

---

## EXPLANATORY NOTE

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

This Order brings into force, in relation to England only, certain provisions of the Care Standards Act 2000 which amend or repeal other statutory provisions. It also makes transitional provision and amends the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) Order 2001 (“the No. 9 Order”).

Under the Care Standards Act 2000, the National Care Standards Commission is to be responsible for the regulation and registration of children’s homes, care homes, nurses agencies and certain other establishments and agencies. Voluntary and private children’s homes are currently registered under sections 60 and 63 of the Children Act 1989. Residential care homes, nursing homes and mental nursing homes are currently registered under the Registered Homes Act 1984, and nurses agencies are licensed under the Nurses Agencies Act 1957. The amendments and repeals are in general consequential on the replacement of the current systems of registration.

Article 3 of the Order brings into force certain minor and consequential amendments and repeals on 1st April 2002, and the repeals specified in article 3(4) on 1st July 2002. The transitional provisions in article 4 provide for the amendments or repeals not to have effect in a case where the registration under the current legislation continues in force, or in the case of a community home in relation to which a person has applied for registration under the Act and the application has not been determined.

Article 5 of the Order amends the No. 9 Order. Article 5(3)(b) applies to persons who are registered in respect of a home under the Registered Homes Act 1984. In order to become registered under the Care Standards Act 2000, it is necessary for them to apply for criminal record certificates under the Police Act 1997. Under the amendment, if they have become registered within the year ending on 31st March 2002 and the registration authority has received a police check in respect of them, it will not be necessary for them to apply for the certificates.

Under the No. 9 Order, persons who are registered in respect of a home under the Registered Homes Act 1984 will be subject to a condition in relation to the use of private rooms for the accommodation of service users which the registration authority previously notified were of insufficient size. The condition is amended by article 5(3)(e) so that the notification must have been given in writing before 13th November 2001.

The amendment made by article 5(4) provides for Part III of the Registered Homes Act 1984, which makes provision for appeals to the Registered Homes Tribunal, to continue to have effect in relation to appeals to the Tribunal which are commenced before 1st April 2002 or are subsequently brought in accordance with Schedule 1 to the No. 9 Order.

Article 5 also makes minor corrections to the No. 9 Order.