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STATUTORY INSTRUMENTS

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**2002 No. 2070**

**SOCIAL CARE, ENGLAND  
PUBLIC HEALTH, ENGLAND**

**The National Care Standards Commission (Fees and Frequency  
of Inspections) Amendment (No. 2) Regulations 2002**

<i>Made</i>	- - - -	<i>5th August 2002</i>
<i>Laid before Parliament</i>		<i>6th August 2002</i>
<i>Coming into force</i>	- -	<i>1st September 2002</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 12(2), 16(3), 31(7) and 118(5) to (7) of the Care Standards Act 2000<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the National Care Standards Commission (Fees and Frequency of Inspections) Amendment (No. 2) Regulations 2002 and shall come into force on 1st September 2002.

(2) These Regulations apply to England only.

**Amendment of the National Care Standards Commission (Fees and Frequency of Inspections) Regulations 2001**

2.—(1) The National Care Standards Commission (Fees and Frequency of Inspections) Regulations 2001<sup>(2)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation), in the definition of “new provider”, in paragraph (a) for “1st September 2002” substitute “1st January 2003”.

(3) In regulation 3(3)(a) (registration fees), for “1st September 2002” substitute “1st January 2003”.

(4) In regulation 5 (annual fees), in the Table, in column (5) of the entry for “Nurses agency”, for “1st September 2002” substitute “1st January 2003”.

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(1) 2000 c. 14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State. *See:* section 121(1) for the definition of “prescribed” and “regulations”.

(2) S.I.2001/3980; the relevant amending instrument is S.I. 2002/1505.

(5) In regulation 6 (frequency of inspections), for paragraph (5) substitute—

“(5) In this regulation “12 month period” means a period commencing on 1st April in any year and ending on 31st March in the following year except that, for the purposes of paragraph (1)(g) and (h), the first 12 month period shall be treated as commencing on 1st January 2003 and ending on 31st March 2004.”.

5th August 2002

*Jacqui Smith*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

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

These Regulations (which apply only to establishments and agencies subject to registration under the Care Standards Act 2000 situated in England), make further amendments to the National Care Standards Commission (Fees and Frequency of Inspections) Regulations 2001 (“the Regulations”) in consequence of the registration of nurses agencies, domiciliary care agencies and residential family centres under Part II of that Act being deferred until 1st January 2003.

The Regulations amend—

- regulation 2 (interpretation), so that a “new provider”, in the case of a residential family centre, a nurses agency or a domiciliary care agency will be a person who carries on such an establishment or agency after 1st January 2003 and not 1st September 2002;
- regulation 3(3)(a) (registration fees) so that where an application for registration is made by a person who manages an existing undertaking which is a licensed nurses agency, then provided that that application is made before 1st January 2003, no registration fee will be payable;
- regulation 5, so that in the case of a Nurses agency which is an existing provider, the first annual fee is due on the anniversary first occurring after 1st January 2003; and
- regulation 6(5) (frequency of inspections), so that for the purposes of a residential family centre, a nurses agency or a domiciliary care agency, the first “12 month period” is to be treated as commencing on 1st January 2003 and ending on 31st March 2004.