
STATUTORY INSTRUMENTS

2000 No. 2795 (C.79)

CHILDREN AND YOUNG PERSONS, ENGLAND

The Care Standards Act 2000 (Commencement No. 1 (England) and Transitional Provisions) Order 2000

Made - - - - 9th October 2000

The Secretary of State for Health, in exercise of the powers conferred by sections 118(7) and 122 of the Care Standards Act 2000(1) and all other powers enabling him in that behalf, hereby makes the following Order:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 1 (England) and Transitional Provisions) Order 2000.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Care Standards Act 2000;

“the 1989 Act” means the Children Act 1989(2);

a “small children’s home” means a home within the meaning of section 63 of the 1989 Act, which provides (or usually provides or is intended to provide) care and accommodation for not more than three children at any one time.

(3) This Order extends to England only.

Appointed Days

2.—(1) For the purposes only of enabling an application for registration to be made under subparagraphs (1) and (2) of paragraph 1 of Schedule 6 to the 1989 Act, 15th October 2000 is the day appointed for the coming into force of section 40 (temporary extension of meaning of “children’s home”) of the Act.

(2) 1st January 2001 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 40 in so far as it is not already in force, and section 41 (temporary provision about cancellation of registration); and

(1) [2000 c. 14](#). The powers are exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State, and in relation to Wales, as the National Assembly for Wales.

(2) [1989 c. 41](#).

- (b) section 116 (minor and consequential amendments), in so far as it relates to sub-paragraph (15) of paragraph 14 of Schedule 4 to the Act.

Transitional Provisions

3.—(1) Where a person carrying on a small children's home has before 1st January 2001 duly made an application for registration under sub-paragraphs (1) and (2) of paragraph 1 of Schedule 6 to the 1989 Act, the following paragraphs of this article apply.

(2) Section 63(1) and (10) of the 1989 Act shall not apply to him—

- (a) until such time as the application is granted, either unconditionally or subject to such conditions as are mentioned in paragraph (3); or
- (b) if the application is granted subject to conditions other than such as are mentioned in paragraph (3), or refused—
 - (i) if no appeal is brought, until the expiration of 28 days after service of notice of the local authority's decision; and
 - (ii) if an appeal is brought, until it is determined or abandoned.

(3) The conditions are—

- (a) such conditions (if any) of the type mentioned in paragraph 5(2) of Schedule 6 to the 1989 Act (agreed conditions); or
- (b) a condition that no more than three children may be accommodated and cared for in the home.

(4) Paragraphs 1(9) and 7(3) of Schedule 6 to the 1989 Act shall not apply to the application.

Signed by authority of the Secretary of State for Health.

9th October 2000

John Hutton
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Care Standards Act 2000 (“the Act”) in relation to England only.

It brings into force section 40 of the Act, which amends the Children Act 1989 so as to require privately operated children’s homes accommodating and caring for less than four children to be registered with the local authority. Section 40 will come into force on 15th October 2000 for the purpose of enabling applications for registration to be made, and on 1st January 2001 for all other purposes. This is an interim measure to be repealed, in due course, when Part II of the Act, which will establish a new scheme for the registration of all children’s homes including small homes, is fully implemented. Consequentially, the Order brings into force a minor amendment to section 66 of the Children Act 1989 relating to the definition of private fostering.

The Order also brings into force, as of 1st January 2001, section 41 of the Act. This amends the Children Act 1989 to provide that the registration of a children’s home of any description may be cancelled, even if the home has ceased to exist, for example where the proprietor closes it before the conclusion of any enforcement action. This is also an interim measure pending implementation of Part II of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force in relation to England (as well as Wales) by the Care Standards Act 2000 (Commencement No. 1) Order 2000 (S.I.2000/2544 (C. 72)). No provisions have yet been brought into force in relation to Wales alone.

<i>Provision of the Act</i>	<i>Date of Commencement</i>
Section 96 (partially)	15th September 2000
Section 99	15th September 2000
Section 80(8) (partially)	2nd October 2000
Section 94	2nd October 2000
Section 96 (in so far as not already in force)	2nd October 2000
Section 100	2nd October 2000
Section 101	2nd October 2000
Section 103	2nd October 2000
Section 116 and Schedule 4 (partially)	2nd October 2000
Section 117(2) and Schedule 6 (partially)	2nd October 2000