediately prior to its expiry the licence was subject.

(3) Where the application for renewal of the licence referred to in paragraph (1)(a) is not finally disposed of before 1st April 2003, paragraph (4) applies for the period on or after 1st April 2003.

(4) Where this paragraph applies—

- (a) the 1957 Act shall, subject to sub-paragraph (b) of this paragraph, continue to be treated as in force in relation to the agency;
- (b) the functions, powers and duties that immediately before 1st April 2003 the regulator had under the 1957 Act in relation to that agency shall apply to, and be exercisable by, the Commission instead of the regulator;
- (c) sections 11(1) to (3), (5) and (6) and 26 of the Care Standards Act 2000 shall not apply to the authorised person in respect of the agency.

(5) Paragraph 3 of the Schedule to the No. 9 Order must be complied with in any case where the regulator grants a licence to a nurses agency provider on or after 17th December 2001 but before 1st January 2003, notwithstanding that that paragraph has been complied with in that case before the coming into force of this Order.

(6) In this article, “the 1957 Act” and “the regulator” have the same meaning as in the No. 9 Order and “nurses agency” means an agency for the supply of nurses within the meaning of the 1957 Act.

(1) The term “effective date” is defined in paragraph 2(1) of the Schedule to the No. 9 Order.