
STATUTORY INSTRUMENTS

2004 No. 1972

SOCIAL CARE, ENGLAND

The Care Standards Act 2000 (Extension of the Application of Part 2 to Adult Placement Schemes) (England) Regulations 2004

<i>Made</i>	- - - -	<i>26th July 2004</i>
<i>Laid before Parliament</i>		<i>27th July 2004</i>
<i>Coming into force</i>	- -	<i>2nd August 2004</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by section 42(1) and (5) of the Care Standards Act 2000(1) hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Extension of the Application of Part 2 to Adult Placement Schemes) (England) Regulations 2004 and shall come into force on 2nd August 2004.

(2) These Regulations apply in relation to adult placement schemes in England only.

(3) In these Regulations—

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

“adult placement scheme” means a scheme under which an individual agrees with the person carrying on the scheme to provide care or support (which may include accommodation) to an adult who is in need of it.

Application of Part 2 of the Act to persons carrying on or managing an adult placement scheme

2.—(1) A person who carries on or manages an adult placement scheme is hereby prescribed for the purposes of section 42(1) of the Act.

(2) The following provisions of Part 2 of the Act shall apply to persons prescribed by paragraph (1) with the modifications specified in regulation 3—

(1) 2000 C.14 (“the Act”). The powers are conferred upon the “appropriate Minister” who is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State: *See* section 121(1) of the Act for the definitions of “prescribed” and “regulations”. Section 42(5) of the Act was inserted by section 147 of, and paragraph 25 of Schedule 9 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”).

- (a) Section 14(1)(d);
- (b) section 16(1) and (3);
- (c) section 22;
- (d) section 25(1);
- (e) section 31(7);
- (f) section 33;
- (g) section 34;
- (h) section 35; and
- (i) section 36(3).

(3) For the purpose of the application of sections 14(1), 16(3) and 33 to 35 of the Act to persons prescribed by paragraph (1), the CSCI is specified as the registration authority

Modification of Part 2 of the Act

3.—(1) The modifications referred to in regulation 2(2) are as follows.

(2) In section 14(1) (cancellation of registration), in the opening words of the subsection, after the word “agency” insert “or adult placement scheme”.

(3) In section 16(1) (regulations about registration), after the word “agencies” insert “or adult placement schemes”.

(4) In section 22 (regulation of establishments and agencies)—

- (a) in subsection (1), after the word “agencies” insert “and adult placement schemes”;
- (b) in subsection (2)—
 - (i) in paragraph (a), after the word “agency” insert “or adult placement scheme”;
 - (ii) in paragraph (b), after the word “agency” insert “or adult placement scheme”;
 - (iii) in paragraph (c), after the word “agency” insert “or adult placement scheme”;
 - (iv) in paragraph (d), after the words “domiciliary care agency” insert “, or under an adult placement scheme”;
 - (v) in paragraph (f), after the word “agency” insert “or adult placement scheme”;
 - (vi) in paragraph (g), after the word “agency” insert “or adult placement scheme”;
 - (vii) in paragraph (i), after the word “agency” insert “or adult placement scheme”;
 - (viii) in paragraph (j), after the word “agency” insert “or adult placement scheme”;
- (c) in subsection (3), after the word “agency” insert “or adult placement scheme”;
- (d) in subsection (4), after the word “agency” insert “or adult placement scheme”;
- (e) in subsection (5)(b), after the word “establishment” insert “or under an adult placement scheme”;
- (f) in subsection (7)—
 - (i) in the opening words of the subsection, after the word “agencies” insert “and adult placement schemes”;
 - (ii) in paragraph (a), after the word “agencies” insert “or under adult placement schemes”;
 - (iii) in paragraph (d), after the word “agencies” insert “or adult placement schemes”;
 - (iv) in paragraph (e), after the word “agency” on both occasions where it occurs, insert “or adult placement scheme”;

- (v) in paragraph (f), after the word “agency” insert “or adult placement scheme”;
- (vi) in paragraph (g), after the word “agency” insert “or adult placement scheme”;
- (vii) in paragraph (h), after the word “agency” insert “or adult placement scheme”;
- (viii) in paragraph (j)—
 - (aa) after the words “an establishment or agency” insert “or adult placement scheme”; and
 - (bb) after the words “or by the agency” insert “or under the adult placement scheme”;
- (5) In section 31(7) (inspections by persons authorised by registration authority), after the word “agency” insert “or adult placement scheme”.
- (6) In section 33(1) (annual returns), after the word “agency” insert “or adult placement scheme”.
- (7) In section 34(1) (liquidators etc.), in paragraph (b), after the word “agency” insert “or adult placement scheme”.
- (8) In section 35 (death of registered person)—
 - (a) in subsection (1)(b), after the word “agency” insert “or adult placement scheme”; and
 - (b) in subsection (2)(a), after the word “agency” insert “or adult placement scheme”.

Signed by authority of the Secretary of State for Health

26th July 2004

Stephen Ladyman
Parliamentary Under Secretary of State,
Department of Health

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply to England only. Part 2 of the Act provides for the registration and inspection of establishments and agencies by the CSCI. Section 42 of the Act makes provision, through regulations, for the application of the Act in respect of the future registration of other services which are not covered on the face of the Act. These include services that are, or are similar to, services which local authorities provide in the exercise of their social services functions. These Regulations prescribe a person who carries on or manages an adult placement scheme for the purposes of section 42, and provide that the regulation making powers in Part 2 of the Act (regulation 2(2)) shall apply to such persons with the modifications set out in regulation 3. Regulation 2(3) specifies the CSCI as the registration authority for the purposes of sections 14(1), 16(3) and 33 to 35 of the Act.