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SCHEDULES

SCHEDULE 4

Section 116.

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 01/04/2002

National Assistance Act 1948 (c.29)

1 (1) Section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations) shall be amended as follows.

(2) In subsection (1), for "(1B)" there shall be substituted " (1C) ".

(3) For subsections (1A) and (1B) there shall be substituted—

"(1A) Arrangements must not be made by virtue of this section for the provision of accommodation together with nursing or personal care for persons such as are mentioned in section 3(2) of the Care Standards Act 2000 (care homes) unless—

(a) the accommodation is to be provided, under the arrangements, in a care home (within the meaning of that Act) which is managed by the organisation or person in question; and

(b) that organisation or person is registered under Part II of that Act in respect of the home."

(4) In subsection (1C), for the words from "no" to "person" there shall be substituted " no arrangements may be made by virtue of this section for the provision of accommodation together with nursing ".

Commencement Information

I1 Sch. 4 para. 1 wholly in force at 1.4.2002; Sch. 4 para. 1 not in force at Royal Assent see s. 122; Sch. 4 para. 1 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 1 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

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VALID FROM 01/04/2002

Mental Health Act 1959 (c.72)

2 In section 128 of the Mental Health Act 1959 (sexual intercourse with patients)—

(a) in subsection (1), in paragraph (a), for "or mental nursing home" there shall be substituted " , independent hospital or care home " and in paragraph (b), for the words from "a residential" to the end there shall be substituted " a care home "; and

(b) after subsection (5) there shall be inserted—

"(6) In this section "independent hospital" and "care home" have the same meanings as in the Care Standards Act 2000."

Commencement Information

I2 Sch. 4 para. 2 wholly in force at 1.4.2002; Sch. 4 para. 2 not in force at Royal Assent see s. 122; Sch. 4 para. 2 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 2 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 01/04/2002

Children and Young Persons Act 1969 (c.54)

3 In section 23(12) of the Children and Young Persons Act 1969 (remands and committals to local authority accommodation)—

(a) at the appropriate place, there shall be inserted—

""children's home" has the same meaning as in the Care Standards Act 2000;"

and

(b) in the definition of "secure accommodation"—

(i) for "community home, a voluntary home or a registered children's home" there shall be substituted " children's home in respect of which a person is registered under Part II of the Care Standards Act 2000 "; and

(ii) at the end there shall be inserted " or the National Assembly for Wales ".

Commencement Information

I3 Sch. 4 para. 3 wholly in force at 1.4.2002; Sch. 4 para. 3 not in force at Royal Assent see s. 122; Sch. 4 para. 3 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional

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provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 3 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 01/04/2002

Local Authority Social Services Act 1970 (c.42)

4 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committee), in the entry relating to the 1989 Act, for "registered" there shall be substituted " private " and for "residential care, nursing or mental nursing homes or in independent schools" there shall be substituted " care homes, independent hospitals or schools ".

Commencement Information

I4 Sch. 4 para. 4 wholly in force at 1.4.2002; Sch. 4 para. 4 not in force at Royal Assent see s. 122; Sch. 4 para. 4 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 4 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 01/07/2001

Adoption Act 1976 (c.36)

5 (1) The Adoption Act 1976 shall be amended as follows.

(2) In section 1 (establishment of adoption service)—

(a) in subsections (1), (3) and (4), for "approved adoption societies" and "approved adoption society", in each place where those words occur, there shall be substituted, respectively, " appropriate voluntary organisation " and " appropriate voluntary organisations "; and

(b) after subsection (4) there shall be inserted—

"(5) In this Act "appropriate voluntary organisation" means a voluntary organisation which is an adoption society in respect of which a person is registered under Part II of the Care Standards Act 2000."

(3) In section 2 (local authorities' social services), in paragraph (a), for "registered" there shall be substituted " private " and for "residential care, nursing or mental nursing homes or in independent schools" there shall be substituted " care homes, independent hospitals or schools ".

(4) In section 4(3) of that Act (power of Secretary of State to make directions where approval of adoption society is withdrawn or expires), for the words from "Where" to "expires" there shall be substituted " Where, by virtue of the cancellation of the

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registration of any person under Part II of the Care Standards Act 2000, a body has ceased to be an appropriate voluntary organisation ".

(5) In section 8 (inactive or defunct adoption societies)—

(a) in subsection (1), for the words from "an approved" to "expired" there shall be substituted " a body which is or has been an appropriate voluntary organisation "; and

(b) for "society", in each place where it occurs, there shall be substituted " organisation ".

(6) In section 9 (regulation of adoption agencies)—

(a) in subsection (2), for "an approved adoption society" there shall be substituted " an appropriate voluntary organisation ";

(b) after that subsection there shall be inserted—

"(2A) The power under subsection (2) includes in particular power to make in relation to an appropriate voluntary organisation any provision which regulations under section 22(2) or (7) of the Care Standards Act 2000 (regulation of establishments and agencies) may make in relation to a fostering agency (within the meaning of that Act).";

(c) after subsection (3) there shall be inserted—

"(3A) The power under subsection (3) includes in particular power to make in relation to the functions there mentioned any provision which regulations under section 48 of the Care Standards Act 2000 (regulation of the exercise of relevant fostering functions) may make in relation to relevant fostering functions (within the meaning of Part III of that Act).";

and

(d) in subsection (4), after "(2)" there shall be inserted " or (3) ".

