
STATUTORY INSTRUMENTS

2001 No. 2561

SOCIAL CARE

The Central Council for Education and Training in Social Work (Transfer Scheme) Order 2001

Made - - - - - 18th July 2001

Coming into force - - - 1st September 2001

At the Court at Buckingham Palace, the 18th day of July 2001

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 70 and 118(4) to (6) of the Care Standards Act 2000(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of the Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Central Council for Education and Training in Social Work (Transfer Scheme) Order 2001.

(2) The provisions of this Order shall come into force on 1st September 2001.

(3) In this Order—

“the Act” means the Care Standards Act 2000;

“the 1983 Act” means the Health and Social Services and Social Security Adjudications Act 1983(b);

“CCETSW” means the Central Council for Education and Training in Social Work which is continued in being by section 10 of the 1983 Act;

“the Care Council for Wales” means the Council of that name established in accordance with section 54(1) of the Act;

“the English Council” means the General Social Care Council established in accordance with section 54(1) of the Act;

“New Body” means—

(a) in relation to England, the English Council;

(b) in relation to Wales, the Care Council for Wales;

(c) in relation to Scotland, the Scottish Council;

(a) 2000 c. 14; the Central Council for Education and Training in Social Work loses its functions in relation to England and Wales under section 70(1) of the Care Standards Act 2000; in relation to Northern Ireland under section 17 of the Health and Personal Social Services Act (Northern Ireland) 2001 and in relation to Scotland under section 67 of the Regulation of Care (Scotland) Act 2001. Section 114(2) of the Care Standards Act 2000 also applies to schemes for the transfer of staff.

(b) 1983 c. 41.

- (d) in relation to Northern Ireland, the Northern Ireland Council;
- “the Northern Ireland Council” means the Northern Ireland Social Care Council established under section 1 of the Health and Personal Social Services Act;
- “the Health and Personal Social Services Act” means the Health and Personal Social Services Act (Northern Ireland) 2001(a);
- “relevant social work” has the same meaning as in section 10(16) of the 1983 Act;
- “the Scottish Act” means the Regulation of Care (Scotland) Act 2001(b);
- “the Scottish Council” means the Scottish Social Services Council established in accordance with section 43 of the Scottish Act;
- “transfer date” means 1st October 2001.

Transfer of staff and assessors

2.—(1) Except in the case of a person to whom paragraph (2) below applies, a person who immediately before the transfer date is an employee of CCETSW and whose employment would have continued but for the coming into force of section 70(1) of the Act, section 67 of the Scottish Act or section 17 of the Health and Personal Social Services Act shall on the transfer date transfer to—

- (a) the English Council, if his place of work is situate in England;
- (b) the Care Council for Wales, if his place of work is situate in Wales;
- (c) the Scottish Council, if his place of work is situate in Scotland;
- (d) the Northern Ireland Council, if his place of work is situate in Northern Ireland.

(2) This paragraph applies(c) to any person who—

- (a) is employed for any purpose specified in article 7 below; or
- (b) elects before the transfer date not to transfer to the New Body.

(3) In the case of a person appointed by CCETSW as an external assessor, his appointment shall have effect as from the transfer date as if originally made between that person and the New Body in whose area the person conducted assessments before the transfer date.

(4) Where before the transfer date a person conducted assessments in the area of more than one New Body, that person shall be treated for the purposes of paragraph (3) above as being separately appointed by each New Body in whose area those assessments were conducted.

Transfer of property belonging to CCETSW

3.—(1) Subject to the following provisions of this article, all property(d) belonging to CCETSW immediately before the transfer date which is situate—

- (a) in England, shall on the transfer date transfer to and vest in the English Council;
- (b) in Wales, shall on the transfer date transfer to and vest in the Care Council for Wales;
- (c) in Scotland, shall on the transfer date transfer to and vest in the Scottish Council;
- (d) in Northern Ireland, shall on the transfer date transfer to and vest in the Northern Ireland Council.

(2) Paragraph (1) is to have effect notwithstanding any provision which would otherwise prevent, penalise or restrict the transfer of the property.

(3) A right of pre-emption, right of reverter or other similar right is not to operate or become exercisable as a result of any transfer of property by virtue of paragraph (1) above.

