

SCHEDULE 1

TRANSITIONAL PROVISIONS

Further information

6.—(1) Where the existing undertaking is a residential care home, a nursing home or a mental nursing home in respect of which the existing provider is registered under Part I or II of the 1984 Act, he shall not be treated, for the purposes of Part II of the Act, as having been granted registration in respect of a care home unless sub-paragraph (2) applies.

(2) This sub-paragraph applies where—

- (a) the existing provider, or the responsible individual in respect of the existing undertaking, has by 1st June 2002 applied for—
 - (i) a criminal record certificate under section 113 of the Police Act 1997⁽¹⁾, including the matters specified in 113(3A) (a) and (b) and (3C)(a) and (b); and
 - (ii) an enhanced criminal record certificate under section 115 of that Act; and
- (b) the application made by the existing provider or the responsible individual (as the case may be) has, for the purposes of section 113 or 115 (as the case may be) of that Act, been countersigned by the Commission.

(3) Where the existing undertaking is a licensed nurses agency (referred to in this sub-paragraph as “the agency”) in respect of which the existing provider is the nurses agency provider, he shall not be treated, for the purposes of Part II of the Act, as having been granted registration in respect of a nurses agency unless—

- (a) sub-paragraph (2) applies;
- (b) the existing provider has by 1st July 2002 supplied to the Commission the following evidence, information or documents in respect of the existing provider, or of the responsible individual in respect of the agency—
 - (i) proof of his identity;
 - (ii) details of his professional or technical qualifications, and experience of carrying on a business or undertaking, so far as such qualifications and experience are relevant to carrying on a nurses agency;
 - (iii) details of his employment history, including the name and address of his present employer and of any previous employers;
 - (iv) details of any business the person carries on or has carried on;
 - (v) a report by a general medical practitioner as to whether he is physically and mentally fit to carry on a nurses agency; and
- (c) in respect of every person, other than the existing provider and the responsible individual (if any) in respect of the agency, who is supplied by the agency, the existing provider has by 1st July 2002—
 - (i) supplied to the Commission—
 - (aa) if the position in which the person works falls within section 115(4) of the Police Act 1997, evidence that the person has applied for an enhanced criminal record certificate under section 115 of that Act and that the

⁽¹⁾ 1997 c. 50. Sections 113(3A) and 115(6A) were added by section 8(1) and (2) of the Protection of Children Act 1999 (c. 14) and amended by section 116 of, and paragraph 25(1) and (2) of Schedule 4 to, the Care Standards Act 2000 (c. 14). Sections 113(3C) and 115(6B) were added by section 90(1) and (2) of the Care Standards Act 2000.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- application is accompanied by a statement referred to in section 113(3C) of that Act; or
 - (bb) in any other case, evidence that the person has applied for a criminal record certificate issued to the person under section 113 of that Act and that the application is accompanied by a statement referred to in section 113(3C) of that Act; and
 - (ii) confirmed to the Commission in writing the matters specified in sub-paragraph (4).
- (4) The matters specified are that every such person has provided to the existing provider—
- (a) a declaration that the person has no criminal convictions; or
 - (b) details of the person’s criminal convictions and, in relation to each such conviction, a statement by the person as to—
 - (i) whether in his view the conviction is relevant to his suitability to care for, train, supervise or be in sole charge of any person; and
 - (ii) if so why he considers that he is suitable to perform the work in which he is to be employed.