



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 2

STANDARDS

CHAPTER 7

FUNCTIONS UNDER THE CARE STANDARDS ACT 2000

Functions of CHAI and CSCI

^{F1}102 Transfer of functions to CHAI and CSCI

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Textual Amendments

F1 Ss. 102-104 repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 44, **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(r), 36

^{F1}103 General functions of CHAI

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Textual Amendments

F1 Ss. 102-104 repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 44, **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(r), 36

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 7. (See end of Document for details)

^{F1}104 General functions of CSCI

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Textual Amendments

F1 Ss. 102-104 repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 44, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(r), 36

105 Fees

- (1) The Care Standards Act 2000 (c. 14) is amended as follows.
- (2) After section 113 insert—

“113A Fees payable under Part 2

- (1) The CHAI and the CSCI may each from time to time make and publish provision determining the amount of any fee payable to it under Part 2.
 - (2) Provision under subsection (1) may include provision—
 - (a) for different amounts to be payable in different cases, or classes of case;
 - (b) for different amounts to be payable by persons of different descriptions.
 - (3) Before the CHAI or the CSCI makes any provision under subsection (1) it must consult such bodies as appear to it to be representative of the persons liable to pay the fee.
 - (4) No provision may be made under subsection (1) without the consent of the Secretary of State.
 - (5) If the Secretary of State considers it necessary or desirable to do so, he may by regulations make provision determining the amount of a fee payable to the CHAI or the CSCI under Part 2 instead of the amount for which provision is made under subsection (1).
 - (6) Before making any regulations under subsection (5) in respect of fees payable to the CHAI or the CSCI, the Secretary of State shall consult that body and such other persons as appear to him to be appropriate.”
- (3) In section 12 (applications for registration), in subsection (2), for “a fee of the prescribed amount” substitute “a fee of the amount determined under section 113A, where the registration authority is the CHAI or the CSCI, or of the prescribed amount, where the registration authority is the Assembly.”
 - (4) In section 15 (other applications), in subsection (3) for “a fee of such amount as may be prescribed” substitute “a fee of—
 - (a) the amount determined under section 113A, where the registration authority is the CHAI or the CSCI; or
 - (b) the prescribed amount, where the registration authority is the Assembly.”

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- (5) In that section, in subsection (5)—
- (a) for “subsection (3)” substitute “ subsection (3)(b) ”; and
 - (b) for “the registration authority” substitute “ the Assembly ”.
- (6) In section 16 (regulations about registration), for subsection (3) substitute—
- “(3) Persons registered under this Part must also pay to the registration authority, at such time as may be prescribed, an annual fee—
- (a) of such amount as may be determined under section 113A, where the registration authority is the CHAI or the CSCI; and
 - (b) of such amount as may be prescribed, where the registration authority is the Assembly.”
- (7) In section 22(7)(i) (fees in respect of notification of variation of corporate ownership etc), for the words from “of a fee” to the end substitute “, in respect of any notification required to be made by virtue of paragraph (h), of a fee of—
- (i) such amount as may be determined under section 113A, where notification is made to the CHAI or the CSCI; or
 - (ii) the prescribed amount, where notification is made to the Assembly”.

Commencement Information

- I1** S. 105 partly in force; s. 105 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I2** S. 105(1) in force at 30.10.2005 for specified purposes for E. by [S.I. 2005/2925](#), [art. 2\(1\)\(b\)](#)
- I3** S. 105(1) in force at 1.4.2006 for specified purposes by [S.I. 2005/2925](#), [art. 2\(2\)](#)
- I4** S. 105(1) in force at 27.6.2006 for specified purposes for E. by [S.I. 2006/1680](#), [art. 2\(1\)](#)
- I5** S. 105(1)(6) in force at 1.8.2006 in so far as not already in force by [S.I. 2006/1680](#), [art. 2\(2\)\(b\)](#)
- I6** S. 105(2) in force at 30.10.2005 for specified purposes for E. by [S.I. 2005/2925](#), [art. 2\(1\)\(b\)](#)
- I7** S. 105(3)-(7) in force at 1.4.2006 by [S.I. 2005/2925](#), [art. 2\(2\)](#)
- I8** S. 105(3)-(5)(7) in force at 1.8.2006 in so far as not already in force by [S.I. 2006/1680](#), [art. 2\(2\)\(a\)](#)
- I9** S. 105(6) in force at 27.6.2006 for specified purposes for E. by [S.I. 2006/1680](#), [art. 2\(1\)](#)

Miscellaneous

106 Meaning of “independent medical agency”

In section 2(5) of the Care Standards Act 2000 (c. 14) (an “independent medical agency” does not include an independent clinic), after “clinic” insert “ or an independent hospital ”.

Commencement Information

- I10** S. 106 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)
- I11** S. 106 in force at 1.4.2004 for W. by [S.I. 2004/873](#), [art. 2\(e\)](#)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 7. (See end of Document for details)

107 Children’s homes providing secure accommodation

- (1) In section 4 of the Care Standards Act 2000 (c. 14) (basic definitions), in subsection (8)
 - (a) (references to a description of establishment), after “children’s home” insert “, a children’s home providing accommodation for the purpose of restricting liberty,”.
- (2) In section 22 of that Act (regulations), in subsection (8) (regulations relating to children’s homes)—
 - (a) omit paragraph (a), and
 - (b) in paragraph (b), for “mentioned in paragraph (a)” substitute “ of restricting liberty ”.

Commencement Information

I12 S. 107 in force at 1.4.2006 for W. by S.I. 2005/3285, art. 2(2)(c)

108 Information and inspection

- (1) Section 31 of the Care Standards Act 2000 (inspections by persons authorised by registration authority) is amended as follows.
- (2) After subsection (1), insert—

“(1A) The power under subsection (1) to require the provision of information includes—

 - (a) power to require the provision of copies of any documents or records (including medical and other personal records); and
 - (b) in relation to records kept by means of a computer, power to require the provision of the records in legible form.”
- (3) In subsection (3)—
 - (a) in paragraph (b), for “(other than medical records)” substitute “ (including medical and other personal records) ”; and
 - (b) in paragraph (d), for “employed” substitute “ working ”.
- (4) In subsection (6), omit “and inspect any medical records relating to his treatment in the establishment”.

Commencement Information

I13 S. 108 in force at 1.4.2004 for W. by S.I. 2004/873, art. 2(e)

I14 S. 108 in force at 1.4.2004 by S.I. 2004/759, art. 5(2)(a)

109 Assembly: duties relating to children

In section 8 of the Care Standards Act 2000 (general functions of the Assembly), at the end insert—

- “(6) The Assembly must have particular regard to the need to safeguard and promote the rights and welfare of children in the exercise of—
- (a) its functions exercisable by virtue of section 5(b) and subsections (1) to (3) of this section; and

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- (b) any other functions exercisable by the Assembly corresponding to functions exercisable by the CSCI in relation to England.”

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Commencement Information

I15 S. 109 in force at 1.4.2004 by S.I. 2004/873, art. 2(d)

Changes to legislation:

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