

## SCHEDULE 10

Regulation 39

### Transitional Provisions

1. In this Schedule, “registered manager” and “registered provider”, in relation to a children’s home, have the meaning given in regulation 2 (interpretation) of the Children’s Homes Regulations 2001.

2. This paragraph applies where, immediately before 1st July 2013, a person was—

- (a) a registered provider; or
- (b) a registered manager,

in respect of a children’s home that satisfied the definition of a scheme and was carried on solely as such.

3. Where paragraph 2(a) applies, the person who was a registered provider in respect of the children’s home may carry on the scheme as if it were a children’s home under Part 2 of the Act until 31st December 2013 if—

- (a) that person notifies HMCI in writing of—
  - (i) their wish to cancel their registration in respect of the home and instead to be registered in respect of a scheme under Part 2 of the Act;
  - (ii) the address at which the scheme is to provide accommodation for children or, if accommodation is to be provided at more than one site, the address of each site;
  - (iii) the dates, in respect of each site, during which the scheme is to provide that accommodation;
  - (iv) their agreement to notify HMCI in writing, without delay, of any change to the information in sub-paragraphs (ii) or (iii); and
- (b) HMCI receives that notification before 1st August 2013.

4. This paragraph applies where—

- (a) paragraph 2(b) applies; and
- (b) HMCI receives a notification in accordance with paragraph 3.

5. Where paragraph 4 applies, the person who was a registered manager in respect of the children’s home may continue to manage the scheme as if it were a children’s home under Part 2 of the Act until 31st December 2013 if—

- (a) that person notifies HMCI in writing of their wish to cancel their registration in respect of the home and instead to be registered as the manager in respect of a scheme under Part 2 of the Act; and
- (b) HMCI receives that notification before 1st August 2013.

6. HMCI may treat—

- (a) a notification provided in accordance with paragraph 3 or 5 as an application for—
  - (i) the cancellation of the registration of the registered provider and, as the case may be, the registered manager in respect of the children’s home;
  - (ii) the registration of the registered provider and, as the case may be, the registered manager of that children’s home in respect of the scheme;
- (b) notification of the matters in paragraph 3(a)(ii) and (iii) as conditions which have been agreed with the applicant for the purposes of section 19 (notice of decisions) of the Act.

7. This paragraph applies where—

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- (a) paragraph 2 applies; and
  - (b) HMCI receives a notification in accordance with paragraph 3 or 5.
8. Where paragraph 7 applies—
- (a) section 11(1) of the Act (requirement to register) does not apply until 1st January 2014;
  - (b) the requirement under section 12(2) of the Act that an application for registration must be accompanied by a fee does not apply;
  - (c) the first annual fee in respect of the scheme, under section 16(3) of the Act, is to be required on the anniversary of the date on which the last annual fee was paid in respect of the children’s home that was carried on by the registered provider;
  - (d) HMCI may credit an annual fee excess proportion to the registered provider in respect of the scheme, and—
    - (i) “annual fee excess” means the amount, if any, by which the last annual fee that was paid in respect of the children’s home exceeds the annual fee that is payable on 1st July 2013 in respect of a scheme; and
    - (ii) “proportion” means that part of the annual fee excess which relates to the period from the date of the notification provided in accordance with paragraph 3 until the date on which the scheme’s first annual fee is required pursuant to sub-paragraph (c);
  - (e) regulation 13 (application for cancellation of registration) of the Care Standards Act 2000 (Registration) (England) Regulations 2010 does not apply.