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# Care Standards Act 2000

## 2000 CHAPTER 14

### PART II

#### ESTABLISHMENTS AND AGENCIES

##### *Registration procedure*

#### **17 Notice of proposals.**

- (1) Subsections (2) and (3) apply where a person applies for registration in respect of an establishment or agency.
- (2) If the registration authority proposes to grant the application subject to any conditions which have not been agreed in writing between it and the applicant, it shall give the applicant written notice of its proposal and of the conditions subject to which it proposes to grant his application.
- (3) The registration authority shall give the applicant notice of a proposal to refuse the application.
- (4) Except where it makes an application under section 20, the registration authority shall give any person registered in respect of an establishment or agency notice of a proposal—
  - (a) to cancel the registration (otherwise than in accordance with an application under section 15(1)(b));
  - (b) to vary or remove (otherwise than in accordance with an application under section 15(1)(a)) any condition for the time being in force in relation to the registration; or
  - (c) to impose any additional condition in relation to the registration.
- (5) The registration authority shall give the applicant notice of a proposal to refuse an application under section 15(1)(a).
- (6) A notice under this section shall give the registration authority's reasons for its proposal.

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#### Commencement Information

- II** S. 17 partly in force; s. 17 not in force at Royal Assent see s. 122; s. 17 in force for E. at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(f) (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. 17 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. 17 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 17 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2; s. 17 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 17 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

### 18 Right to make representations.

- (1) A notice under section 17 shall state that within 28 days of service of the notice any person on whom it is served may make written representations to the registration authority concerning any matter which that person wishes to dispute.
- (2) Where a notice has been served under section 17, the registration authority shall not determine any matter to which the notice relates until either—
  - (a) any person on whom the notice was served has made written representations to it concerning the matter;
  - (b) any such person has notified the registration authority in writing that he does not intend to make representations; or
  - (c) the period during which any such person could have made representations has elapsed.

#### Modifications etc. (not altering text)

- C1** S. 18(2) modified (W.) (2.10.2003) by The Nurses Agencies (Wales) Regulations 2003 (S.I. 2003/2527), reg. 30, Sch. 5 para. 4(2)(b)

#### Commencement Information

- I2** S. 18 partly in force; s. 18 not in force at Royal Assent see s. 122; s. 18 in force for E. at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(f) (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. 18 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. 18 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 18 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2; s. 18 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 18 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

### 19 Notice of decisions.

- (1) If the registration authority decides to grant an application for registration in respect of an establishment or agency unconditionally, or subject only to conditions which have been agreed in writing between it and the applicant, it shall give the applicant written notice of its decision.
- (2) A notice under subsection (1) shall state the agreed conditions.

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- (3) If the registration authority decides to adopt a proposal under section 17, it shall serve notice in writing of its decision on any person on whom it was required to serve notice of the proposal.
- (4) A notice under subsection (3) shall—
  - (a) explain the right of appeal conferred by section 21;
  - (b) in the case of a decision to adopt a proposal under section 17(2), state the conditions subject to which the application is granted; and
  - (c) in the case of a decision to adopt a proposal under section 17(4)(b) or (c), state the condition as varied, the condition which is removed or (as the case may be) the additional condition imposed.
- (5) Subject to subsection (6), a decision of the registration authority to adopt a proposal under section 17(2) or (4) shall not take effect—
  - (a) if no appeal is brought, until the expiration of the period of 28 days referred to in section 21(2); and
  - (b) if an appeal is brought, until it is determined or abandoned.
- (6) Where, in the case of a decision to adopt a proposal under section 17(2), the applicant notifies the registration authority in writing before the expiration of the period mentioned in subsection (5)(a) that he does not intend to appeal, the decision shall take effect when the notice is served.

#### Commencement Information

**I3** S. 19 partly in force; s. 19 not in force at Royal Assent see s. 122; s. 19 in force for E. at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(f) (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. 19 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. 19 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 19 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2; s. 19 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 19 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

## 20 Urgent procedure for cancellation etc.

- (1) If—
  - (a) the registration authority applies to a justice of the peace for an order—
    - (i) cancelling the registration of a person in respect of an establishment or agency;
    - (ii) varying or removing any condition for the time being in force by virtue of this Part; or
    - (iii) imposing an additional condition; and
  - (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being,the justice may make the order, and the cancellation, variation, removal or imposition shall have effect from the time when the order is made.
- (2) An application under subsection (1) may, if the justice thinks fit, be made without notice.

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- (3) As soon as practicable after the making of an application under this section, the registration authority shall notify the appropriate authorities of the making of the application.
- (4) An order under subsection (1) shall be in writing.
- (5) Where such an order is made, the registration authority shall, as soon as practicable after the making of the order, serve on the person registered in respect of the establishment or agency—
  - (a) a copy of the order; and
  - (b) notice of the right of appeal conferred by section 21.
- (6) For the purposes of this section the appropriate authorities are—
  - (a) the local authority in whose area the establishment or agency is situated;
  - (b) the Health Authority in whose area the establishment or agency is situated; and
  - (c) any statutory authority not falling within paragraph (a) or (b) whom the registration authority thinks it appropriate to notify.
- (7) In this section “statutory authority” means a body established by or under an Act of Parliament.

