
STATUTORY INSTRUMENTS

2004 No. 2071

The Adult Placement Schemes (England) Regulations 2004

PART 5

MISCELLANEOUS

Compliance with regulations

38. Where there is more than one registered person in respect of a scheme, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Offences

39.—(1) Where the registered person contravenes or fails to comply with any of the provisions of regulations 4 to 35 he shall be guilty of an offence.

(2) The CSCI shall not bring proceedings against a person in respect of any contravention of, or failure to comply with, those regulations unless—

- (a) subject to paragraph (4), he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice, within which the registered person may make representations to the CSCI, has expired; and
- (d) in a case where, in accordance with paragraph (3)(b), the notice specifies any action that is to be taken within a specified period, the period has expired and the action has not been taken within that period.

(3) Where the CSCI considers that the registered person has contravened, or failed to comply with, any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying—

- (a) in what respect in its opinion the registered person has contravened, or has failed to comply with, any of the regulations;
- (b) where it is practicable for the registered person to take action for the purpose of complying with any of those regulations, the action which, in the opinion of the CSCI, the registered person should take for that purpose;
- (c) the period, not exceeding three months, within which the registered person should take any action specified in accordance with sub-paragraph (b);
- (d) the period, not exceeding one month, within which the registered person may make representations to the CSCI about the notice.

(4) The CSCI may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 22, and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.

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

40.—(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) Part 2 of the Act, in so far as not already applied by the Care Standards Act 2000 (Extension of Part 2 to Adult Placement Schemes) (England) Regulations 2004⁽¹⁾ shall apply to persons prescribed by paragraph (1) with the modifications specified in Schedule 5.

Amendment of the Care Homes Regulations 2001

41. The Care Homes Regulations 2001⁽²⁾ are amended in accordance with the provisions of Schedule 6.

Amendment of the National Care Standards Commission (Registration) Regulations 2001

42. The National Care Standards Commission (Registration) Regulations 2001⁽³⁾ are amended in accordance with the provisions of Schedule 7.

Amendment of the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004

43. The Commission for Social Care Inspection (Fees and Inspections) Regulations 2004⁽⁴⁾ are amended in accordance with the provisions of Schedule 8.

Amendment of the Domiciliary Care Agencies Regulations 2002

44. The Domiciliary Care Agencies Regulations 2002⁽⁵⁾ are amended in accordance with the provisions of Schedule 9.

Transitional and savings Provisions

45. The transitional and savings provisions set out in Schedule 10 shall apply.

(1) [S. I. 2004/1972](#).

(2) [S.I.2001/3965](#) as amended by [S.I. 2002/865](#), [S.I. 2003/534](#), [1703](#) and [2323](#).

(3) [S.I. 2001/3969](#) as amended by [S.I. 2003/369](#).

(4) [S.I. 2004/662](#).

(5) [S.I. 2002/3214](#) and [S.I. 2003/2323](#).