
STATUTORY INSTRUMENTS

2001 No. 3969

The National Care Standards Commission
(Registration) Regulations 2001

PART I
GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Care Standards Commission (Registration) Regulations 2001 and shall come into force on 1st January 2002.

(2) These Regulations extend to England only.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Care Standards Act 2000;

“applicant” means a person seeking to be registered;

“half-way house” means a children’s home in which children aged 16 or over may prepare, or be assisted in preparing, for independent living;

“holding company” has the meaning given to it by section 736 of the Companies Act 1985⁽¹⁾;

“organisation” means a body corporate or any unincorporated association other than a partnership;

“placement plan” has the meaning given to it in regulation 12 (child’s placement plan) of the Children’s Homes Regulations 2001⁽²⁾;

“registered” means registered under Part II of the Act;

“registered manager” means a person who is registered as the manager of an establishment or agency;

“registered person” means a person who is the registered provider or registered manager in respect of an establishment or agency;

“registered provider” means a person who is registered as a person carrying on an establishment or agency;

“registration” means registration under Part II of the Act;

“relative”, in relation to any person, means—

(a) the person’s spouse;

(1) 1985 c. 6; section 736 was substituted by section 144(1) of the Companies Act 1989 (c. 40).

(2) S.I.2001/3967.

(b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of his or his spouse;

(c) the spouse of any relative within sub-paragraph (b) of this definition,

and for the purpose of determining any such relationship a person's step-child shall be treated as his child, and references to "spouse" in relation to any person include a former spouse and a person who is living with the person as husband and wife;

"representative" means, in relation to a service user, a person, other than the registered person or a person employed at or for the purposes of the establishment or agency, who with the service user's express or implied consent takes an interest in the service user's health and welfare;

"responsible individual" means an individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of an establishment or agency;

"responsible person" means—

(a) where the applicant is an individual—

(i) the applicant; and

(ii) if the applicant carries on or intends to carry on the establishment or agency in partnership with others, each partner of his;

(b) where the applicant is a partnership, each member of the partnership;

(c) where the applicant is an organisation, the responsible individual;

"service user" means any person who is to be provided with accommodation or services in an establishment, or by an agency;

"statement of purpose" means—

(a) in relation to a care home, the written statement required to be compiled in relation to the care home in accordance with regulation 4(1) of the Care Homes Regulations 2001⁽³⁾;

(b) in relation to a children's home, the written statement required to be compiled in relation to the children's home in accordance with regulation 4(1) of the Children's Homes Regulations 2001⁽⁴⁾;

(c) in relation to an independent hospital, independent clinic, or independent medical agency, the written statement required to be compiled in relation to the independent hospital, independent clinic, or independent medical agency in accordance with regulation 5(1) of the Private and Voluntary Health Care (England) Regulations 2001⁽⁵⁾;

(d) in relation to an establishment or agency of any other description, a statement of the aims and objectives of the establishment or agency;

"subsidiary" has the meaning given to it by section 736 of the Companies Act 1985.

(2) In these Regulations, unless the context otherwise requires, references to an establishment or agency are to be construed as references—

(a) in the case of an applicant, to the establishment or agency in respect of which he is seeking to be registered;

(b) in the case of a registered person, to the establishment or agency in respect of which he is registered.

(3) In these Regulations, a reference—

⁽³⁾ S.I. 2001/3965.

⁽⁴⁾ S.I. 2001/3967.

⁽⁵⁾ S.I. 2001/3968.

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.