(7) In section 11 (restriction on arranging adoptions and placing of children)—

(a) in subsection (2), for "approved under section 3 of this Act" there shall be substituted " an appropriate voluntary organisation "; and

(b) in subsection (3)(a), for "which is not an adoption agency" there shall be substituted "which is not—

(i) a local authority; or

(ii) a voluntary adoption agency within the meaning of the Care Standards Act 2000 in respect of which he is registered;".

(8) In section 32 (meaning of "protected child")—

(a) in subsection (3)(a)(i), for "community home, voluntary home or registered children's home" there shall be substituted " children's home in respect of which a person is registered under Part II of the Care Standards Act 2000 "; and

(b) in subsection (3A), for " "community home", "voluntary home", "registered children's home"" there shall be substituted " "children's home" ".

(9) For section 51(3)(d)(i) there shall be substituted—

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"(i) which is an appropriate voluntary organisation".

(10) In section 58A(1) (information concerning adoption), for "approved adoption society" there shall be substituted " appropriate voluntary organisation ".

(11) In section 72(1) (interpretation), for the definition of "approved adoption society" there shall be substituted—

""appropriate voluntary organisation" has the meaning assigned by section 1(5);"

Commencement Information

I5 Sch. 4 para. 5 partly in force; Sch. 4 para. 5 not in force at Royal Assent see s. 122; Sch. 4 para. 5(6) in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; Sch. 4 para. 5(1)(3)(8) in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 5(1)(3)(8) in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3); Sch. 4 para. 5(2)(4)(5)(7)(a)(9)-(11) in force for W. at 30.1.2003 by S.I. 2003/152, **art. 2(1)**; Sch. 4 para. 5(2)(b)(6)(a)-(c) in force for E. for certain purposes at 24.2.2003 and para. 5 in force for E. so far as not already in force (other than in relation to para. 5(6)(d)(7)(b)) at 30.4.2003 by S.I. 2003/365, art. 3(2)(5)

VALID FROM 28/09/2009

Adoption (Scotland) Act 1978 (c.28)

[F1]6 . . . . . .

Textual Amendments

F1 Sch. 4 para. 6 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), ss. 120(2), 121(2), **sch. 3**; S.S.I. 2009/267, arts. 1(2), **2**; and Sch. 4 para. 6, in so far as it is still in force, also expressed to be repealed (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

VALID FROM 02/07/2001

Magistrates' Court Act 1980 (c. 43)

7 In Schedule 6 to the Magistrates' Court Act 1980 (fees), in the entry relating to family proceedings, in the paragraph relating to the 1989 Act, for "Part X" there shall be substituted " Part XA ".

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Commencement Information

I6 Sch. 4 para. 7 wholly in force at 1.4.2002; Sch. 4 para. 7 not in force at Royal Assent see s. 122; Sch. 4 para. 7 in force for E. at 2.7.2001 by S.I. 2001/2041, arts. 1(4), 2(1)(d)(i) (subject to art. 2(2)(3)) (with transitional, transitory and savings provisions in art. 3, Sch.); Sch. 4 para. 7 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 01/04/2002

Limitation Act 1980 (c.58)

8 In section 38 of the Limitation Act 1980 (interpretation)—

(a) in subsection (3), for the words from "within" to the end there is substituted " is incapable of managing and administering his property and affairs; and in this section "mental disorder" has the same meaning as in the [M1]Mental Health Act 1983 "; and

(b) in subsection (4)(b), after "receiving treatment" there shall be inserted " for mental disorder " and for "or mental nursing home within the meaning of the Nursing Homes Act 1975" there shall be substituted " or independent hospital or care home within the meaning of the Care Standards Act 2000 ".

Commencement Information

I7 Sch. 4 para. 8 wholly in force at 1.4.2002; Sch. 4 para. 8 not in force at Royal Assent see s. 122; Sch. 4 para. 8 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 8 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

Marginal Citations

M1 1980 c. 20.

VALID FROM 01/04/2002

Mental Health Act 1983 (c.20)

9 (1) The Mental Health Act 1983 shall be amended as follows.

(2) In sections 12(3), 23(3), 24(3), 46(1), 64(1), 119(2), 120(1) and (4), 131(1), 132(1), (2) and (4) and 133(1), for "mental nursing home" and "mental nursing homes" in each place where they occur, there shall be substituted, respectively, " registered establishment " and " registered establishments ".

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(3) In paragraph (b) of section 24(3) (visiting and examination of patients), for "Part II of the Registered Homes Act 1984" there shall be substituted " Part II of the Care Standards Act 2000 ".

