
STATUTORY INSTRUMENTS

2004 No. 2071

The Adult Placement Schemes (England) Regulations 2004

PART 2

REGISTERED PERSONS

Fitness of registered provider

- 8.—**(1) A person shall not carry on a scheme unless he is fit to do so.
- (2) A person is not fit to carry on a scheme unless the person—
- (a) is an individual who carries on the scheme—
 - (i) otherwise than in partnership with others, and satisfies the requirements set out in paragraph (3);
 - (ii) in partnership with others, and he and each of his partners satisfies the requirements set out in paragraph (3);
 - (b) is a partnership and each of the partners satisfies the requirements set out in paragraph (3);
 - (c) is an organisation and—
 - (i) the organisation has given notice to the CSCI of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and who is responsible for supervising the management of the scheme; and
 - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
 - (b) he is physically and mentally fit to carry on the scheme or, in the case of the responsible individual, supervise its management; and
 - (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.
- (4) A person shall not carry on a scheme if—
- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or
 - (b) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

Appointment of manager

- 9.—**(1) The registered provider shall appoint an individual to manage the scheme where—
- (a) there is no registered manager in respect of the scheme; and

- (b) the registered provider—
 - (i) is an organisation or a partnership; or
 - (ii) is not a fit person to manage a scheme; or
 - (iii) is not, or does not intend to be, in full-time day to day charge of the scheme.
- (2) Where the registered provider appoints a person to manage the scheme, he shall forthwith give notice to the CSCI of—
 - (a) the name of the person so appointed; and
 - (b) the date on which the appointment is to take effect.

Fitness of manager

- 10.**—(1) A person shall not manage a scheme unless he is fit to do so.
- (2) A person is not fit to manage a scheme unless—
- (a) he is of integrity and good character;
 - (b) having regard to the size of the scheme and the statement of purpose—
 - (i) he has the qualifications, skills and experience necessary to manage the scheme; and
 - (ii) he is physically and mentally fit to do so; and
 - (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

Registered person – general requirements and training

11.—(1) The registered provider and any registered manager shall, having regard to size of the scheme and the statement of purpose, carry on or (as the case may be) manage the scheme with sufficient care, competence and skill.

- (2) If the registered provider is—
- (a) an individual, he shall undertake;
 - (b) a partnership, it shall ensure that one of the partners undertakes; or
 - (c) an organisation, it shall ensure that the responsible individual undertakes,

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the scheme.

(3) A registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the scheme.

Notification of offences

12. Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall forthwith give notice in writing to the CSCI of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted; and
- (c) the penalty imposed on him in respect of the offence.