



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART I

#### INTRODUCTORY

##### *Preliminary*

#### **1 Children's homes.**

- (1) Subsections (2) to (6) have effect for the purposes of this Act.
- (2) An establishment is a children's home (subject to the following provisions of this section) if it provides care and accommodation wholly or mainly for children.
- (3) An establishment is not a children's home merely because a child is cared for and accommodated there by a parent or relative of his or by a foster parent.
- (4) An establishment is not a children's home if it is—
  - (a) a health service hospital;
  - (b) an independent hospital or an independent clinic; or
  - (c) a residential family centre,or if it is of a description excepted by regulations.
- (5) Subject to subsection (6), an establishment is not a children's home if it is a school.
- (6) A school is a children's home at any time if at that time accommodation is provided for children at the school and either—
  - (a) in each year that fell within the period of two years ending at that time, accommodation was provided for children, either at the school or under arrangements made by the proprietor of the school, for more than 295 days; or
  - (b) it is intended to provide accommodation for children, either at the school or under arrangements made by the proprietor of the school, for more than 295 days in any year;

and in this subsection "year" means a period of twelve months.

*Status: Point in time view as at 01/04/2007.*

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But accommodation shall not for the purposes of paragraph (a) be regarded as provided to children for a number of days unless there is at least one child to whom it is provided for that number of days; and paragraph (b) shall be construed accordingly.

- (7) For the purposes of this section a person is a foster parent in relation to a child if—
- (a) he is a local authority foster parent in relation to the child;
  - (b) he is a foster parent with whom a child has been placed by a voluntary organisation under section 59(1)(a) of the 1989 Act; or
  - (c) he fosters the child privately.

#### Commencement Information

- II** S. 1 wholly in force at 1.4.2002; s. 1 not in force at Royal Assent see s. 122; s. 1 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 1 in force for E. for certain purposes at 20.11.2001 by S.I. 2001/3852, arts. 1(4), 3(2)(3)(a)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 1 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(4)(a)(i)(5) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 1 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(a) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

## 2 Independent hospitals etc.

- (1) Subsections (2) to (6) apply for the purposes of this Act.
- (2) A hospital which is not a health service hospital is an independent hospital.
- (3) “Hospital” (except in the expression health service hospital) means—
  - (a) an establishment—
    - (i) the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or
    - (ii) in which (whether or not other services are also provided) any of the listed services are provided;
  - (b) any other establishment in which treatment or nursing (or both) are provided for persons liable to be detained under the <sup>M1</sup>Mental Health Act 1983.
- (4) “Independent clinic” means an establishment of a prescribed kind (not being a hospital) in which services are provided by medical practitioners (whether or not any services are also provided for the purposes of the establishment elsewhere).

But an establishment in which, or for the purposes of which, services are provided by medical practitioners in pursuance of the [<sup>F1</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006] is not an independent clinic.

- (5) “Independent medical agency” means an undertaking (not being an independent clinic [<sup>F2</sup>or an independent hospital]) which consists of or includes the provision of services by medical practitioners.

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But if any of the services are provided for the purposes of an independent clinic, or by medical practitioners in pursuance of the <sup>F1</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006], it is not an independent medical agency.

- (6) References to a person liable to be detained under the <sup>M2</sup>Mental Health Act 1983 do not include a person absent in pursuance of leave granted under section 17 of that Act.
- (7) In this section “listed services” means—
- (a) medical treatment under anaesthesia or sedation;
  - (b) dental treatment under general anaesthesia;
  - (c) obstetric services and, in connection with childbirth, medical services;
  - (d) termination of pregnancies;
  - (e) cosmetic surgery <sup>F3</sup>other than—
    - (i) ear and body piercing;
    - (ii) tattooing;
    - (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; and
    - (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current];
  - (f) treatment using prescribed techniques or prescribed technology.
- (8) Regulations may—
- (a) except any description of establishment from the definitions in subsections (2) to (4);
  - (b) except any description of undertaking from the definition in subsection (5);
  - (c) modify the definition in subsection (7).