(4) In section 34—

(a) in subsection (1), after the definition of "the nominated medical attendant" there shall be inserted—

""registered establishment" means an establishment—

(a) which would not, apart from subsection (2) below, be a hospital for the purposes of this Part; and

(b) in respect of which a person is registered under Part II of the Care Standards Act 2000 as an independent hospital in which treatment or nursing (or both) are provided for persons liable to be detained under this Act;"

and

(b) in subsection (2), for the words from "a mental" to "1984" there shall be substituted " a registered establishment ".

(5) In section 116(1) (welfare of certain hospital patients), for "or nursing home" there shall be substituted " , independent hospital or care home ".

(6) In section 118(1) (code of practice)—

(a) for the first "and mental nursing homes" there shall be substituted " , independent hospitals and care homes "; and

(b) for the second "and mental nursing homes" there is substituted " and registered establishments ".

(7) In section 121 (Mental Health Act Commission)—

(a) in subsection (4), for "and mental nursing homes" there shall be substituted " , independent hospitals and care homes "; and

(b) in subsection (5), in paragraphs (a) and (b), for "a mental nursing home" there shall be substituted " an independent hospital or a care home ".

(8) In section 127(1) (ill-treatment of patients), for "or mental nursing home" there shall be substituted " , independent hospital or care home ".

(9) In section 135(6) (warrant to search for and remove patients) for "a mental nursing home or residential home" there shall be substituted " an independent hospital or care home ".

(10) In section 145(1) (interpretation)—

(a) after the definition of "approved social worker" there shall be inserted—

""care home" has the same meaning as in the Care Standards Act 2000";

(b) after the definition of "hospital order" and "guardianship order" there shall be inserted—

""independent hospital" has the same meaning as in the Care Standards Act 2000;"

(c) in the definition of "the managers", for paragraph (c) there shall be substituted—

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"(c) in relation to a registered establishment, the person or persons registered in respect of the establishment;"

and

(d) after the definition of "Primary Care Trust" there shall be inserted—

""registered establishment" has the meaning given in section 34 above;".

Commencement Information

I8 Sch. 4 para. 9 wholly in force at 1.4.2002; Sch. 4 para. 9 not in force at Royal Assent see s. 122; Sch. 4 para. 9 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 9 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 01/04/2002

Public Health (Control of Disease) Act 1984 (c.22)

10 In section 7(4) of the Public Health (Control of Disease) Act 1984 (port health district and authority for Port of London), paragraphs (h) and (i) and the "and" following paragraph (i) shall be omitted.

Commencement Information

I9 Sch. 4 para. 10 partly in force; Sch. 4 para. 10 not in force at Royal Assent see s. 122; Sch. 4 para. 10 in force for E. at 1.4.2002 by S.I. 2001/4150, **arts. 1(2)**, 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, **art. 4**) (as amended by S.I. 2002/1493, **art. 6**)

VALID FROM 01/04/2002

Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)

11 In section 2(5)(d) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (rights of authorised representatives of disabled persons), for "a residential care home within the meaning of Part I of the Registered Homes Act 1984" there shall be substituted " a care home within the meaning of the Care Standards Act 2000 ".

Commencement Information

I10 Sch. 4 para. 11 wholly in force at 1.4.2002; Sch. 4 para. 11 not in force at Royal Assent see s. 122; Sch. 4 para. 11 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4

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para. 11 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

PROSPECTIVE

Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I.22))

12 In Article 11(2) of the Adoption (Northern Ireland) Order 1987 (restriction on arranging adoptions and placing children), for "approved as respects England and Wales under section 3 of the Adoption Act 1976 or as respects Scotland" there shall be substituted " in respect of which a person is registered under Part II of the Care Standards Act 2000 or [F2]... as respects Scotland ".

Textual Amendments

F2 Words in Sch. 4 para. 12 repealed (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 Pt. 3**

VALID FROM 02/07/2001

Income and Corporation Taxes Act 1988 (c.40)

13 In section 155A(6) of the Income and Corporation Taxes Act 1988 (care for children), after "section 71" there shall be inserted " or Part XA ".

Commencement Information

I11 Sch. 4 para. 13 wholly in force at 1.4.2002; Sch. 4 para. 13 not in force at Royal Assent see s. 122; Sch. 4 para. 13 in force for E. at 2.7.2001 by S.I. 2001/2041, arts. 1(4), 2(1)(d)(i) (subject to art. 2(2)(3)) (with transitional, transitory and savings provisions in art. 3, Sch.); Sch. 4 para. 13 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

Children Act 1989 (c.41)

14 (1) The 1989 Act shall be amended as follows.

(2) In section 19 (review of provision of day care, child minding etc.)—

(a) in subsection (1)(c), for "section 71(1)(b)" there shall be substituted " Part XA "; and

(b) in subsection (5), for the definition of "relevant establishment" there shall be substituted—

""relevant establishment" means—

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(a) in relation to Scotland, any establishment which is mentioned in paragraphs 3 and 4 of Schedule 9 (establishments exempt from the registration requirements which apply in relation to the provision of day care in Scotland); and

(b) in relation to England and Wales, any establishment which is mentioned in paragraphs 1 and 2 of Schedule 9A (establishments exempt from the registration requirements which apply in relation to the provision of day care in England and Wales);".

