

**2004 No.2070**

**PROTECTION OF VULNERABLE ADULTS, ENGLAND AND WALES**

**SOCIAL CARE, ENGLAND AND WALES**

**The Care Standards Act 2000 (Extension of Protection of Vulnerable Adults Scheme) Regulations 2004**

|                               |                         |
|-------------------------------|-------------------------|
| <i>Made</i> - - - -           | <i>2nd August 2004</i>  |
| <i>Laid before Parliament</i> | <i>10th August 2004</i> |
| <i>Coming into force</i> - -  | <i>31st August 2004</i> |

The Secretary of State, in exercise of the powers conferred upon him by sections 93 and 118(5) to (7) of the Care Standards Act 2000(a) and of all other powers enabling him in that behalf, after consultation with the National Assembly for Wales, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Extension of Protection of Vulnerable Adults Scheme) Regulations 2004 and shall come into force on 31st August 2004.

(2) In these Regulations “the Act” means the Care Standards Act 2000.

**Amendment of section 80 of the Act**

2.—(1) Section 80 of the Act (basic definitions) is amended in accordance with the following provisions of this regulation.

(2) In subsection (2), at the end, add—

“(d) an individual who has entered into an agreement with a person within subsection 7(e) and is employed to provide support, care or accommodation to an adult (not being a relative of the individual) who is in need of it.”.

(3) In subsection (3), for the words “ subsection (2)(a), (b) or (c)” substitute “subsection (2)(a) to (d)”.

(4) After subsection (4), insert—

“(4A) “Relative” in relation to an individual mentioned in subsections (2)(d) and (6)(d) means—

(a) a spouse;

---

(a) 2000 c.14. The powers are exercisable by the Secretary of State after consultation with the National Assembly for Wales. “Prescribed” and “regulations” are defined in section 121(1) of the Act.

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

(c) the spouse of any relative within subsection (b) of this definition,

and for the purpose of determining any such relationship a person's step child shall be treated as his or her child, and references to "spouse" include a former spouse and a person who is living with the person as if they were husband and wife."

(5) In subsection (6)—

(a) the "or" preceding paragraph (c) is omitted; and

(b) at the end, add—

"or

(d) an adult to whom support, care or accommodation is provided by an individual (not being a relative of that adult) under the terms of an agreement between that individual and a person within subsection (7)(e)."

(6) In subsection (7)—

(a) the "and" preceding paragraph (d) is omitted; and

(b) at the end, add—

“; and

(e) any person who carries on a scheme under which an individual agrees with that person to provide support, care or accommodation to an adult who is in need of it.”.

Signed by authority of the Secretary of State for Health

*Stephen Ladyman*  
Parliamentary Under Secretary of State,  
Department of health

2nd August 2004

### EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations, which extend to England and Wales, are made under the power in section 93 of the Care Standards Act 2000 ("the Act"), and extend Part VII of the Act in order to add the provider in respect of an adult placement scheme to the list in section 80(7) of those who provide care for vulnerable adults. As a consequence of this addition, the definitions of "care worker" (section 80(2)), "care position" (section 80(3)) and "vulnerable adult" (section 80(6)) are also amended. New subsection (4A) is also added to section 80 in order to define the term "relative" in relation to an individual referred to in section 80(2)(d).

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E1110 8/2004 141110T 19585

ISBN 0-11-049673-6



9 780110 496733