



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART IX

#### GENERAL AND SUPPLEMENTAL

### CHAPTER II

#### SUPPLEMENTAL

#### **121 General interpretation etc.**

(1) In this Act—

“adult” means a person who is not a child;

“appropriate Minister” means—

(a) in relation to England, Scotland or Northern Ireland, the Secretary of State;

(b) in relation to Wales, the Assembly;

and in relation to England and Wales means the Secretary of State and the Assembly acting jointly;

“child” means a person under the age of 18;

“community home” has the same meaning as in the 1989 Act;

“employment agency” and “employment business” have the same meanings as in the <sup>M1</sup>Employment Agencies Act 1973; but no business which is an employment business shall be taken to be an employment agency;

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the <sup>M2</sup>Interpretation Act 1978);

“to foster a child privately” has the same meaning as in the 1989 Act;

“harm”—

(a) in relation to an adult who is not mentally impaired, means ill-treatment or the impairment of health;

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(b) in relation to an adult who is mentally impaired, or a child, means ill-treatment or the impairment of health or development;

“health service hospital” [<sup>F1</sup>means a health service hospital within the meaning given by the National Health Service Act 2006 or the National Health Service (Wales) Act 2006];

“illness” includes any injury;

“independent school” has the same meaning as in the <sup>M3</sup>Education Act 1996;

“local authority” has the same meaning as in the 1989 Act;

“local authority foster parent” has the same meaning as in [<sup>F2</sup>section 105(1) of] the 1989 Act;

“medical” includes surgical;

[<sup>F3</sup>“mental disorder” has the same meaning as in the Mental Health Act 1983;]

“National Health Service body” means a National Health Service trust, [<sup>F4</sup>an NHS foundation trust,]<sup>F5</sup>... a Health Authority, a Special Health Authority <sup>F6</sup>[<sup>F7</sup>... or a Local Health Board];

“parent”, in relation to a child, includes any person who is not a parent of his but who has parental responsibility for him;

“parental responsibility” has the same meaning as in the 1989 Act;

“prescribed” means prescribed by regulations;

“proprietor”, in relation to a school, has the same meaning as in the Education Act 1996;

“regulations” (except where provision is made for them to be made by the Secretary of State or the Assembly) means regulations made by the appropriate Minister;

“relative” has the same meaning as in the 1989 Act;

“school” has the same meaning as in the <sup>M4</sup>Education Act 1996;

“social services functions” means functions which are social services functions for the purposes of the <sup>M5</sup>Local Authority Social Services Act 1970 [<sup>F8</sup>or the Social Services and Well-being (Wales) Act 2014] ;

“treatment” includes diagnosis;

“the Tribunal” means the [<sup>F9</sup>First-tier Tribunal];

“undertaking” includes any business or profession and—

(a) in relation to a public or local authority, includes the exercise of any functions of that authority; and

(b) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body;

“voluntary organisation” has the same meaning as in [<sup>F10</sup>the Adoption and Children Act 2002].

(2) For the purposes of this Act—

(a) a person is disabled if—

(i) his sight, hearing or speech is substantially impaired;

(ii) he has a mental disorder; or

(iii) he is physically substantially disabled by any illness, any impairment present since birth, or otherwise;

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- (b) an adult is mentally impaired if he is in a state of arrested or incomplete development of mind (including a significant impairment of intelligence and social functioning).
- (3) In this Act, the expression “personal care” does not include any prescribed activity.
- (4) For the purposes of this Act, the person who carries on a fostering agency falling within section 4(4)(b), or a voluntary adoption agency, is the voluntary organisation itself.
- <sup>F11</sup>(4A) . . . . .
- (5) References in this Act to a person who carries on an establishment or agency include references to a person who carries it on otherwise than for profit.
- (6) For the purposes of this Act, a community home which is provided by a voluntary organisation shall be taken to be carried on by—
  - (a) the person who equips and maintains it; and
  - (b) if the appropriate Minister determines that the body of managers for the home, or a specified member of that body, is also to be treated as carrying on the home, that body or member.
- (7) Where a community home is provided by a voluntary organisation, the appropriate Minister may determine that for the purposes of this Act the home is to be taken to be managed solely by—
  - (a) any specified member of the body of managers for the home; or
  - (b) any other specified person on whom functions are conferred under the home’s instrument of management.
- (8) A determination under subsection (6) or (7) may be made either generally or in relation to a particular home or class of homes.
- (9) An establishment is not a care home for the purposes of this Act unless the care which it provides includes assistance with bodily functions where such assistance is required.
- <sup>F12</sup>(10) References in this Act to a child being looked after by a local authority shall be construed—
  - (a) in relation to a local authority in England, in accordance with section 22 of the 1989 Act,
  - (b) in relation to a local authority in Wales, in accordance with section 74 of the Social Services and Well-being (Wales) Act 2014.]
- (11) For the purposes of this Act an individual is made redundant if—
  - (a) he is dismissed; and
  - (b) for the purposes of the <sup>M6</sup>Employment Rights Act 1996 the dismissal is by reason of redundancy.
- (12) Any register kept for the purposes of this Act may be kept by means of a computer.
- (13) In this Act, the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