(3) In section 23 (provision of accommodation and maintenance by local authority for children whom they are looking after)—

(a) in subsection (2), for paragraphs (b) to (e) there shall be substituted—

"(aa) maintaining him in an appropriate children's home;";

(b) after subsection (2) there shall be inserted—

"(2A) Where under subsection (2)(aa) a local authority maintains a child in a home provided, equipped and maintained by the Secretary of State under section 82(5), it shall do so on such terms as the Secretary of State may from time to time determine.";

and

(c) after subsection (9) there shall be inserted—

"(10) In this Act—

"appropriate children's home" means a children's home in respect of which a person is registered under Part II of the Care Standards Act 2000; and

"children's home" has the same meaning as in that Act."

(4) In section 24 (advice and assistance for certain children), as it has effect before the commencement of section 4 of the Children (Leaving Care) Act 2000—

(a) in subsections (2)(c) and (12)(a), for "registered" there shall be substituted " private "; and

(b) in subsections (2)(d)(ii) and (12)(c), for "residential care home, nursing home or mental nursing home" there shall be substituted " care home or independent hospital ".

(5) In section 24 (persons qualifying for advice and assistance) as it has effect after that commencement—

(a) in subsection (2)(c), for "registered" there shall be substituted " private "; and

(b) in subsection (2)(d)(ii), for "residential care home, nursing home or mental nursing home" there shall be substituted " care home or independent hospital ".

(6) In section 24C(2) (information)—

(a) in paragraph (a), for "registered" there shall be substituted " private "; and

(b) in paragraph (c), for "residential care home, nursing home or mental nursing home" there shall be substituted " care home or independent hospital ".

(7) In section 51(1) (refuges for children at risk), for "registered" there shall be substituted " private ".

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(8) In section 59 (provision of accommodation by voluntary organisations)—

(a) in subsection (1), for paragraphs (b) to (e) there shall be substituted—

"(aa) maintaining him in an appropriate children's home;";

and

(b) after that subsection there shall be inserted—

"(1A) Where under subsection (1)(aa) a local authority maintains a child in a home provided, equipped and maintained by the Secretary of State under section 82(5), it shall do so on such terms as the Secretary of State may from time to time determine."

(9) In section 60 (registration and regulation of voluntary homes)—

(a) for the sidenote there shall be substituted " Voluntary homes. "; and

(b) for subsection (3) there shall be substituted—

"(3) In this Act "voluntary home" means a children's home which is carried on by a voluntary organisation but does not include a community home."

(10) In section 62 (duties of local authorities in relation to children provided with accommodation by voluntary organisations)—

(a) in subsection (6)(c), for "paragraph 7 of Schedule 5" there shall be substituted " section 22 of the Care Standards Act 2000 "; and

(b) after subsection (9) there shall be inserted—

"(10) This section does not apply in relation to any voluntary organisation which is a school."

(11) In section 63 (children not to be cared for and accommodated in unregistered children's homes)—

(a) for the sidenote there is substituted " Private children's homes etc. ";

(b) in subsection (11), after "to" there shall be inserted " private "; and

(c) in subsection (12), after "treated" there shall be inserted " , for the purposes of this Act and the Care Standards Act 2000, ".

(12) In section 64 (welfare of children in children's homes), in subsections (1) and (4), before "children's home" there shall be inserted " private ".

(13) In section 65 (persons disqualified from carrying on, or being employed in, children's homes)—

(a) in subsections (1) and (2), for "the responsible authority" and "their" there shall be substituted " the appropriate authority " and " its " respectively;

(b) in subsection (3), for the words from "an" to "they" there shall be substituted " the appropriate authority refuses to give its consent under this section, it ";

(c) for subsection (3)(b) there shall be substituted—

"(b) the applicant's right to appeal under section 65A against the refusal to the Tribunal established under section 9 of the [M2]Protection of Children Act 1999";

and

(d) after subsection (5) there shall be inserted—

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"(6) In this section and section 65A "appropriate authority" means—

(a) in relation to England, the National Care Standards Commission; and

(b) in relation to Wales, the National Assembly for Wales."

(14) After section 65 there is inserted—

"**65A Appeal against refusal of authority to give consent under section 65.**

(1) An appeal against a decision of an appropriate authority under section 65 shall lie to the Tribunal established under section 9 of the [M3]Protection of Children Act 1999.

(2) On an appeal the Tribunal may confirm the authority's decision or direct it to give the consent in question."

(15) In section 66 (privately fostered children)—

(a) in subsection (1)(a) after "accommodation" there shall be inserted " in their own home "; and

(b) after subsection (4) there shall be inserted—

"(4A) The Secretary of State may by regulations make provision as to the circumstances in which a person who provides accommodation to a child is, or is not, to be treated as providing him with accommodation in the person's own home."

