
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further amendments to the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional and Savings Provisions) Order 2001 (“the No. 9 Order”), and the Care Standards Act 2000 (Commencement No. 10 (England) and Transitional, Savings and Amendment Provisions) Order 2001 (“the No. 10 Order”), and also makes transitional provision.

The day appointed for the coming into force of certain provisions of the Care Standards Act 2000, in respect of the registration under that Act of residential family centres, domiciliary care agencies and nurses agencies, is altered from 1st January 2003 to 1st April 2003 (article 2(2)). Consequential amendments are made to transitional provisions in the No. 9 Order in relation to such registration (article 2(3)), and a further consequential amendment is made to the No. 10 Order (article 3).

Article 4 makes transitional provision which is necessary as a result of section 2(6) of the Nurses Agencies Act 1957 (“the 1957 Act”) which provides that licences granted under section 2 of that Act are to be valid until the 31st December in the year next following the year in which a licence is granted. Under article 4(1)(a), where a provider has made an application for renewal of the licence which has not been determined before 31st December 2002, the licence continues to be treated as valid until the application is finally disposed of or withdrawn or abandoned. In a case where an application is not finally disposed of before 1st April 2003, article 4(4) has the effect that the 1957 Act is treated as continuing in force in relation to the agency. Under article 4(1)(b), where no application for renewal of the licence has been made, the licence will continue to be treated as valid until the date on which the provider is treated as registered under Part II of the Care Standards Act 2000.

Article 4(5) provides that where a nurses agency provider, to whom a regulator has granted a licence pursuant to section 2 of the 1957 Act on or after 17th December 2001 but before 1st January 2003, complied with paragraph 3 of the Schedule to the No. 9 Order before the coming into force of this Order, that provider must nevertheless take steps to comply with paragraph 3.