#### Commencement Information

- I4** S. 20 partly in force; s. 20 not in force at Royal Assent see s. 122; s. 20 in force for E. at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(7\)\(f\)](#) (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. 20 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. 20 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152](#), [art. 2](#); s. 20 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528](#), [art. 2](#); s. 20 in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015](#), [art. 2](#); s. 20 in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730](#), [art. 2](#)

VALID FROM 01/10/2010

#### **[<sup>F1</sup>20A Urgent procedure for cancellation: Wales**

- (1) If in respect of an establishment or agency for which the Welsh Ministers are the registration authority—
  - (a) the Welsh Ministers apply to a justice of the peace for an order cancelling the registration of a person in respect of the establishment or agency, and
  - (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being,
 the justice may make the order, and the cancellation has effect from the time when the order is made.
- (2) An application under subsection (1) may, if the justice thinks fit, be made without notice.
- (3) As soon as practicable after the making of an application under this section, the Welsh Ministers must notify the appropriate authorities of the making of the application.

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- (4) An order under subsection (1) is to be in writing.
- (5) Where such an order is made, the Welsh Ministers must, as soon as practicable after the making of the order, serve on the person registered in respect of the establishment or agency—
  - (a) a copy of the order, and
  - (b) notice of the right of appeal conferred by section 21.
- (6) For the purposes of this section the appropriate authorities are—
  - (a) the local authority in whose area the establishment or agency is situated,
  - (b) the Local Health Board in whose area the establishment or agency is situated, and
  - (c) any statutory authority not falling within paragraph (a) or (b) whom the Welsh Ministers think it appropriate to notify.
- (7) In this section “statutory authority” has the same meaning as in section 20.

#### Textual Amendments

- F1** Ss. 20A, 20B inserted (1.10.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(3), [Sch. 5 para. 19](#); S.I. 2010/807, [art. 2\(2\)](#), [Sch. 1 Pt. 2](#) (with arts. 3-22)

VALID FROM 01/10/2010

#### **20B Urgent procedure for suspension or variation etc: Wales**

- (1) Subsection (2) applies where—
  - (a) a person is registered under this Part in respect of an establishment or agency for which the Welsh Ministers are the registration authority, and
  - (b) the Welsh Ministers have reasonable cause to believe that unless they act under this section any person will or may be exposed to the risk of harm.
- (2) Where this subsection applies, the Welsh Ministers may, by giving notice in writing under this section to the person registered in respect of the establishment or agency, provide for any decision of the Welsh Ministers that is mentioned in subsection (3) to take effect from the time when the notice is given.
- (3) Those decisions are—
  - (a) a decision under section 13(5) to vary or remove a condition for the time being in force in relation to the registration or to impose an additional condition;
  - (b) a decision under section 14A to suspend the registration or extend the period of suspension.
- (4) The notice must—
  - (a) state that it is given under this section,
  - (b) state the Welsh Ministers' reasons for believing that the circumstances fall within subsection (1)(b),

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- (c) specify the condition as varied, removed or imposed or the period (or extended period) of suspension, and
- (d) explain the right of appeal conferred by section 21.]

#### Textual Amendments

**F1** Ss. 20A, 20B inserted (1.10.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(3), [Sch. 5 para. 19](#); [S.I. 2010/807](#), [art. 2\(2\)](#), [Sch. 1 Pt. 2](#) (with arts. 3-22)

## 21 Appeals to the Tribunal.

- (1) An appeal against—
  - (a) a decision of the registration authority under this Part; or
  - (b) an order made by a justice of the peace under section 20,
 shall lie to the Tribunal.
- (2) No appeal against a decision or order may be brought by a person more than 28 days after service on him of notice of the decision or order.
- (3) On an appeal against a decision of the registration authority the Tribunal may confirm the decision or direct that it shall not have effect.
- (4) On an appeal against an order made by a justice of the peace the Tribunal may confirm the order or direct that it shall cease to have effect.
- (5) The Tribunal shall also have power on an appeal against a decision or order—
  - (a) to vary any condition for the time being in force in respect of the establishment or agency to which the appeal relates;
  - (b) to direct that any such condition shall cease to have effect; or
  - (c) to direct that any such condition as it thinks fit shall have effect in respect of the establishment or agency.

#### Commencement Information

**I5** S. 21 partly in force; s. 21 not in force at Royal Assent see s. 122; s. 21 in force for E. for certain purposes at 20.11.2001 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(3\)\(b\)](#) (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. 21 in force for E. at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(7\)\(f\)](#) (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. 21 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. 21 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152](#), [art. 2](#); s. 21 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528](#), [art. 2](#); s. 21 in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015](#), [art. 2](#); s. 21 in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730](#), [art. 2](#)

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