(4) In the case of such a transfer, any such right is to have effect as if the transferee were the same person in a law as the transferor and as if no transfer of the property had taken place.

(5) All records relating to those certificates and replacement certificates issued before the transfer date, and any copyright in those certificates, shall on the transfer to and vest in the English Council.

(a) 2001 c. 3.

(b) 2001 c. asp8.

(c) Sections 114 and 115 of the Care Standards Act 2000 also apply to the transfer of staff.

(d) “Property” is defined in the Care Standards Act 2000 (section 70(5)) as including rights and interests of any description.

Transfer of liabilities

4.—(1) Any liabilities of CCETSW which were incurred in pursuance of a function of CCETSW which on 1st October becomes a function of—

- (a) the English Council, shall on the transfer date transfer to and vest in the Secretary of State;
- (b) the Care Council for Wales, shall on the transfer date transfer to and vest in the Care Council for Wales;
- (c) the Scottish Council, shall on the transfer date transfer to and vest in the Scottish Council;
- (d) the Northern Ireland Council, shall on the transfer date transfer to and vest in the Northern Ireland Council.

(2) Liabilities of CCETSW other than those specified in paragraph (1) above shall on the transfer date transfer to and vest in the Secretary of State.

(3) Liabilities of any member of, or any eligible employee^(a) of, or any person undertaking work as an assessor for CCETSW, incurred in pursuance of their duties as a member, employee or assessor, shall on the transfer date transfer to and vest in the Secretary of State.

Transfer of obligations

5.—(1) Anything done by or on behalf of CCETSW in the exercise of its functions shall be treated as from the transfer date as having been done by or on behalf of the New Body.

(2) Without prejudice to the generality of paragraph (1) above—

- (a) any course approved by CCETSW under section 10(3) of the 1983 Act shall be treated as approved by the New Body until such time as the New Body determines that such courses are not recognised by it;
- (b) any grants awarded but not made by CCETSW under section 10(7) of the 1983 Act shall be treated as awarded by the New Body who shall make the grant in accordance with and subject to the conditions of the award and shall pay any travelling and other allowances which would have been payable by CCETSW.

(3) Any obligation of a New Body under paragraph (2)(b) above shall cease if—

- (a) there is a relevant change in the circumstances of the body or individual to whom the grant is made; or
- (b) the New Body establishes new rules for the making of grants and the payment of travelling and other allowances, and the body or individual to whom the grant was made no longer qualifies under those rules.

(4) For the purpose of this article, the New Body to whom the obligation is transferred shall be the Body in whose area—

- (a) the course was held or proposed to be held; or
- (b) the individual or body—
 - (i) to whom the grant was made; or
 - (ii) in connection with whom the thing was done, normally resided.

CCETSW functions transferred to the English Council

6.—(1) The function of CCETSW specified in paragraph (2) below shall transfer on the transfer date to the English Council notwithstanding that the candidates to whom that paragraph refers do not reside in England.

(2) That function is the issue of replacement certificates of a candidate's successful completion of a course suitable to be attended by persons engaged in relevant social work where the original certificate was issued before the transfer date.

(a) Section 70 of the Care Standards Act 2000 defines "eligible employee" as meaning a person who is employed under a contract of employment with CCETSW.

Saving

7.—Notwithstanding the coming into force of section 70(1) of the Act, section 67 of the Scottish Act or section 17 of the Health and Personal Social Services Act, CCETSW shall exercise the following functions:

- (a) the preparation of final accounts;
- (b) the winding up of its affairs.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains provisions consequential upon the Central Council for Education and Training in Social Work (“CCETSW”) ceasing to exercise functions conferred upon the Council by section 10 of the Health and Social Services and Adjudications Act 1983.

Article 2 relates to the transfer of staff from CCETSW to new bodies established in England, Wales, Scotland and Northern Ireland. Article 3 relates to the transfer of property to those new bodies. Articles 4 and 5 provide for the transfer of the liabilities and obligations of CCETSW. Article 6 provides for the transfer to the English Council of CCETSW’s function relating to the issue of replacement certificates. Article 7 is a saving provision.

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