#### Textual Amendments

- F1** Words in s. 2(4)(5) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8, Sch. 1 para. 199](#) (with Sch. 3 Pt. 1)
- F2** Words in s. 2(5) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), ss. 106, 199; S.I. 2004/759, art. 3\(1\); S.I. 2004/873, art. 2](#)
- F3** Words in s. 2(7)(e) added (1.4.2002) by [Private and Voluntary Health Care \(Wales\) Regulations 2002 \(S.I. 2002/325\), regs. 1\(1\), 3\(4\)](#) (with reg. 1(2))

#### Commencement Information

- I2** [S. 2](#) wholly in force at 1.4.2002; [s. 2](#) not in force at Royal Assent see [s. 122](#); [s. 2](#) in force for W. at 1.7.2001 by [S.I. 2001/2190, art. 2, Sch.](#) Table; [s. 2](#) in force for E. at 20.11.2001 by [S.I. 2001/3852, arts. 1\(4\), 3\(2\)\(3\)\(a\)\(i\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210](#)); [s. 2](#) in force for E. for certain purposes at 1.1.2002 by [S.I. 2001/3852, arts. 1\(4\), 3\(2\)\(4\)\(a\)\(i\)\(5\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210](#)); [s. 2](#) in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852, arts. 1\(4\), 3\(2\)\(7\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210](#))

#### Marginal Citations

- M1** [1983 c. 20.](#)

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M2 1983 c. 20.

### 3 Care homes.

- (1) For the purposes of this Act, an establishment is a care home if it provides accommodation, together with nursing or personal care, for any of the following persons.
- (2) They are—
  - (a) persons who are or have been ill;
  - (b) persons who have or have had a mental disorder;
  - (c) persons who are disabled or infirm;
  - (d) persons who are or have been dependent on alcohol or drugs.
- (3) But an establishment is not a care home if it is—
  - (a) a hospital;
  - (b) an independent clinic; or
  - (c) a children’s home,
 or if it is of a description excepted by regulations.

#### Commencement Information

- I3** S. 3 wholly in force at 1.4.2002; s. 3 not in force at Royal Assent see s. 122; s. 3 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 3 in force for E. for certain purposes at 20.11.2001 by S.I. 2001/3852, arts. 1(4), 3(2)(3)(a)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 3 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(4)(a)(i)(5) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 3 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(a) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

### 4 Other basic definitions.

- (1) This section has effect for the purposes of this Act.
- (2) “Residential family centre” means, subject to subsection (6), any establishment at which—
  - (a) accommodation is provided for children and their parents;
  - (b) the parents’ capacity to respond to the children’s needs and to safeguard their welfare is monitored or assessed; and
  - (c) the parents are given such advice, guidance or counselling as is considered necessary.
 In this subsection “parent”, in relation to a child, includes any person who is looking after him.
- (3) “Domiciliary care agency” means, subject to subsection (6), an undertaking which consists of or includes arranging the provision of personal care in their own homes

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for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.

- (4) “Fostering agency” means, subject to subsection (6)—
- (a) an undertaking which consists of or includes discharging functions of local authorities in connection with the placing of children with foster parents; or
  - (b) a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act.
- (5) “Nurses agency” means, subject to subsection (6), an employment agency or employment business, being (in either case) a business which consists of or includes supplying, or providing services for the purpose of supplying, registered nurses [<sup>F4</sup>or registered midwives].
- (6) The definitions in subsections (2) to (5) do not include any description of establishment, undertaking or organisation excepted from those definitions by regulations.
- (7) “Voluntary adoption agency” means an adoption society within the meaning of the [<sup>F5</sup>the Adoption and Children Act 2002] which is a voluntary organisation within the meaning of that Act.
- [<sup>F6</sup>(7A) “Adoption support agency” has the meaning given by section 8 of the Adoption and Children Act 2002.]
- (8) Below in this Act—
- (a) any reference to a description of establishment is a reference to a children’s home [<sup>F7</sup>, a children’s home providing accommodation for the purpose of restricting liberty,] an independent hospital, an independent hospital in which treatment or nursing (or both) are provided for persons liable to be detained under the <sup>M3</sup>Mental Health Act 1983, an independent clinic, a care home or a residential family centre;
  - (b) a reference to any establishment is a reference to an establishment of any of those descriptions.
- (9) Below in this Act—
- (a) any reference to a description of agency is a reference to an independent medical agency, a domiciliary care agency, a nurses agency, a fostering agency [<sup>F8</sup>a voluntary adoption agency or an adoption support agency];
  - (b) a reference to any agency is a reference to an agency of any of those descriptions.