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**Expression**  
1989 Act

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**Provision of this Act**  
M7

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	Children Act 1989
	M8
1999 Act	Protection of Children Act 1999
[ <sup>F13</sup> Adoption support agency	Section 4]
Assembly	Section 5
Care home	Section 3
F14	F14
...	...
[ <sup>F15</sup> the CIECSS	Section 5.]
F16	F16
...	...
Children's home	Section 1
F17	F17
...	...
Commissioner	Section 72
F18	F18
...	...
F19	F19
...	...
Domiciliary care agency	Section 4
Fostering agency	Section 4
Hospital and independent hospital	Section 2
Independent clinic and independent medical agency	Section 2
Registration authority	Section 5
Residential family centre	Section 4
Voluntar[ <sup>F20</sup> y adoption agency	Section 4]
F21	F21
...	...

#### Textual Amendments

- F1** S. 121: words in definition of "health service hospital" substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 200** (with Sch. 3 Pt. 1)
- F2** Words in s. 121(1) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **175(a)(i)**
- F3** S. 121(1): definition of "mental disorder" substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), ss. 1, 56, **Sch. 1 para. 22**; S.I. 2008/1900, **art. 2**
- F4** S. 121(1): words in definition of "National Health Service body" inserted (20.11.2003 for certain purposes and 1.4.2004 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199, **Sch. 4 para. 112**; S.I. 2004/759, **art. 2**

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- F5** Words in s. 121(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 95(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in s. 121(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 95(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** S. 121(1): words in definition of "National Health Service body" substituted (10.10.2002 for W. and otherwise in force immediately before the National Health Service Act 2006 (which Act came into force on 1.3.2007 in accordance with s. 277(1) (subject to s. 277(2)-(5)) of that Act)) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 6(2), **Sch. 5 para. 46**; S.I. 2002/2532, arts. 1(3), 2, **Sch. 2**; S.I. 2006/1407, arts. 1(1), 2, **Sch. 1 Pt. 2 para. 12(c)**
- F8** Words in s. 121(1) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **175(a)(ii)**
- F9** S. 121(1): words in definition of "the Tribunal" substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 187**
- F10** S. 121(1): words in definition of "voluntary organisation" substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 139, 148, **Sch. 3 para. 116(a)** (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2**
- F11** S. 121(4A) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 93(2)(a)(iii)**, 115(7); S.I. 2015/994, art. 6(q)
- F12** S. 121(10) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **175(b)**
- F13** S. 121(13): entry in Table inserted (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 139, 148, **Sch. 3 para. 116(b)**; S.I. 2005/2213, **art. 2**
- F14** Words in s. 121(13) omitted (1.8.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 23(a)**; S.I. 2012/1319, art. 2(4)
- F15** S. 121(13): entry in Table inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 54**; S.I. 2007/935, **art. 5**
- F16** S. 121(13): entry in Table repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 95, 166, 170(3), Sch. 5 para. 34, **Sch. 15 Pt. 1**; S.I. 2009/462, **art. 2**, Sch. 1 paras. 35, 36
- F17** S. 121(13): entry in Table repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 14), ss. 196, 199, **Sch. 14 Pt. 2**; S.I. 2004/759, **art. 13**
- F18** Words in s. 121(13) omitted (1.8.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 23(b)**; S.I. 2012/1319, art. 2(4)
- F19** S. 121(13): entry in Table repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 95, 166, 170(3), Sch. 5 para. 34, **Sch. 15 Pt. 1**; S.I. 2009/462, **art. 2**, Sch. 1 paras. 35, 36
- F20** Words in s. 121(13) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 23(c)**; S.I. 2012/1319, art. 2(4)
- F21** Words in s. 121(13) repealed (3.4.2017) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), s. 188(1), **Sch. 3 para. 41(d)**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

#### Marginal Citations

- M1** 1973 c. 35.  
**M2** 1978 c. 30.  
**M3** 1996 c. 56.  
**M4** 1996 c. 56.  
**M5** 1970 c. 42.  
**M6** 1996 c. 18.  
**M7** 1989 c. 41.  
**M8** 1999 c. 14.

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**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\(2\)\(a\)](#)
- Sch. 2A para. 8A inserted by [2022 asc 1 Sch. 4 para. 13\(2\)\(b\)](#)
- Sch. 2B para. 11 inserted by [2022 asc 1 Sch. 4 para. 13\(3\)](#)