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# Care Standards Act 2000

## 2000 CHAPTER 14

### PART II

#### ESTABLISHMENTS AND AGENCIES

##### *Registration*

#### **11 Requirement to register.**

- (1) Any person who carries on or manages an establishment or agency of any description without being registered under this Part in respect of it (as an establishment or, as the case may be, agency of that description) shall be guilty of an offence.
- (2) Where the activities of an agency are carried on from two or more branches, each of those branches shall be treated as a separate agency for the purposes of this Part.
- (3) The [<sup>F1</sup>references in subsections (1) and (2) to an agency do] not include a reference to a voluntary adoption agency.
- (4) The Secretary of State may by regulations make provision about the keeping of registers by [<sup>F2</sup>the CHAI or the CSCII] for the purposes of this Part.
- (5) A person guilty of an offence under this section shall be liable on summary conviction—
  - (a) if subsection (6) does not apply, to a fine not exceeding level 5 on the standard scale;
  - (b) if subsection (6) applies, to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both.
- (6) This subsection applies if—
  - (a) the person was registered in respect of the establishment or agency at a time before the commission of the offence but the registration was cancelled before the offence was committed; or

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- (b) the conviction is a second or subsequent conviction of the offence and the earlier conviction, or one of the earlier convictions, was of an offence in relation to an establishment or agency of the same description.

#### Textual Amendments

- F1** Words in s. 11(3) substituted (25.2.2003 for E. for certain purposes, 30.4.2003 for E. otherwise and 28.11.2003 for W.) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139, 148, **Sch. 3 para. 106** (with [Sch. 4 paras. 6-8](#)); S.I. 2003/366, art. 2(1)(4); S.I. 2003/3079, **art. 2(1)**
- F2** Words in s. 11(4) substituted (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. 147, 199, **Sch. 9 para. 20**; S.I. 2004/759, **art. 5(2)**

#### Modifications etc. (not altering text)

- C1** S. 11 applied (W.) (1.4.2003) by S.I. 2003/237, [reg. 52\(4\)\(6\)](#) (as substituted by [The Fostering Services \(Wales\) \(Amendment\) Regulations 2003 \(S.I. 2003/896\)](#), **reg. 2(2)**)
- C2** S. 11 applied (W.) (1.9.2003) by [The Residential Family Centres \(Wales\) Regulations 2003 \(S.I. 2003/781\)](#), **reg. 34(4)(b)**
- C3** S. 11(1)(5)(6) excluded (W.) (temp.) (1.4.2003) by S.I. 2003/237, [reg. 52\(2\)\(3\)](#) (as substituted by [The Fostering Services \(Wales\) \(Amendment\) Regulations 2003 \(S.I. 2003/896\)](#), **reg. 2(2)**)
- C4** S. 11(1)(5)(6) excluded (W.) (1.9.2003) by [The Residential Family Centres \(Wales\) Regulations 2003 \(S.I. 2003/781\)](#), **reg. 34(2)**

#### Commencement Information

- II** S. 11 partly in force; s. 11 not in force at Royal Assent see s. 122; s. 11 in force for W. for certain purposes at 1.7.2001 by S.I. 2001/2190, [art. 2](#), [Sch. Table](#); s. 11 in force for E. for certain purposes at 20.11.2001 by S.I. 2001/3852, [arts. 1\(4\), 3\(2\)\(3\)\(a\)\(i\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 11 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, [arts. 1\(4\), 3\(2\)\(7\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 11 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, [arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 11 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, [art. 2](#); s. 11 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, [art. 2](#); s. 11 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, [art. 2](#); s. 11 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, [art. 2](#)

## 12 Applications for registration.

- (1) A person seeking to be registered under this Part shall make an application to the registration authority.
- (2) The application—
- must give the prescribed information about prescribed matters;
  - must give any other information which the registration authority reasonably requires the applicant to give,
- and must be accompanied by [<sup>F3</sup>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.].
- (3) A person who applies for registration as the manager of an establishment or agency must be an individual.

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- (4) A person who carries on or manages, or wishes to carry on or manage, more than one establishment or agency must make a separate application in respect of each of them.

