
STATUTORY INSTRUMENTS

2004 No. 662

The Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004

PART I
GENERAL

Interpretation

2.—(1) In these Regulations—

“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);

“adult placement home” means a care home in respect of which the registered provider is an adult placement carer within the meaning of regulation 45 of the Care Homes Regulations 2001(4);

“approved place” means—

- (a) in relation to an establishment, boarding school, residential college or residential special school, a bed provided for the use of a service user at night; or
- (b) in relation to a residential family centre, overnight accommodation which is appropriate to a single family;

“boarding school” means a school (not being a residential special school or a school which is a children’s home or a care home) providing accommodation for any child, and “school” has the meaning given to it in section 105(1) of the 1989 Act;

“certificate” means a certificate of registration;

“existing provider” means—

- (a) a person who immediately before 1st April 2002—
 - (i) was registered under Part 1 of the 1984 Act in respect of a residential care home;
 - (ii) was registered under Part 2 of the 1984 Act in respect of a nursing home or mental nursing home;
 - (iii) carried on a home that was registered in a register kept for the purposes of section 60 of the 1989 Act;
 - (iv) carried on a home that was registered under Part 8 of the 1989 Act; or

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

(2) 1984 c. 23.

(3) 1989 c. 41.

(4) S.I.2001/3965; relevant amending instrument is S.I. 2003/1845.

(b) a nurses agency provider;

“local authority fostering service” means the discharge by a local authority of relevant fostering functions within the meaning of section 43(3)(b) of the Act;

“new provider” means a person who—

- (a) carries on a residential family centre, nurses agency or domiciliary care agency, and first carried on that establishment or agency after 1st April 2003; or
- (b) carries on any other description of establishment or agency, and first carried on that establishment or agency after 1st April 2002;

“nurses agency provider” means a person—

- (a) who, immediately before 1st April 2003, carried on an agency for the supply of nurses within the meaning of the 1957 Act; and
- (b) was the holder of—
 - (i) a valid licence which had been granted to him by a local authority under section 2 of that Act and which authorised him to carry on that agency from premises specified in the licence; or
 - (ii) a licence which would have ceased to be valid on 31st December 2002 by virtue of section 2(6) of the 1957 Act, but which continued to be treated as valid by virtue of article 4 of the Care Standards Act 2000 (Commencement and Transitional Provisions) (Amendment No.2) (England) Order 2002⁽⁵⁾ (“the relevant order”);

“previously exempt provider” means a provider—

- (a) who, immediately before 1st April 2002, carried on an establishment other than—
 - (i) a residential care home, nursing home or mental nursing home in respect of which a person was required to be registered under Part 1 or 2 of the 1984 Act;
 - (ii) a home that was required to be registered in a register kept for the purposes of section 60 of the 1989 Act or under Part 8 of that Act; or
- (b) who, immediately before 1st April 2003, carried on an agency other than an agency for the supply of nurses within the meaning of the 1957 Act which the person was authorised to carry on from those premises under a licence granted to him under section 2 of that Act;

“registered manager” in relation to an establishment or agency means a person who is registered under Part 2 of the Act as the manager of the establishment or agency;

“registered person” means any person who is the registered provider or registered manager in respect of an establishment or agency;

“registered provider” in relation to an establishment or agency means a person who is registered under Part 2 of the Act as the person carrying on the establishment or agency;

“residential college” means a college as defined in section 87(10) of the 1989 Act which provides accommodation for any child⁽⁶⁾;

“residential special school” means—

- (a) a special school in accordance with sections 337 and 347(1) of the Education Act 1996⁽⁷⁾; or

⁽⁵⁾ S.I. 2002/3210.

⁽⁶⁾ Section 87(10) of the 1989 Act was amended by section 105 of the Care Standards Act 2000.

⁽⁷⁾ 1996 c. 56. Section 337 was substituted by the School Standards and Framework Act 1998, section 140(1) and Schedule 30, paragraph 80.

- (b) an independent school not falling within (a) which has as its sole or main purpose the provision of places, with the consent of the Secretary of State, for pupils with special educational needs or who are in public care,

and which provides accommodation for any child;

“service user” means—

- (a) any person who is to be provided with accommodation or services in an establishment, or by an agency, but excludes registered persons or persons employed or intended to be employed in an establishment or by an agency, and their relatives; or
- (b) a child accommodated in a boarding school, residential college or residential special school;

“small agency” means a domiciliary care agency or nurses agency where no more than two members of staff, including registered persons but excluding someone employed solely as a receptionist, are employed at any one time;

“small establishment” means an establishment, other than an adult placement home, which has less than four approved places.

(2) In these Regulations—

- (a) “agency” does not include a voluntary adoption agency⁽⁸⁾ or an independent medical agency⁽⁹⁾; and
- (b) “establishment” does not include an independent hospital or an independent clinic⁽¹⁰⁾.

⁽⁸⁾ For fees and frequency of inspections in respect of voluntary adoption agencies, see the National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003 (S.I. 2003/368).

⁽⁹⁾ For fees and frequency of inspections in respect of independent medical agencies, see the Commission for Healthcare Audit and Inspection (Fees and Frequency of Inspections) Regulations 2004 (S.I. 2004/661).

⁽¹⁰⁾ For fees and frequency of inspections in respect of independent hospitals and independent clinics, see the Commission for Healthcare Audit and Inspection (Fees and Frequency of Inspections) Regulations 2004 (S.I. 2004/661).