
STATUTORY INSTRUMENTS

2001 No. 3852

**The Care Standards Act 2000 (Commencement No. 9
(England) and Transitional and Savings Provisions) Order 2001**

Citation, interpretation and extent

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) Order 2001.

(2) In this Order—

“the Act” means the Care Standards Act 2000;

“the 1957 Act” means the Nurses Agencies Act 1957(1);

“the 1984 Act” means the Registered Homes Act 1984(2);

“the 1989 Act” means the Children Act 1989(3).

(3) In this Order, a reference to an agency does not include a reference to a voluntary adoption agency.

(4) This Order extends to England only.

Schedules

2. The Schedules 1 and 2 to this Order, which make transitional provision, shall have effect.

Appointed days

3.—(1) In this article, unless the context otherwise requires, any reference to a section is a reference to a section of the Act, and any reference to a Schedule is a reference to a Schedule to this Order.

(2) This article shall have effect subject to Schedule 1.

(3) 20th November 2001 is the day appointed for the coming into force of—

(a) for the purpose only of the exercise of any power to make regulations,

(i) sections 1 to 4, 11 and 12, 14 to 16, 25, 31 and 33 to 36;

(ii) section 48 and, in so far as they relate to relevant fostering functions, sections 43, 45(4), 50, 51 and 52;

(iii) sections 105(1) to (4) and 108;

(b) section 21, for the purpose only of enabling a person to bring an appeal against a determination which is treated under paragraph 5(6) of Schedule 1 as a decision of the Commission for the purposes of that section; and

(c) sections 22 and 38;

(d) for the purpose only of issuing statements of national minimum standards—

(1) 5 & 6 Eliz. 2 c.16.

(2) 1984 c. 23.

(3) 1989 c. 41.

- (i) relating to the exercise of relevant fostering functions by local authorities, section 49; and
 - (ii) for safeguarding and promoting the welfare of children for whom accommodation is provided in schools and colleges, section 107.
- (4) 1st January 2002 is the day appointed for the coming into force of—
- (a) for the purposes specified in paragraph (5)—
 - (i) sections 1 to 3, 12 and 13;
 - (ii) except in so far as it relates to voluntary adoption agencies, section 4;
 - (b) sections 23(4) and 27, in relation to any application to which paragraph (6) applies;
 - (c) sections 31 and 32, in relation to—
 - (i) an application to which paragraph (6) applies;
 - (ii) an establishment or agency to which sub-paragraphs (2) and (3) of paragraph 5 of Schedule 1 apply.
- (5) The following purposes are specified—
- (a) to enable the Commission to consider or obtain information in relation to an application to which paragraph (6) applies;
 - (b) to enable the Commission to determine an application to which paragraph (6) applies, except for the purpose of enabling any effect to be given to the determination of any such application before—
 - (i) in the case of an application to which paragraph 13(2) or 14(2) of Schedule 1 applies, 1st July 2002;
 - (ii) in the case of an application for registration under Part II of the Act in respect of a residential family centre, a nurses agency or a domiciliary care agency, 1st July 2002;
 - (iii) in the case of any other application, 1st April 2002.
- (6) This paragraph applies to—
- (a) an application which is to be determined by the Commission by virtue of paragraph 13 or 14 of Schedule 1;
 - (b) an application for registration under Part II of the Act in respect of an establishment or agency referred to in paragraph 15(1) or (2) of Schedule 1 and which is made by a person to whom that paragraph applies.
- (7) 1st April 2002 is the day appointed for the coming into force of—
- (a) sections 1 to 3, 11 to 16, 23, 25, 27 and 31 to 36 in so far as they are not already in force;
 - (b) the following subsections of section 4—
 - (i) subsection (1), in so far as it relates to subsections (4), (6), (8) and (9) brought into force under this sub-paragraph;
 - (ii) subsection (4);
 - (iii) subsection (6), in so far as it relates to subsection (4);
 - (iv) subsection (8), except in so far as it relates to residential family centres;
 - (v) subsection (9), except in so far as it relates to domiciliary care agencies, nurses agencies and voluntary adoption agencies;
 - (c) section 5, in so far as it relates to the Commission;
 - (d) section 7;
 - (e) section 10, except for paragraph (6) of that section;

- (f) sections 17 to 21, 24, 26, 28 to 30 and 37;
 - (g) sections 43(1), (2), (3)(b), 44, 45, 46(1) to (6), (7)(a) and (b) and (8), and 47 to 53, in so far as they relate to relevant fostering functions, and are not already in force;
 - (h) sections 105 to 110 in so far as they are not already in force;
 - (i) section 116 and Schedule 4 to the Act, in so far as they relate to sub-paragraph (3) of paragraph 26, except in so far as—
 - (i) that sub-paragraph inserts section 9(2)(b) in the Protection of Children Act(4);
 - (ii) section 9(2)(d) of the Protection of Children Act 1999 inserted by that sub-paragraph relates to sections 68, 87 and 88 of the Act;
 - (iii) that sub-paragraph inserts section 9(3A) in the Protection of Children Act.
 - (j) section 117 and Schedule 6 to the Act, in so far as they relate to the 1984 Act and the provisions of sections 60 and 63 of, and Schedules 5 and 6 to, the 1989 Act that are mentioned in Schedule 6 to the Act.
- (8) 1st July 2002 is the day appointed for the coming into force of—
- (a) the following subsections of section 4—
 - (i) subsection (1) of section 4, in so far as it relates to subsections (2), (3), (5), (6), (8) and (9) brought into force under this sub-paragraph;
 - (ii) subsections (2), (3) and (5);
 - (iii) subsection (6), in so far as it is not already in force;
 - (iv) subsection (8), in so far as it is not already in force;
 - (v) subsection (9), in so far as it relates to domiciliary care agencies and nurses agencies
 - (b) subsection (1) of section 111, and subsection (2) of that section in so far as it omits, in section 13 of the Employment Agencies Act 1973(5), paragraphs (b) and (c) of, and the proviso to, subsection (7);
 - (c) section 117 and Schedule 6 to the Act, in so far as they relate to the 1957 Act and the Employment Agencies Act 1973.

Signed by authority of the Secretary of State for Health

Date 13th November 2001

Jacqui Smith
Minister of State
Department of Health

(4) 1999 c. 14.
(5) 1973 c. 35.