(16) In section 80 (inspection of children's homes etc by persons authorised by Secretary of State)—

(a) in subsections (1)(a) and (5)(c), before "children's" there shall be inserted " private ";

(b) in subsection (1)(i), after "71(1)(b)" there shall be added " or with respect to which a person is registered for providing day care under Part XA ";

(c) for subsection (1)(j) there shall be substituted—

"(j) care home or independent hospital used to accommodate children;"

and

(d) in subsection (5), after paragraph (h) there shall be inserted—

"(hh) person who is the occupier of any premises—

(i) in which any person required to be registered for child minding under Part XA acts as a child minder (within the meaning of that Part); or

(ii) with respect to which a person is required to be registered under that Part for providing day care;".

(17) In section 81(1) (inquiries)—

(a) in paragraph (d), after "a" there shall be inserted " private "; and

(b) in paragraph (e), for "a residential care home, nursing home or mental nursing home" there shall be substituted " a care home or independent hospital ".

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(18) In section 82(6) (financial support by Secretary of State), in the definition of "child care training", for "residential care home, nursing home or mental nursing home" there shall be substituted " care home or independent hospital ".

(19) In section 83 (research and returns of information), in subsections (1)(c), (2)(c) and (3)(a)(ii), for "residential care home, nursing home or mental nursing home" there shall be substituted " care home or independent hospital ".

(20) In section 86—

(a) for the sidenote there shall be substituted " Children accommodated in care homes or independent hospitals. "; and

(b) in subsections (1) and (5), for "residential care home, nursing home or mental nursing home" there shall be substituted " care home or independent hospital ".

(21) For the sidenote to section 87 (welfare of children accommodated in independent schools) there shall be substituted " Welfare of children in boarding schools and colleges. ".

(22) In section 102(6)(a) (power of constable to assist in exercise of certain powers to search for children or inspect premises), after "76," there shall be inserted " 79U, ".

(23) In section 105 (interpretation)—

(a) in subsection (1)—

(i) after the definition of "adoption agency" there shall be inserted—

""appropriate children's home" has the meaning given by section 23;"

(ii) after the definition of "bank holiday" there shall be inserted—

""care home" has the same meaning as in the Care Standards Act 2000;"

(iii) for the definition of "children's home" there shall be substituted—

""children's home" has the meaning given by section 23;"

(iv) in the definition of "day care", after "care"" there shall be inserted " (except in Part XA) ";

(v) in the definition of "hospital", after "hospital" there shall be inserted " (except in Schedule 9A) ";

(vi) after the definition of "income-based jobseeker's allowance" there shall be inserted—

""independent hospital" has the same meaning as in the Care Standards Act 2000;"

and

(vii) after the definition of "prescribed" there shall be inserted—

""private children's home" means a children's home in respect of which a person is registered under Part II of the Care Standards Act 2000 which is not a community home or a voluntary home;";

and

(b) after subsection (5) there shall be inserted—

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"(5A) References in this Act to a child minder shall be construed—

(a) in relation to Scotland, in accordance with section 71;

(b) in relation to England and Wales, in accordance with section 79A.".

(24) In Schedule 3 (supervision orders), in paragraphs 4(2)(c)(ii) and 5(2)(c), for "or mental nursing home" there shall be substituted " , independent hospital or care home ".

(25) In Schedule 6 (registered children's homes)—

(a) in the heading, for "Registered Children's Homes" there shall be substituted " Private Children's Homes "; and

(b) in paragraph 10(1)(a), for "registered" there shall be substituted " private ".

(26) In paragraph 5(1) of Schedule 7 (foster parents: limit on number of foster children), after "treated" there shall be inserted " , for the purposes of this Act and the Care Standards Act 2000 ".

(27) In Schedule 8 (privately fostered children)—

(a) in paragraph 2, sub-paragraph (1)(b) shall cease to have effect, and in sub-paragraph (2), for "(1)(b)" there shall be substituted " (1)(c) "; and

(b) in paragraph 9(1), for "2(1)(d)" there shall be substituted " 2(1)(c) and (d) ", and at the end there shall be inserted—

"But this sub-paragraph does not apply to a school which is an appropriate children's home.".

(28) For paragraph 2(1)(f) of Schedule 8 (privately fostered children) there shall be substituted—

"(f) in any care home or independent hospital;".

(29) In paragraph 4(1) of Schedule 9 (child minding and day care for young children)—

(a) for paragraphs (a) to (c) there shall be substituted—

"(aa) an appropriate children's home;"

and

(b) for paragraph (d) there shall be substituted—

"(d) a care home;".

Marginal Citations

M2 1999 c. 14.

M3 1999 c. 14.

VALID FROM 01/04/2002

National Health Service and Community Care Act 1990 (c.19)

15 In section 48(1) of the National Health Service and Community Care Act 1990 (inspection of premises used for the provision of community care), for "the

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Registered Homes Act 1984" there shall be substituted " Part II of the Care Standards Act 2000 ".

Commencement Information

I12 Sch. 4 para. 15 wholly in force at 1.4.2002; Sch. 4 para. 15 not in force at Royal Assent see s. 122; Sch. 4 para. 15 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 15 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 01/04/2002

Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c.25)

16 In paragraph 4(2)(a) of Schedule 2 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (supervision and treatment orders), for "hospital or mental nursing home" there shall be substituted " independent hospital or care home within the meaning of the Care Standards Act 2000 or in a hospital ".

