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Changes to legislation: Care Standards Act 2000, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 August 2019. 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) View outstanding changes

SCHEDULES

SCHEDULE 4

Section 116.

MINOR AND CONSEQUENTIAL AMENDMENTS

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

- II** 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](#))

Mental Health Act 1959 (c.72)

- 2 ^{F1}

Textual Amendments

- F1** Sch. 4 para. 2 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), [ss. 140, 141](#), [Sch. 7](#); [S.I. 2004/874](#), [art. 2](#)

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Children and Young Persons Act 1969 (c.54)

F23

Textual Amendments

- F2** Sch. 4 para. 3 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 45**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

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

- I2** 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](#))

Adoption Act 1976 (c.36)

5

F3

Textual Amendments

- F3** Sch. 4 para. 5 repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139(3), 148, **Sch. 5** (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2897, **art. 2(b)**

Adoption (Scotland) Act 1978 (c.28)

6

F4

Textual Amendments

- F4** Sch. 4 para. 6 repealed (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

Magistrates’ Court Act 1980 (c. 43)

7

F5

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Textual Amendments

F5 Sch. 4 para. 7 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, art. 3(aa)

Limitation Act 1980 (c.58)

8 **F6**

Textual Amendments

F6 Sch. 4 para. 8 repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(2), 68(1)-(3), [Sch. 7](#); S.I. 2007/1897, art. 2(1)

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 ”.
- ^{F7}(3)
- (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)—

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- (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—
 - “(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;”.

Textual Amendments

- F7** Sch. 4 para. 9(3) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 39\(4\)\(c\)](#), [306\(4\)](#); [S.I. 2012/1319](#), [art. 2\(3\)](#)

Commencement Information

- I3** 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](#))

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.

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Commencement Information

- I4** 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)

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

- I5** 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 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 ^{F8}... as respects Scotland ”.

Textual Amendments

- F8** 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

Income and Corporation Taxes Act 1988 (c.40)

- 13 ^{F9}

Textual Amendments

- F9** Sch. 4 para. 13 repealed (6.4.2003 with effect as mentioned in s. 723(1) (subject to Sch. 7) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 724, Sch. 8 Pt. 1

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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—

- (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.”

[^{F10}(4) In section 24 (advice and assistance for certain children) ^{F11}. . . —

- (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)

^{F12}(6)

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- (7) In section 51(1) (refuges for children at risk), for “registered” there shall be substituted “ private ”.
- (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 ^{M1}Protection of Children Act 1999”;

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and

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

“(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—

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

“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 ^{M2}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

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- (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 ”.
- (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)—
 - ^{F13}(i)
 - (ii) after the definition of “bank holiday” there shall be inserted—

““care home” has the same meaning as in the Care Standards Act 2000;”
 - ^{F14}(iii)
 - (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—

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

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- (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;”.

Textual Amendments

- F10** Sch. 4 para. 14(4) repealed (E.) (1.10.2001) by 2000 c. 35, s. 4(2); S.I. 2001/2878, art. 2
- F11** Words in Sch. 4 para. 14(4) repealed (30.11.2000) by 2000 c. 35, s. 7(5)(a)
- F12** Sch. 4 para. 14(5)(6) repealed (30.11.2000) by 2000 c. 35, s. 7(5)(b)
- F13** Sch. 4 para. 14(23)(a)(i) omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 176(a)
- F14** Sch. 4 para. 14(23)(a)(iii) omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 176(b)

Commencement Information

- I6** Sch. 4 para. 14 partly in force; Sch. 4 para. 14 not in force at Royal Assent see s. 122; Sch. 4 para. 14(15) in force for E. at 1.1.2001 by S.I. 2000/2795, art. 2(2)(b) (with art. 3); Sch. 4 para. 14(15) in force for W. at 28.2.2001 by S.I. 2001/139, arts. 1(3), 2(2)(b) (with transitional provisions in art. 3); Sch. 4 para. 14(1)(2)(16)(b)(d)(23)(a)(iv)(v)(b) in force for E. at 2.7.2001 by S.I. 2001/2041, arts. 1(4), 2(1)(d)

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(ii) (subject to art. 2(2)(3) and with transitional, transitory and savings provisions in art. 3, Sch.); Sch. 14 para. 14(3)(7)-(9)(10)(a)(11)(12)(16)(a)(c)(17)-(21)(23)(a)(i)-(iii)(vi)(vii)(24)-(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 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 14(1)-(3)(7)-(9)(10)(a)(11)-(14)(16)-(20)(22)-(29) 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. 14(13)(14) in force for E. at 1.4.2002 by S.I. 2002/1493, arts. 1(2), 3(2) (subject to transitional provisions in art. 4)

Marginal Citations

M1 1999 c. 14.

M2 1999 c. 14.

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

Commencement Information

I7 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)

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

I8 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)

Criminal Justice Act 1991 (c.53)

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Care Standards Act 2000, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 August 2019. 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) View outstanding changes

Textual Amendments

F15 Sch. 4 para. 17 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 45](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Water Industry Act 1991 (c.56)

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 ^{M3}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

I9 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

M3 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

I10 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](#))

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)—

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- (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 ^{M4}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

I11 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

M4 1948 c. 29.

Tribunals and Inquiries Act 1992 (c.53)

21 ^{F16}

Textual Amendments

F16 Sch. 4 para. 21 repealed (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 6, Sch. 3 para. 228(g)

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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”.

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”.

Commencement Information

- I12** 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](#))

Education Act 1996 (c.56)

- 24 **F17**

Textual Amendments

- F17** Sch. 4 para. 24 repealed (1.9.2003 for E. and 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with s. 210(8), 214(4); [S.I. 2003/1667](#), [art. 4](#); [S.I. 2003/2961](#), [art. 6](#), [Sch. Pt. 3](#))

Police Act 1997 (c.50)

- 25 **F18**

Textual Amendments

- F18** Sch. 4 para. 25 repealed (6.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), [art. 7](#)

Protection of Children Act 1999 (c.14)

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

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- (2) ^{F19}
- (2) ^{F19}
- (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 ^{M5}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—
- “(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) ^{F19}

Textual Amendments

F19 Sch. 4 para. 26: both sub-paras. numbered (2) and sub-para. (4) repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), ss. 63, 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 2](#), Sch. (with art. 6 as amended by S.I. 2010/1101)

Commencement Information

I13 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

M5 1989 c. 41.

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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) ^{F20}

Textual Amendments

F20 Sch. 4 para. 27(b) repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139(1)(3), 148, [Sch. 3 para. 117](#), {Sch. 5} (with Sch. 4 paras. 6-8); [S.I. 2005/2213](#), [art. 2\(o\)](#); [S.I. 2005/2897](#), [art. 2\(b\)](#)

Commencement Information

I14 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\(6\)\(a\)](#)

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) ^{F21}

Textual Amendments

F21 Sch. 4 para. 28(3) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); [S.I. 2009/3074](#), [art. 2](#)

Commencement Information

I15 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](#))

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Amendments of local Acts

- 29 (1) Section 16 of the ^{M6}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

I16 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

M6 1981 c. xvii.

- 30 (1) Section 10(2) of the ^{M7}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;”
- (4) Paragraphs (f) and (l) shall be omitted.

Commencement Information

I17 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

M7 1984 c. xxvii.

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 4 para. 16 repealed by [2004 c. 28 Sch. 11](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(1)(a)(iii) words substituted by [2008 c. 23 s. 4\(2\)\(a\)](#)