#### Textual Amendments

- F4** Words in s. 4(5) substituted (1.8.2004) by [The Health Act 1999 \(Consequential Amendments\) \(Nursing and Midwifery\) Order 2004 \(S.I. 2004/1771\)](#), art. 3, **Sch. para. 2(a)**
- F5** Words in s. 4(7) substituted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139, 148, **Sch. 3 para. 104** (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, {art. 2}
- F6** S. 4(7A) inserted (7.12.2004 for E. for certain purposes and 30.12.2005 otherwise) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 8(3)(a), 148 (with [Sch. 4 paras. 1, 6-8](#)); S.I. 2004/3203, **art. 2**; S.I. 2005/2213, {art. 3}; S.I. 2005/3112, **art. 2**
- F7** Words in s. 4(8)(a) inserted (1.4.2006 for W. and otherwise prosp.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 107(1), 199; S.I. 2005/3285, **art. 2(2)**

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- F8** Words in s. 4(9)(a) substituted (7.12.2004 for E. for certain purposes and 30.12.2005 otherwise) by Adoption and Children Act 2002 (c. 38), ss. 8(3)(a), 148 (with Sch. 4 paras. 1, 6-8); S.I. 2004/3203, art. 2; S.I. 2005/2213, {art. 3}; S.I. 2005/3112, art. 2

#### Commencement Information

- I4** S. 4 wholly in force at 30.4.2003; s. 4 not in force at Royal Assent see s. 122; s. 4 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 4 in force for E. for certain purposes at 20.11.2001 by S.I. 2001/3852, arts. 1(4), 3(2)(3)(a)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(4)(a)(i)(ii)(5) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(4) in force for E. and s. 4(1)(6)(8)(9) in force for E. for certain purposes at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(b) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(1)(9) in force for E. for certain purposes, s. 4(2)(3)(5) in force for E. and s. 4(6)(8) in force for E. in so far as not already in force at 1.4.2003 by S.I. 2001/3852, arts. 1(4), 3(2)(8)(a) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(7)(9) in force for E. for certain purposes at 25.2.2003 and otherwise in force for E. at 30.4.2003 by S.I. 2003/365, art. 3(1)(3)-(5) (subject to Sch.)

#### Marginal Citations

- M3** 1983 c. 20.

### Registration authorities

## 5 Registration authorities.

For the purposes of this Act—

- (a) the registration authority in relation to England is
- [<sup>F9</sup>(i) the CHAI, in the case of independent hospitals, independent clinics and independent medical agencies;
  - [<sup>F10</sup>(ii) the CSCI, in the case of care homes, domiciliary care agencies and nurses agencies;
  - (iii) Her Majesty's Chief Inspector of Education, Children's Services and Skills (referred to in this Act as “the CIECSS”), in the case of children's homes, residential family centres, fostering agencies, voluntary adoption agencies and adoption support agencies;]]
- (b) the registration authority in relation to Wales is the National Assembly for Wales (referred to in this Act as “the Assembly”).

[<sup>F11</sup>(2) This section is subject to section 36A.]

#### Textual Amendments

- F9** S. 5(a)(i)(ii) substituted (20.11.2003 for certain purposes and 1.4.2004 otherwise) for words by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 147, 199, Sch. 9 para. 17; S.I. 2004/759, art. 5(2)
- F10** S. 5(1)(ii)(iii) substituted (1.4.2007) for s. 5(1)(a)(ii) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, Sch. 14 para. 39; S.I. 2007/935, art. 5

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**F11** S. 5(2) inserted (25.2.2003 for E. for certain purposes, 30.4.2003 for E. otherwise and 28.11.2003 for W.) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139, 148, [Sch. 3 para. 105](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2003/366](#), art. 2(1)(4); [S.I. 2003/3079](#), [art. 2\(1\)](#)

#### Commencement Information

**I5** S. 5 partly in force; s. 5 not in force at Royal Assent see s. 122; s. 5 in force for W. at 1.7.2001 by [S.I. 2001/2190](#), [art. 2](#), [Sch.](#) Table; s. 5 in force for E. for certain purposes at 1.4.2002 by [S.I. 2001/3852](#), [art. 3\(2\)\(7\)\(c\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210)

