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STATUTORY INSTRUMENTS

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**2005 No. 3397**

**SOCIAL CARE, ENGLAND, CHILDREN  
AND YOUNG PERSONS, ENGLAND**

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

*Made - - - - 8th December 2005*

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 118(5) to (7) and 122 of the Care Standards Act 2000<sup>(1)</sup>, makes the following Order:—

**Citation, interpretation and application**

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) (Amendment) Order 2005.

(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<sup>(2)</sup>.

**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<sup>(3)</sup>.

(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

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(1) [2000 c. 14](#). The powers are exercisable by the appropriate Minister who is defined in section 121(1) of the Act in relation to England, Scotland or Northern Ireland as the Secretary of State.  
(2) [S.I.2001/3852](#), amended by [S.I. 2002/1493](#); there are other amending instruments but none is relevant.  
(3) See section 8 of the Adoption and Children Act [2002 \(c. 38\)](#) for the definition of an “adoption support agency”.

(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,

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<sup>(4)</sup>, the services prescribed for the purposes of that Act by the Secretary of State<sup>(5)</sup>;

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(4) [2002 c. 38.](#)

(5) 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](#).

“an appropriate voluntary organisation” has the same meaning as in section 1(5) of the Adoption Act 1976<sup>(6)</sup>;

“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<sup>(7)</sup>;

“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<sup>(8)</sup>; 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 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.”

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<sup>(6)</sup> 1976 c. 36. Section 1(5) was inserted by paragraph 5 of Schedule 4 to the Care Standards Act 2000.

<sup>(7)</sup> See section 42 of the Health and Social Care (Community Health and Standards) Act 2003 c. 43.

<sup>(8)</sup> S.I. 2003/365.

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

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8th December 2005

*Maria Eagle*  
Parliamentary Under Secretary of State  
Department for Education and Skills

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) Order 2001 (“the No. 9 Order”) to make transitional provision in relation to the registration of adoption support agencies.

Article 2(2) amends paragraph 15 of the No. 9 Order to make transitional provision in relation to the registration of persons carrying on or managing adoption support agencies before 30th December 2005 and persons managing existing agencies which wish to become adoption support agencies from 30th December 2005. Where such a person makes an application for registration under Part 2 of the Care Standards Act 2000 before 30th December 2005, the provisions in paragraph 15(4) to (7) of the No. 9 Order will apply.

Article 2(3) makes transitional provision in relation to agencies approved under the Adoption Act 1976 to provide counselling services under section 51 of that Act and appropriate voluntary organisations which wish to become adoption support agencies (new paragraph 15A). Where such agencies complete the transfer of registration form they are to be treated with effect from 30th December 2005 as having been granted registration in respect of an adoption support agency.

Article 2(3) also makes transitional provision in relation to appropriate voluntary organisations which wish to provide adoption support services to children only or adults only and in relation to such organisations which do not intend to provide adoption support services from 30th December 2005 (new paragraph 15B).