#### Textual Amendments

- F3** Words in s. 12(2) substituted (20.11.2003 for certain purposes and 1.8.2006 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. {105(3)}, 199; [S.I. 2006/1680](#), [art. 2\(2\)](#)

#### Modifications etc. (not altering text)

- C5** S. 12(2) modified (temp.) (E.) (26.6.2006) by [The Health and Social Care \(Community Health and Standards\) Act 2003 Commencement \(No. 9\) Order 2006 \(S.I. 2006/1680\)](#), [art. 4\(2\)](#)

#### Commencement Information

- I2** S. 12 partly in force; s. 12 not in force at Royal Assent see s. 122; s. 12 in force for W. for certain purposes at 1.7.2001 by [S.I. 2001/2190](#), [art. 2](#), [Sch. Table](#); s. 12 in force for E. for certain purposes at 20.11.2001 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(3\)\(a\)\(i\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 12 in force for E. for certain purposes at 1.1.2002 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(4\)\(a\)\(i\)\(5\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 12 in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(7\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 12 in force for W. for certain purposes at 1.4.2002 by [S.I. 2002/920](#), [arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 12 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152](#), [art. 2](#); s. 12 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528](#), [art. 2](#); s. 11 in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015](#), [art. 2](#); s. 12 in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730](#), [art. 2](#)

### 13 Grant or refusal of registration.

- (1) Subsections (2) to (4) apply where an application under section 12 has been made with respect to an establishment or agency in accordance with the provisions of this Part.
- (2) If the registration authority is satisfied that—
- the requirements of regulations under section 22; and
  - the requirements of any other enactment which appears to the registration authority to be relevant,
- are being and will continue to be complied with (so far as applicable) in relation to the establishment or agency, it shall grant the application; otherwise it shall refuse it.
- (3) The application may be granted either unconditionally or subject to such conditions as the registration authority thinks fit.
- (4) On granting the application, the registration authority shall issue a certificate of registration to the applicant.
- (5) The registration authority may at any time—
- vary or remove any condition for the time being in force in relation to a person's registration; or

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- (b) impose an additional condition.

#### Commencement Information

**I3** S. 13 partly in force; s. 13 not in force at Royal Assent see s. 122; s. 13 in force for E. for certain purposes at 1.1.2002 by [S.I. 2001/3852, arts. 1\(4\), 3\(2\)\(4\)\(a\)\(i\)\(5\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210](#)); s. 13 in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852, arts. 1\(4\), 3\(2\)\(7\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210](#)); s. 13 in force for W. for certain purposes at 1.4.2002 by [S.I. 2002/920, arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 13 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152, art. 2](#); s. 13 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528, art. 2](#); s. 13 in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015, art. 2](#); s. 13 in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730, art. 2](#)

## 14 Cancellation of registration.

- (1) The registration authority may at any time cancel the registration of a person in respect of an establishment or agency—
- on the ground that that person has been convicted of a relevant offence;
  - on the ground that any other person has been convicted of such an offence in relation to the establishment or agency;
  - on the ground that the establishment or agency is being, or has at any time been, carried on otherwise than in accordance with the relevant requirements;
  - on any ground specified by regulations.
- (2) For the purposes of this section the following are relevant offences—
- an offence under this Part or regulations made under it;
  - an offence under the <sup>M1</sup>Registered Homes Act 1984 or regulations made under it;
  - an offence under the 1989 Act or regulations made under it;
  - in relation to a voluntary adoption agency, an offence under regulations under section 9(2) of the <sup>M2</sup>Adoption Act 1976 or section 1(3) of the <sup>M3</sup>Adoption (Intercountry Aspects) Act 1999.
- (3) In this section “relevant requirements” means—
- any requirements or conditions imposed by or under this Part; and
  - the requirements of any other enactment which appear to the registration authority to be relevant.

#### Modifications etc. (not altering text)

**C6** S. 14(1)(d) applied (with modifications) (E.) (2.8.2004) by [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Adult Placement Schemes\) \(England\) Regulations 2004 \(S.I. 2004/1972\), regs. 2\(2\)\(a\), 3](#)

#### Commencement Information

**I4** S. 14 partly in force; s. 14 not in force at Royal Assent see s. 122; s. 14 in force for W. for certain purposes at 1.7.2001 by [S.I. 2001/2190, art. 2, Sch. Table](#); s. 14 in force for E. for certain purposes

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at 20.11.2001 by S.I. 2001/3852, arts. 1(4), 3(2)(3)(a)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 14 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(a) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 14 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 14 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 14 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2; s. 14 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 14 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

#### Marginal Citations

- M1** 1984 c. 23.  
**M2** 1976 c. 36.  
**M3** 1999 c. 18.

VALID FROM 01/04/2009

#### [<sup>F4</sup>14A Suspension of registration

- (1) The Welsh Ministers may at any time suspend for a specified period the registration of a person in respect of an establishment or agency for which the Welsh Ministers are the registration authority.
- (2) Except where the Welsh Ministers give notice under section 20B, the power conferred by subsection (1) is exercisable only on the ground that the establishment or agency is being, or has at any time been, carried on otherwise than in accordance with the relevant requirements.
- (3) The suspension of a person's registration does not affect the continuation of the registration (but see sections 24A and 26 as to offences).
- (4) A period of suspension may be extended under subsection (1) on one or more occasions.
- (5) Reference in this Part to the suspension of a person's registration is to suspension under this section, and related expressions are to be read accordingly.
- (6) In this section “relevant requirements” has the same meaning as in section 14.]

