

2002 No. 3211

PUBLIC HEALTH, ENGLAND

SOCIAL CARE, ENGLAND

**The National Care Standards Commission (Fees and
Frequency of Inspections) Amendment (No. 3)
Regulations 2002**

Made - - - - - *21st December 2002*

Laid before Parliament *23rd December 2002*

Coming into force - - *1st January 2003*

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(a), 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. 3) Regulations 2002 and shall come into force on 1st January 2003.

(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(b) 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 January 2003” substitute “1st April 2003”.

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

(4) In regulation 5 (annual fees)—

(a) in paragraph (1), for the words “Subject to paragraphs (2) to (5)”, substitute “Subject to paragraphs (2) to (6)”;

(b) in the entry in the Table entitled “(k) Nurses agency”, for head (a) of column (5) substitute—

“(a) in the case of an existing provider—

(a) 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”.

(b) S.I. 2001/3980; relevant amending instruments are S.I. 2002/1505 and 2002/2070.

- (i) where the licence under the 1957 Act was granted to the provider by the local authority between 1st January 2002 and 31st March 2002, on the date on or after 1st April 2003 on which the certificate is issued; or
 - (ii) where the licence under the 1957 Act was granted to the provider by the local authority on or after 1st April 2002 but before 1st January 2003, on the anniversary first occurring on or after 1st April 2003 of the date on which the licence was granted”;
- (c) after paragraph (5) add—
 - “(6) In the case of an existing provider whose licence (“the licence”) continued to be treated as valid after 31st December 2002 by virtue of article 4 of the Care Standards Act 2000 (Commencement and Transitional Provisions) (Amendment No. 2) (England) Order 2002(a), the annual fee for 2003 shall be £622 payable—
 - (a) in a case where the licence was granted to the provider by the local authority between 1st January 2001 and 31st March 2001, on the date on or after 1st April 2003 on which the certificate is issued; and
 - (b) in a case where the licence was granted to the provider by the local authority between 1st April 2001 and 31st December 2001, in the following instalments of—
 - (i) £122, on the date on or after 1st April 2003 on which the certificate is issued; and
 - (ii) £500, on the anniversary first occurring on or after 1st April 2003 of the date on which the fee payable in relation to the making of an application for a licence under the 1957 Act was last paid.”.
- (5) In regulation 6(5) (frequency of inspections), omit the words “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.”.

Signed by authority of the Secretary of State for Health

21st December 2002

Jacqui Smith
Minister of State
Department of Health

(a) S.I. 2002/3210 (c. 109).

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 April 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 for the first time on or after 1st April 2003 and not 1st January 2003;
- amend 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 April 2003, no registration fee will be payable;
- amend regulation 5 (annual fees), so that—
 - (a) in the case of a nurses agency which is an existing provider the first annual fee is due on the anniversary of the date on which the fee payable in relation to the making of an application for a licence under the 1957 Act was last paid; and
 - (b) in the case of a nurses agency provider to whom article 4 of the Care Standards Act 2000 (Commencement and Transitional Provisions) (Amendment No. 2) (England) Order 2002 applies then—
 - where the licence referred to in article 4(1) was granted to the provider by the local authority between 1st January and 31st March 2001 the first annual fee is payable on the date on or after 1st April 2003 on which the certificate is issued; and
 - where the licence referred to in article 4(1) is granted to the provider by the local authority between 1st April 2001 and 31st December 2001, the first annual fee is payable in two instalments, i.e. £122 on the date on or after 1st April 2003 on which the certificate is issued, and £500 on the anniversary first occurring after 1st April 2003 of the date on which the fee payable in relation to the making of an application for a licence under the 1957 Act was last paid;
- make a consequential amendment to regulation 6(5) (frequency of inspections).

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