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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2504 (W.205) (C.82)**

**PUBLIC HEALTH, WALES  
WALES  
DENTISTS, WALES**

**The Care Standards Act 2000 (Commencement No.5  
and Transitional Provisions) (Wales) Order 2001**

*Made* - - - - *3rd July 2001*

The National Assembly for Wales makes the following Order in exercise of the powers conferred by sections 118(4), (6), (7) and 122 of the Care Standards Act 2000<sup>(1)</sup>:

**Citation and interpretation**

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No.5 and Transitional Provisions) (Wales) Order 2001.

(2) In this Order—

“the 2000 Act” (“*Deddf 2000*”) means the Care Standards Act 2000;

“the 1984 Act” (“*Deddf 1984*”) means the Registered Homes Act 1984<sup>(2)</sup>;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales.

**Appointed days**

2.—(1) For the purpose only of enabling an application for registration to be made under section 23(3) of the 1984 Act (registration of nursing homes) 31st July 2001 is the day appointed for the coming into force in relation to Wales of section 39 of the 2000 Act (temporary extension of meaning of “nursing home”) of the Act.

(2) 31st August 2001 is the day appointed for the coming into force in relation to Wales of the remainder of section 39 of the 2000 Act.

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(1) [2000 c. 14](#). The power is exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1). It means the National Assembly in relation to Wales; in relation to England, Scotland and Northern Ireland it means the Secretary of State.

(2) [1984 c. 23](#).

### Transitional provisions

3.—(1) Where a person (“the applicant”) has before 31st August 2001 duly made an application under section 23(3) of the 1984 Act in respect of premises in Wales falling within the description in section 21(3B) of the 1984 Act (meaning of “nursing home”) paragraph (2) of this article shall apply.

(2) Section 23(1) of the 1984 Act (offence of carrying on an unregistered nursing home) shall not apply to the applicant—

- (a) until such time as the application is granted, or
- (b) if the application is refused—
  - (i) if no appeal is brought, until the expiration of 28 days after service of notice of the National Assembly’s decision (3); or
  - (ii) if an appeal is brought, until it is determined or abandoned.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

*Dafydd Elis Thomas*  
The Presiding Officer of the National Assembly  
for Wales

3rd July 2001

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(3) The registration functions of the National Assembly under Part II of the 1984 Act are delegated to health authorities in Wales. Those functions were conferred upon the Secretary of State by the 1984 Act but made exercisable by the National Assembly in relation to Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 (S.I.1996/708) delegated the registration functions of the Secretary of State under Part II of the 1984 Act to health authorities in Wales. S.I. 1996/708 has effect in relation to Wales as if it were a delegation by the National Assembly to health authorities in Wales of those functions under the 1984 Act that were made exercisable by the National Assembly by SI1999/672 and had previously been delegated to health authorities in Wales by S.I. 1996/708: see sections 23(3) and 43 of the Government of Wales Act 1998 (c. 38).

(4) 1998 c. 38.

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## EXPLANATORY NOTE

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

This Order brings into force section 39 of the Care Standards Act 2000 ('the 2000 Act') in relation to Wales. Section 39 amends section 21 of the Registered Homes Act 1984 ('the 1984 Act') so as to extend the meaning of 'nursing home'. The effect of the amendment is to require a person carrying on premises used or intended to be used by a dental practitioner for the purposes of treating patients under general anaesthesia to register those premises as a 'nursing home' under Part II of the 1984 Act, unless the exemption applies. The exemption applies if the premises are used by a dental practitioner for the purposes of treating patients under general anaesthesia for the National Health Service.

Section 39 comes into force on 31st July 2001 only for the purpose of enabling applications for registration to be made in respect of newly registerable premises. The remainder of it comes into force on 31st August 2001.

The Order also makes transitional provisions. Newly registerable premises may continue to operate unregistered after the 31st August 2001, whilst the registration process is ongoing, so long as they have made an application for registration before that date.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The provisions of the Care Standards Act 2000 ('the Act') in respect of which an entry is made in the Table below have been brought into force in relation to Wales on the date specified alongside their entry. Those provisions whose entry is followed by '(a)' were brought into force by S.I.2000/2992 (W.192) (C.93); those followed by '(b)' were brought into force by S.I. 2001/139 (W.5) (C.7); those followed by '(c)' were brought into force by S.I. 2001/2190 (W.152) (C.70); and those followed by '(d)' were brought into force by S.I. 2001/2354(W.192) (C.80).

Provision	Date of Commencement
Sections 1–5 (c)	1st July 2001
Section 7(7) (c)	1st July 2001
Section 8 (partially) (c)	1st July 2001
Section 9(3)–(5) (c)	1st July 2001
Sections 11–12 (partially) (c)	1st July 2001
Sections 14–15 (partially) (c)	1st July 2001
Section 16 (c)	1st July 2001
Sections 22–23 (c)	1st July 2001
Section 25 (c)	1st July 2001
Sections 33–35 (c)	1st July 2001
Section 36 (partially) (c)	1st July 2001
Section 38(c)	1st July 2001

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Provision	Date of Commencement
Section 40 (partially) <b>(b)</b>	1st February 2001
Section 40 (remainder) <b>(b)</b>	28th February 2001
Section 41 <b>(b)</b>	28th February 2001
Sections 42–43 <b>(c)</b>	1st July 2001
Sections 48–52 <b>(c)</b>	1st July 2001
Section 54(1), (3)–(7) <b>(a)</b>	1st April 2001
Section 55 & Schedule 1 <b>(a)</b>	1st April 2001
Section 72 & Schedule 2 <b>(a)</b>	13th November 2000
Section 79(1) (partially) <b>(c)</b>	1st July 2001
Section 79(2) & Schedule 3 (partially) <b>(c)</b>	1st July 2001
Section 79(3),(4) <b>(c)</b>	1st July 2001
Section 98 <b>(d)</b>	1st July 2001
Sections 107–108 <b>(c)</b>	1st July 2001
Section 112 <b>(c)</b>	1st July 2001
Section 113 (2)–(4) <b>(a)</b>	1st April 2001
Section 114 (partially) <b>(a)</b>	1st April 2001
Section 114 (remainder) <b>(c)</b>	1st July 2001
Section 115 <b>(c)</b>	1st July 2001
Section 116 & Schedule 4 (partially) <b>(b)</b>	28th February 2001
Section 116 & Schedule 4 (partially) <b>(c)</b>	1st July 2001
Section 117(1) & Schedule 5 (partially) <b>(c)</b>	1st July 2001

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force by S.I. [2000/2544 \(C.72\)](#) in relation to Wales, as well as in relation to England, on the date specified alongside their entry.

Provision	Date of Commencement
Section 80(8)	2nd October 2000
Section 94	2nd October 2000
Section 96 (partially)	15th September 2000
Section 96 (remainder)	2nd October 2000
Section 99	15th September 2000
Section 100	2nd October 2000
Section 101	2nd October 2000
Section 103	2nd October 2000
Section 116 & Schedule 4 (partially)	2nd October 2000

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provision	Date of Commencement
Section 117(2) & Schedule 6 (partially)	2nd October 2000

In addition various other provisions of the Act have been brought into force in relation to England by the following Statutory Instruments: S.I. [2000/2795 \(C.79\)](#); S.I. [2001/290 \(C.17\)](#); S.I. [2001/731 \(C.26\)](#); S.I. [2001/952 \(C.35\)](#); S.I. [2001/1210 \(C.41\)](#); S.I. [2001/1536 \(C.55\)](#); S.I. [2001/2041 \(C.68\)](#).