Commencement Information

I13 Sch. 4 para. 16 wholly in force at 1.4.2002; Sch. 4 para. 16 not in force at Royal Assent see s. 122; Sch. 4 para. 16 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 16 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 01/04/2002

Criminal Justice Act 1991 (c.53)

17 In section 61(2) of the Criminal Justice Act 1991 (provision by local authorities of secure accommodation), for the words from "voluntary" to the end there shall be substituted " persons carrying on an appropriate children's home for the provision or use by them of such accommodation ".

Commencement Information

I14 Sch. 4 para. 17 wholly in force at 1.4.2002; Sch. 4 para. 17 not in force at Royal Assent see s. 122; Sch. 4 para. 17 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 17 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

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VALID FROM 02/07/2001

Water Industry Act 1991 (c.56)

VALID FROM 01/04/2002

18 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), for paragraphs 8 and 9 there shall be substituted—

"8 (1) A care home or independent hospital.

(2) In this paragraph—

"care home" means—

(a) a care home within the meaning of the Care Standards Act 2000;

(b) a building or part of a building in which residential accommodation is provided under section 21 of the [M4]National Assistance Act 1948;

"independent hospital" means an independent hospital within the meaning of the Care Standards Act 2000.

9 A children's home within the meaning of the Care Standards Act 2000."

Commencement Information

I15 Sch. 4 para. 18 wholly in force at 1.4.2002; Sch. 4 para. 18 not in force at Royal Assent see s. 122; Sch. 4 para. 18 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 18 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

Marginal Citations

M4 1948 c. 29.

19 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), in paragraph 12 for "section 71(1)(b)" there shall be substituted " Part XA ".

Commencement Information

I16 Sch. 4 para. 19 wholly in force at 1.4.2002; Sch. 4 para. 19 not in force at Royal Assent see s. 122; Sch. 4 para. 19 in force for E. at 2.7.2001 by S.I. 2001/2041, arts. 1(4), 2(1)(d)(i) (subject to art. 2(2)(3)) (with transitional, transitory and savings provisions in art. 3, Sch.); Sch. 4 para. 19 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

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VALID FROM 01/04/2002

Local Government Finance Act 1992 (c.14)

20 In paragraph 7 of Schedule 1 to the Local Government Finance Act 1992 (persons disregarded for purposes of discount)—

(a) in sub-paragraph (1)(a), for "residential care home, nursing home, mental nursing home" there shall be substituted " care home, independent hospital ";

(b) in sub-paragraph (1)(b), after "home" there shall be inserted " , hospital ";

(c) for sub-paragraph (2), there shall be substituted—

"(2) In this paragraph—

"care home" means—

(a) a care home within the meaning of the Care Standards Act 2000; or

(b) a building or part of a building in which residential accommodation is provided under section 21 of the [M5]National Assistance Act 1948;

"hostel" means anything which falls within any definition of hostel for the time being prescribed by order made by the Secretary of State under this sub-paragraph;

"independent hospital" has the same meaning as in the Care Standards Act 2000."

and

(d) in sub-paragraph (3), for " "mental nursing home", "nursing home" or "residential care home"" there shall be substituted " "care home" or "independent hospital" ".

Commencement Information

I17 Sch. 4 para. 20 wholly in force at 1.4.2002; Sch. 4 para. 20 not in force at Royal Assent see s. 122; Sch. 4 para. 20 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 20 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

Marginal Citations

M5 1948 c. 29.

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VALID FROM 01/04/2002

Tribunals and Inquiries Act 1992 (c.53)

21 In Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under supervision of Council), paragraph 36A (inserted by paragraph 8 of the Schedule to the [M6]Protection of Children Act 1999) is renumbered as paragraph 36B and, in the first column of that paragraph, after "Protection of children" there shall be inserted " and vulnerable adults, and care standards ".

Commencement Information

I18 Sch. 4 para. 21 partly in force; Sch. 4 para. 21 not in force at Royal Assent see s. 122; Sch. 4 para. 21 in force for E.with the exception of certain words at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(b) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 21 in force for W. with the exception of certain words at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3); Sch. 4 para. 21 otherwise in force for W. at 1.2.2003 by S.I. 2003/152, **art. 2(2)**

Marginal Citations

M6 1999 c. 14.

PROSPECTIVE

Criminal Justice and Public Order Act 1994 (c.33)

22 In section 2 of the Criminal Justice and Public Order Act 1994 (secure training orders: supplementary provisions as to detention)—

(a) in subsection (5), for "registered children's home" there shall be substituted " private children's home "; and

(b) in subsection (8), for "registered children's home" there shall be substituted " private children's home ".

VALID FROM 01/04/2002

Children (Scotland) Act 1995 (c.36)

23 In section 93 of the Children (Scotland) Act 1995 (interpretation of Part II)—

(a) in paragraph (b) of the definition of "residential establishment", for "registered" there shall be substituted " private "; and

(b) in the definition of "secure accommodation", for "paragraph 4(2)(i) of Schedule 4 to the Children Act 1989" there shall be substituted " section 22(8)(a) of the Care Standards Act 2000 ".

