
STATUTORY INSTRUMENTS

2005 No. 3397

**The Care Standards Act 2000 (Commencement
No. 9 (England) and Transitional and Savings
Provisions) (Amendment) Order 2005**

Amendment of the No. 9 Order

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

(2) In paragraph 15 (providers and managers not eligible for registration before the commencement of the Act) of Schedule 1—

(a) after sub-paragraph (2) insert the following sub-paragraphs—

“(2A) This sub-paragraph applies to any person who carries on or manages an adoption support agency and duly makes an application before 30th December 2005 for registration under Part 2 of the Act as a person who carries on or manages such an agency⁽¹⁾.

(2B) This sub-paragraph applies to any person who manages an existing agency within the meaning of paragraph 15A(5) and duly makes an application before 30th December 2005 for registration under Part 2 of the Act as the person who from 30th December 2005 will manage that agency.”; and

(b) in paragraph (3) for “or (2)” insert “, (2), (2A) or (2B)”.

(3) After paragraph 15 insert the following paragraphs—

“Approved adoption societies and appropriate voluntary organisations which wish to be registered in respect of an adoption support agency

15A.—(1) An existing agency shall by not later than 21st December 2005 or such later date as may be agreed by the existing agency with the CSCI (but not later than 29th December 2005)—

(a) complete the transfer of registration form made available for that purpose; and

(b) provide a copy of the form so completed to—

(i) the CSCI; and

(ii) the Secretary of State.

(2) Where an existing agency which is an approved adoption society has complied with sub-paragraph (1), the agency shall, with effect from 30th December 2005, be treated, for the purposes of Part 2 of the Act, as having applied for and been granted registration in respect of the existing agency as an adoption support agency subject to, in a case where the agency has indicated on the transfer of registration form that it intends to provide adoption support services—

(a) to children only; or

(b) to adults only,

(1) See section 8 of the Adoption and Children Act 2002 (c. 38) for the definition of an “adoption support agency”.

a condition that the agency may only provide such services and that condition shall have effect from 30th December 2005, for the purposes of section 19(1) of the Act, as if it had been agreed in writing between the agency and the CSCI.

(3) Where an existing agency which is an appropriate voluntary organisation has complied with sub-paragraph (1), the agency shall, with effect from 30th December 2005, cease to be registered as an appropriate voluntary organisation and shall be treated, for the purposes of Part 2 of the Act, as having applied for and been granted registration in respect of the existing agency as an adoption support agency subject to, in a case where the agency has indicated on the transfer of registration form that it intends to provide adoption support services—

- (a) to children only; or
- (b) to adults only,

a condition that the agency may only provide such services and that condition shall have effect from 30th December 2005, for the purposes of section 19(1) of the Act, as if it had been agreed in writing between the agency and the CSCI.

(4) The provisions of sub-paragraphs (2) and (3) are without prejudice to the powers of the CSCI to vary, remove or impose any conditions in accordance with Part 2 of the Act.

(5) In this paragraph and paragraph 15B—

“adoption support services” means in addition to the services set out in section 2(6)(a) of the Adoption and Children Act 2002(2), the services prescribed for the purposes of that Act by the Secretary of State(3);

“an appropriate voluntary organisation” has the same meaning as in section 1(5) of the Adoption Act 1976(4);

“an approved adoption society” means an agency which has continued to be approved, under paragraph 3(2) of the Schedule to the No. 17 Order as an adoption society under Part 1 of the Adoption Act 1976 subject to a condition that the agency may provide section 51 counselling only;

“the CSCI” means the Commission for Social Care Inspection(5);

“an existing agency” means—

- (a) an approved adoption society which wishes to be registered in respect of an adoption support agency; or
- (b) an appropriate voluntary organisation which intends to cease to act as such and wishes to be registered in respect of an adoption support agency;

“the No. 17 Order” means the Care Standards Act 2000 (Commencement No. 17 (England) and Transitional and Savings Provisions) Order 2003(6); and

“section 51 counselling” has the same meaning as in the No. 17 Order.

Provision of adoption support services by appropriate voluntary organisations

15B.—(1) An appropriate voluntary organisation which intends to provide adoption support services from 30th December 2005 shall by not later than 21st December 2005 or such later date as may be agreed by the organisation and the CSCI (but not later than 29th December

(2) 2002 c. 38.

(3) See the services prescribed in regulation 3 of the Adoption Support Services Regulations 2005, S.I.2005/691, regulations 3(3) and 4 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, S.I. 2005/890 and regulation 3(1) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, S.I. 2005/2720.

(4) 1976 c. 36. Section 1(5) was inserted by paragraph 5 of Schedule 4 to the Care Standards Act 2000.

(5) See section 42 of the Health and Social Care (Community Health and Standards) Act 2003 c. 43.

(6) S.I. 2003/365.

2005) complete a form provided for that purpose by the CSCI and provide a copy of that form so completed to the CSCI.

(2) Where an appropriate voluntary organisation complies with sub-paragraph (1) and has indicated on the form that it intends to provide adoption support services—

- (a) to children only; or
- (b) to adults only,

it is to be treated as being registered subject to (in addition to any other conditions for the time being in force in relation to its registration) a condition that the organisation may provide adoption support services to children only or, as the case may be, adults only and that condition shall have effect from 30th December 2005, for the purposes of section 19(1) of the Act, as if it had been agreed in writing between the organisation and the CSCI.

(3) Where an appropriate voluntary organisation does not intend to provide adoption support services from 30th December 2005 it shall notify the CSCI by not later than 21st December 2005 or such later date as may be agreed by the organisation and the CSCI (but not later than 29th December 2005) and it is to be treated as being registered subject to (in addition to any other conditions for the time being in force in relation to its registration) a condition that it may not provide adoption support services and that condition shall have effect from 30th December 2005, for the purposes of section 19(1) of the Act, as if it had been agreed in writing between the organisation and the CSCI.

(4) The provisions of sub-paragraphs (2) and (3) are without prejudice to the powers of the CSCI to vary, remove or impose any conditions in accordance with Part 2 of the Act.”