#### Textual Amendments

- F4** S. 14A inserted (1.4.2009 for certain purposes and 1.10.2010 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170(1)(b), Sch. 5 para. 13; S.I. 2009/462, art. 2, Sch. 1 para. 35; S.I. 2010/807, art. 2(2), Sch. 1 Pt. 2 (with arts. 3-22)

## 15 Applications by registered persons.

- (1) A person registered under this Part may apply to the registration authority—
  - (a) for the variation or removal of any condition for the time being in force in relation to the registration; or

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- (b) for the cancellation of the registration.
- (2) But a person may not make an application under subsection (1)(b)—
- (a) if the registration authority has given him notice under section 17(4)(a) of a proposal to cancel the registration, unless the registration authority has decided not to take that step; or
  - (b) if the registration authority has given him notice under section 19(3) of its decision to cancel the registration and the time within which an appeal may be brought has not expired or, if an appeal has been brought, it has not been determined.
- (3) An application under subsection (1) shall be made in such manner and state such particulars as may be prescribed and, if made under paragraph (a) of that subsection, shall be accompanied by [<sup>F5</sup> 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.]
- (4) If the registration authority decides to grant an application under subsection (1)(a) it shall serve notice in writing of its decision on the applicant (stating, where applicable, the condition as varied) and issue a new certificate of registration.
- (5) If different amounts are prescribed under [<sup>F6</sup>subsection (3)(b)], the regulations may provide for [<sup>F7</sup>the Assembly] to determine which amount is payable in a particular case.

#### Textual Amendments

- F5** Words in s. 15(3) substituted (20.11.2003 for certain purposes and 1.8.2006 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), **ss. 105(4)**, 199; S.I. 2006/1680, **art. 2(2)**
- F6** Words in s. 15(5) substituted (20.11.2003 for certain purposes and 1.8.2006 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), **ss. 105(5)(a)**, 199; S.I. 2006/1680, **art. 2(2)**
- F7** Words in s. 15(5) substituted (20.11.2003 for certain purposes and 1.8.2006 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), **ss. 105(5)(b)**, 199; S.I. 2006/1680, **art. 2(2)**

#### Modifications etc. (not altering text)

- C7** S. 15(3) modified (temp.) (E.) (26.6.2006) by [The Health and Social Care \(Community Health and Standards\) Act 2003 Commencement \(No. 9\) Order 2006 \(S.I. 2006/1680\)](#), **art. 4(2)**
- C8** S. 15(5) modified (temp.) (E.) (26.6.2006) by [The Health and Social Care \(Community Health and Standards\) Act 2003 Commencement \(No. 9\) Order 2006 \(S.I. 2006/1680\)](#), **art. 4(3)**

#### Commencement Information

- I5** S. 15 partly in force; s. 15 not in force at Royal Assent see s. 122; s. 15 in force for W. for certain purposes at 1.7.2001 by [S.I. 2001/2190](#), **art. 2**, [Sch. Table](#); s. 15 in force for E. for certain purposes at 20.11.2001 by [S.I. 2001/3852](#), **arts. 1(4)**, **3(2)(3)(a)(i)** (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 15 in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852](#), **arts. 1(4)**, **3(2)(7)(a)** (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210);

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s. 15 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 15 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 15 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2; s. 15 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 15 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

## 16 Regulations about registration.

- (1) Regulations may make provision about the registration of persons under this Part in respect of establishments or agencies, and in particular about—
  - (a) the making of applications for registration;
  - (b) the contents of certificates of registration.
- (2) Regulations may provide that no application for registration under this Part may be made in respect of a fostering agency, or a voluntary adoption agency, which is an unincorporated body.
- [<sup>F8</sup>(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.]
- (4) A fee payable by virtue of this section may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

### Textual Amendments

- F8** S. 16(3) substituted (20.11.2003 for certain purposes and 1.8.2006 otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 105(6), 199; S.I. 2006/1860, art. 2(2)

### Modifications etc. (not altering text)

- C9** S. 16(1)(3) applied (with modifications) (E.) (2.8.2004) by [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Adult Placement Schemes\) \(England\) Regulations 2004 \(S.I. 2004/1972\)](#), regs. 2(2)(b), 3

### Commencement Information

- I6** S. 16 wholly in force at 1.4.2002; s. 16 not in force at Royal Assent see s. 122; s. 16 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 16 in force for E. for certain purposes at 20.11.2001 by S.I. 2001/3852, arts. 1(4), 3(2)(3)(a)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 16 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(a) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

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