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Commencement Information

I19 Sch. 4 para. 23 partly in force; Sch. 4 para. 23 not in force at Royal Assent see s. 122; Sch. 4 para. 23 in force for E. at 1.4.2002 by S.I. 2001/4150, **arts. 1(2)**, 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, **art. 4**) (as amended by S.I. 2002/1493, **art. 6**)

VALID FROM 01/04/2002

Education Act 1996 (c.56)

24 (1) The Education Act 1996 shall be amended as follows.

(2) In section 467(2) (provision of information about registered and provisionally registered schools), for "Children Act 1989" there shall be substituted " Care Standards Act 2000 ".

(3) In section 469(4) (notice of complaint by Secretary of State), after "school is" there shall be inserted " unsuitable to work with children or is for any other reason ".

(4) In section 471(2)(a) (determination of complaint by Secretary of State), after "school is" there shall be inserted " unsuitable to work with children or is for any other reason ".

Commencement Information

I20 Sch. 4 para. 24 partly in force; Sch. 4 para. 24 not in force at Royal Assent see s. 122; Sch. 4 para. 24(1)(2) in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 24(1)(2) in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 02/07/2001

Police Act 1997 (c.50)

25 (1) In section 113(3A) of the Police Act 1997 (criminal record certificates), for "suitability for" there shall be substituted " suitability to be employed, supplied to work, found work or given work in ".

(2) In section 115 of that Act (enhanced criminal record certificates)—

(a) in subsection (5)(e), for "or" there shall be substituted " registration for child minding or providing day care under Part XA of that Act or registration under "; and

(b) in subsection (6A), for "suitability for" there shall be substituted " suitability to be employed, supplied to work, found work or given work in ".

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Commencement Information

I21 Sch. 4 para. 25 wholly in force at 1.4.2002; Sch. 4 para. 25 not in force at Royal Assent see s. 122; Sch. 4 para. 25 in force for E. at 2.7.2001 by S.I. 2001/2041, arts. 1(4), 2(1)(d)(i) (subject to art. 2(2)(3)) (with transitional, transitory and savings provisions in art. 3, Sch.); Sch. 4 para. 25 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

Protection of Children Act 1999 (c.14)

26 (1) The Protection of Children Act 1999 shall be amended as follows.

(2) In section 2 (inclusion in list on reference to Secretary of State)—

(a) in subsection (2)(b), for "or retired", in each place where those words occur, there shall be substituted " , retired or made redundant "; and

(b) in subsection (8)(a), for "or retiring" there shall be substituted " , retiring or being made redundant " and for "or retired" there shall be substituted " , retired or been made redundant ".

(2) In section 7 (effect of inclusion in the lists kept under section 1 of the 1999 Act and section 218(6) of the [M7]Education Reform Act 1988)—

(a) after subsection (1) there shall be inserted—

"(1A) Where a child care organisation discovers that an individual employed by it in a child care position is included in any of the lists mentioned in subsection (1) above, it shall cease to employ him in a child care position.

For the purposes of this subsection an individual is not employed in a child care position if he has been suspended or provisionally transferred to a position which is not a child care position.";

and

(b) in subsection (2), after "employment agency" there shall be inserted " or an employment business ".

(3) In section 9 (the Tribunal)—

(a) in subsection (2), for the words from "on an appeal" to the end there shall be substituted—

"(a) on an appeal or determination under section 4 above;

(b) on an appeal under regulations made under section 6 above;

(c) on an appeal under section 65A of the [M8]Children Act 1989 or under, or by virtue of, Part XA of that Act; or

(d) on an appeal or determination under section 21, 68, 86, 87 or 88 of the Care Standards Act 2000;";

and

(b) after subsection (3), there shall be inserted—

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"(3A) The regulations may also include provision for enabling the Tribunal to make investigations for the purposes of a determination under section 87 or 88 of the Care Standards Act 2000; and the provision that may be made by virtue of subsection (3)(j) and (k) above includes provision in relation to such investigations.

(3B) Regulations under this section may make different provision for different cases or classes of case.

(3C) Before making in regulations under this section provision such as is mentioned in subsection (2)(c) or (d) above, the Secretary of State shall consult the National Assembly for Wales."

(4) In section 12 (interpretation)—

(a) in subsection (1)—

(i) in the definition of "employment agency", for "has the same meaning" there shall be substituted " and "employment business" have the same meanings "; and

(ii) after the definition of "harm" there shall be inserted—

""local authority" has the same meaning as in the Children Act 1989;";

and

(b) after subsection (3) there shall be inserted—

"(3A) For the purposes of this Act, an individual is made redundant if—

(a) he is dismissed; and

(b) for the purposes of the Employment Rights Act 1996 the dismissal is by reason of redundancy."

