

SCHEDULE 10

Regulation 45

TRANSITIONAL AND SAVINGS PROVISIONS

1. In this Schedule “relevant date” means the date on which these Regulations come into force.

2.—(1) This paragraph applies to persons who, by virtue of the provisions of the Act and these Regulations, are required to be registered under Part 2 of the Act, but who immediately prior to the relevant date were not required to be so registered.

(2) Where paragraph (1) applies, a person who immediately prior to the relevant date was carrying on or managing an adult placement scheme, may continue to carry on or manage the scheme—

- (a) during a period of 12 months beginning on the relevant date; and
- (b) if, within that period, an application is made to the CSCI for registration under Part 2 of the Act,

until that application is finally disposed of or withdrawn.

(3) Where paragraph (2) applies, section 11(1), (2), (5) and (6) of the Act shall not apply to such a person.

(4) In this regulation “finally disposed of” means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

3.—(1) This paragraph applies where, immediately prior to the relevant date, a person was the registered provider (“the adult placement carer”) in respect of a care home providing an adult placement.

(2) Where paragraph (1) applies—

- (a) the amendments set out in Schedules 5 to 7 of these Regulations shall not have effect in relation to the adult placement carer until the date on which the provider of an adult placement scheme with whom the adult placement carer has entered into a carer agreement to provide a placement for a service user is registered with the CSCI under Part 2 of the Act; and
- (b) the provisions of the Care Homes Regulations 2001 shall continue in force in relation to that adult placement carer until that date.

4.—(1) This paragraph applies where—

- (a) at any time after the relevant date, an adult placement carer wishes to enter, or has entered, into a carer agreement with the provider of an adult placement scheme to provide a placement (“the placement”) for a service user;
- (b) the provider of that adult placement scheme has not applied to be registered under Part 2 of the Act; and
- (c) the adult placement carer has not entered into a carer agreement to provide a placement with the provider of another adult placement scheme who is registered under Part 2 of the Act.

(2) Where paragraph (1) applies—

- (a) the amendments set out in Schedules 5 to 7 of these Regulations shall not have effect in relation to the adult placement carer until the date on which the provider of the adult placement scheme with whom he has entered into a carer agreement to provide the placement is registered with the CSCI under Part 2 of the Act; and
- (b) the provisions of the Care Homes Regulations 2001 shall apply in relation to that adult placement carer until that date.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. Where an appeal under section 21 of the Act (appeals to the tribunal) is made by a registered provider in respect of a care home providing an adult placement against a decision of the CSCI—

- (a) before the relevant date but where the appeal has not been determined by that date; or
- (b) on or after the relevant date but within the time limit specified in section 21 of the Act,

the appeal shall be dealt with in accordance with the relevant provisions of the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002⁽¹⁾.

(1) S.I.2002/816 (to which there are amendments which are not relevant to this paragraph).