### [<sup>F12</sup>5A General duties of Commission for Healthcare Audit and Inspection

- (1) The Commission for Healthcare Audit and Inspection (referred to in this Act as “the CHAI”) shall have the general duty of keeping the Secretary of State informed about—
  - (a) the provision in England of independent health services; and
  - (b) in particular, the availability and quality of the services.
- (2) The CHAI shall have the general duty of encouraging improvement in the quality of independent health services provided in England.
- (3) The CHAI shall make information about independent health services provided in England available to the public.
- (4) When asked to do so by the Secretary of State, the CHAI shall give him advice or information on such matters relating to the provision in England of independent health services as may be specified in his request.
- (5) The CHAI may at any time give advice to the Secretary of State on—
  - (a) any changes which the CHAI thinks should be made, for the purpose of securing improvement in the quality of independent health services provided in England, in the standards set out in statements under section 23;
  - (b) any other matter connected with the provision in England of such services.
- (6) In the exercise of its functions under this Act the CHAI must have particular regard to the need to safeguard and promote the rights and welfare of children.
- (7) The Secretary of State may by regulations confer additional functions on the CHAI in relation to the provision in England of independent health services.
- (8) In this section “independent health services” means services of the kind provided by persons for whom the CHAI is the registration authority.]

#### Textual Amendments

**F12** [S. 5A](#) inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. {103}, 199; [S.I. 2004/759](#), [art. 3\(1\)](#)

### [<sup>F13</sup>5B General duties of Commission for Social Care Inspection

- (1) The Commission for Social Care Inspection (referred to in this Act as “the CSCSI”) shall have the general duty of keeping the Secretary of State informed about—
  - (a) the provision in England of registered social care services; and

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- (b) in particular, the availability and quality of the services.
- (2) The CSCI shall have the general duty of encouraging improvement in the quality of registered social care services provided in England.
- (3) The CSCI shall make information about registered social care services provided in England available to the public.
- (4) When asked to do so by the Secretary of State, the CSCI shall give him advice or information on such matters relating to the provision in England of registered social care services as may be specified in his request.
- (5) The CSCI may at any time give advice to the Secretary of State on—
  - (a) any changes which the CSCI thinks should be made, for the purpose of securing improvement in the quality of registered social care services provided in England, in the standards set out in statements under section 23;
  - (b) any other matter connected with the provision in England of registered social care services.
- (6) In the exercise of its functions under this Act the CSCI must have particular regard to the need to safeguard and promote the rights and welfare of children.
- (7) The Secretary of State may by regulations confer additional functions on the CSCI in relation to the provision in England of registered social care services.
- (8) In this section, “registered social care services” means services of the kind provided by persons for whom the CSCI is the registration authority.]

**Textual Amendments**  
**F13** S. 5B inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. {104}, 199; S.I. 2004/759, [art. 4\(2\)](#)

**6 National Care Standards Commission.**

F14 .....

**Textual Amendments**  
**F14** S. 6 repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, [Sch. 14 Pt. 2](#); S.I. 2004/759, [art. 13](#)

**7 General duties of the Commission.**

F15 .....

**Textual Amendments**  
**F15** S. 7 repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 196, 199, [Sch. 14 Pt. 2](#); S.I. 2004/759, [art. 13](#)



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## 8 General functions of the Assembly.

- (1) The Assembly shall have the general duty of encouraging improvement in the quality of Part II services provided in Wales.
- (2) The Assembly shall make information about Part II services provided in Wales available to the public.
- [<sup>F16</sup>(3) The Assembly shall have such additional functions in relation to Part II services provided in Wales as may be specified in regulations made by the Assembly.
- (3A) But the only functions which may be so specified in relation to a particular Part II service are functions which—
  - (a) by virtue of section 5A(7) are exercisable by the CHAI;
  - (b) by virtue of section 5B(7) are exercisable by the CSCI; or
  - (c) by virtue of section 118(4) of the Education and Inspections Act 2006 are exercisable by the CIECSS,in relation to the corresponding Part II service provided in England.]
- (4) The Assembly may charge a reasonable fee determined by it in connection with the exercise of any power conferred on it by or under this Act.
- (5) The Assembly may provide training for the purpose of assisting persons to attain standards set out in any statements published by it under section 23.
- [<sup>F17</sup>(6) The Assembly must have particular regard to the need to safeguard and promote the rights and welfare of children in the exercise of—
  - (a) its functions exercisable by virtue of section 5(b) and subsections (1) to (3) of this section; and
  - [<sup>F18</sup>(b) any other functions exercisable by the Assembly corresponding to functions exercisable—
    - (i) by the CSCI in relation to England; or
    - (ii) by the CIECSS under section 147 of the Education and Inspections Act 2006.]]
- [<sup>F19</sup>[<sup>F20</sup>(7)] In this section, “Part II services” means services of the kind provided by persons registered under Part II, other than the provision of—
  - (a) medical or psychiatric treatment, or
  - (b) listed services (as defined in section 2).]