Commencement Information

I22 Sch. 4 para. 26 wholly in force at 26.7.2004; Sch. 4 para. 26 not in force at Royal Assent see s. 122; Sch. 4 para. 26(1)(2)(4) in force at 2.10.2000 by S.I. 2000/2544, art. 2(2)(g) (with art. 3); Sch. 4 para. 26(3) in force for E. for certain purposes at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); Sch. 4 para. 26(3) in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3); Sch. 4 para. 26(1)(3) in force for W. for certain purposes at 5.3.2003 by S.I. 2003/501, **art. 2**; Sch. 4 para. 26(3) in force for E. for certain purposes at 7.3.2003 by S.I. 2003/933, **art. 2(1)**; Sch. 4 para. 26(3) in force so far as not already in force at 26.7.2004 by S.I. 2004/1757, **art. 2(c)**

Marginal Citations

M7 1988 c. 40.

M8 1989 c. 41.

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VALID FROM 30/04/2003

Adoption (Intercountry Aspects) Act 1999 (c.18)

27 In section 2 of the Adoption (Intercountry Aspects) Act 1999 (central authorities and accredited bodies)—

(a) after subsection (2) there shall be inserted—

"(2A) A voluntary adoption agency in respect of which a person is registered under Part II of the Care Standards Act 2000 is an accredited body for the purposes of the Convention if, in accordance with the conditions of the registration, the agency may provide facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders.";

and

(b) for subsection (5) there shall be substituted—

"(5) In this section in its application to England and Wales, "voluntary adoption agency" has the same meaning as in the Care Standards Act 2000; and expressions which are also used in the [M9]Adoption Act 1976 ("the 1976 Act") have the same meanings as in that Act."

Commencement Information

I23 Sch. 4 para. 27 wholly in force at 1.6.2003; Sch. 4 para. 27 not in force at Royal Assent see s. 122; Sch. 4 para. 27 in force for W. at 30.4.2003 by S.I. 2003/501, **art. 2(3)(a)**; Sch. 4 para. 27 in force for E. at 1.6.2003 by S.I. 2003/365, **art. 3(6)(a)**

Marginal Citations

M9 1976 c. 36.

VALID FROM 01/04/2002

Powers of Criminal Courts (Sentencing) Act 2000 (c.6)

28 (1) The Powers of Criminal Courts (Sentencing) Act 2000 shall be amended as follows.

(2) In paragraph 5(3)(a) of Schedule 2 (additional requirements which may be included in probation orders), for "a hospital or mental nursing home" there shall be substituted " an independent hospital or care home within the meaning of the Care Standards Act 2000 or a hospital ".

(3) In paragraph 6(2)(a) of Schedule 6 (requirements which may be included in supervision orders), for "a hospital or mental nursing home" there shall be

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substituted " an independent hospital or care home within the meaning of the Care Standards Act 2000 or a hospital ".

Commencement Information

I24 Sch. 4 para. 28 wholly in force at 1.4.2002; Sch. 4 para. 28 not in force at Royal Assent see s. 122; Sch. 4 para. 28 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 28 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), **3(3)** (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

VALID FROM 01/04/2002

Amendments of local Acts

29 (1) Section 16 of the [M10]Greater London Council (General Powers) Act 1981 (exemption from provisions of Part IV of the Act of certain premises) shall be amended as follows.

(2) For paragraph (g) there shall be substituted—

"(g) used as a care home, or an independent hospital, within the meaning of the Care Standards Act 2000;"

(3) For paragraphs (gg) and (h) there shall be substituted—

"(gg) used as a children's home within the meaning of the Care Standards Act 2000 which is a home in respect of which a person is registered under Part II of that Act;"

(4) Paragraph (j) shall be omitted.

Commencement Information

I25 Sch. 4 para. 29 partly in force; Sch. 4 para. 29 not in force at Royal Assent see s. 122; Sch. 4 para. 29 in force for E. at 1.4.2002 by S.I. 2001/4150, **arts. 1(2)**, 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, **art. 4**) (as amended by S.I. 2002/1493, **art. 6**)

Marginal Citations

M10 1981 c. xvii.

30 (1) Section 10(2) of the [M11]Greater London Council (General Powers) Act 1984 (exemption from provisions of Part IV of the Act of certain premises) shall be amended as follows.

(2) For paragraph (c) there shall be substituted—

"(c) used as a care home, or an independent hospital, within the meaning of the Care Standards Act 2000;"

(3) For paragraph (d) there shall be substituted—

"(d) used as a children's home within the meaning of the Care Standards Act 2000 which is a home in respect of which a person is registered under Part II of that Act;"

Status: *Point in time view as at 02/10/2000. This version of this schedule contains provisions that are not valid for this point in time.*
Changes to legislation: *Care Standards Act 2000, SCHEDULE 4 is up to date with all changes known to be in force on or before 09 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Paragraphs (f) and (l) shall be omitted.

Commencement Information

I26 Sch. 4 para. 30 partly in force; Sch. 4 para. 30 not in force at Royal Assent see s. 122; Sch. 4 para. 30 in force for E. at 1.4.2002 by S.I. 2001/4150, **arts. 1(2)**, 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, **art. 4**) (as amended by S.I. 2002/1493, **art. 6**)

Marginal Citations

M11 1984 c. xxvii.

Status:
Point in time view as at 02/10/2000. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation:
Care Standards Act 2000, SCHEDULE 4 is up to date with all changes known to be in force on or before 09 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.