### Textual Amendments

- F16** S. 8(3)(3A) substituted (1.4.2007) for s. 8(3) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 40\(2\)](#); S.I. 2007/935, [art. 5](#)
- F17** S. 8(6) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 109, 199; S.I. 2004/873, [art. 2](#)
- F18** S. 8(6)(b) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 40\(3\)](#); S.I. 2007/935, [art. 5](#)
- F19** S. 8(7) (originally numbered s. 8(6)) inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 147, 199, [Sch. 9 para. 18\(3\)](#); S.I. 2004/759, [art. 5\(2\)](#)
- F20** S. 8(6) (as second appearing) renumbered as s. 8(7) (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 40\(4\)](#); S.I. 2007/935, [art. 5](#)

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### Commencement Information

- I6** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 122; s. 8 in force for W. for certain purposes at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 8 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 8 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 8 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2; s. 8 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 8 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

## 9 Co-operative working.

F21

### Textual Amendments

- F21** S. 9 repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199, Sch. 14 Pt. 2; S.I. 2004/759, art. 13

## 10 Inquiries.

- (1) <sup>F22</sup> .....
- (2) The appropriate Minister may cause an inquiry to be held into any matter connected with a service provided in or by an establishment or agency.
- (3) Before an inquiry is begun, the person causing the inquiry to be held may direct that it shall be held in private.
- (4) Where no direction has been given, the person holding the inquiry may if he thinks fit hold it, or any part of it, in private.
- (5) Subsections (2) to (5) of section 250 of the <sup>M4</sup>Local Government Act 1972 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to a local inquiry under that section; and references in those provisions as so applied to a Minister shall be taken to include references to the Assembly.
- (6) Subsections (3) and (4) apply in relation to an inquiry under section 35 of the <sup>M5</sup>Government of Wales Act 1998 into any matter relevant to the exercise of—
- (a) any functions exercisable by the Assembly by virtue of section 5(b) or 8(3); or
  - <sup>F23</sup>(b) any other functions exercisable by the Assembly corresponding to functions exercisable—
    - (i) by the CHAI, the CSCI or the CIECSS under this Act in relation to England; or
    - (ii) by the CIECSS under section 147 of the Education and Inspections Act 2006.]
- as they apply in relation to an inquiry under this section.
- (7) The report of the person who held the inquiry shall, unless the Minister who caused the inquiry to be held considers that there are exceptional circumstances which make it inappropriate to publish it, be published in a manner which that Minister considers appropriate.

*Status: Point in time view as at 01/04/2007.*

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### Textual Amendments

- F22** S. 10(1) repealed (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 147, 196, 199, Sch. 9 para. 19(b), **Sch. 14 Pt. 2**; S.I. 2004/759, **arts. 5(2)**, 13
- F23** S. 10(6)(b) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, **Sch. 14 para. 41**; S.I. 2007/935, **art. 5**

### Commencement Information

- I7** S. 10 partly in force; s. 10 not in force at Royal Assent see [s. 122](#); s. 10(1)-(5)(7) in force for E. at 1.4.2002 by [S.I. 2001/3852](#), **art. 3(2)(7)(e)** (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 10(2)-(7) in force for W. for certain purposes at 1.4.2002 by [S.I. 2002/920](#), **arts. 1(4)**, **3(3)** (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 10(2)-(7) in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152](#), **art. 2**; s. 10(2)-(7) in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015](#), **art. 2**; s. 10(2)-(7) in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730](#), **art. 2**

### Marginal Citations

- M4** 1972 c. 70.  
**M5** 1998 c. 38.

**Status:**

Point in time view as at 01/04/2007.

**Changes to legislation:**

Care Standards Act 2000, Part I is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.