



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 6

#### MISCELLANEOUS AND GENERAL

#### *Interpretation*

#### 97 General interpretation of Part 1

(1) In this Part—

“adult social services” means—

- (a) services which are provided or commissioned by an English local authority in the exercise of its adult social services functions, and
- (b) services which are provided or commissioned by an English local authority under section 2(1)(b) of the Local Government Act 2000 (c. 22) and which are similar in nature to a service which could be provided by the authority in the exercise of any of its adult social services functions;

“adult social services functions” means social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)) so far as relating to persons aged 18 or over, excluding any function to which Chapter 4 of Part 8 of the Education and Inspections Act 2006 (c. 40) applies;

“the Commission” means the Care Quality Commission;

“cross-border Special Health Authority” means a Special Health Authority not performing functions only or mainly in respect of England or only or mainly in respect of Wales;

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*Status: This is the original version (as it was originally enacted).*

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“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

“English local authority” means—

- (a) a county council in England,
- (b) a metropolitan district council,
- (c) a non-metropolitan district council for an area for which there is no county council,
- (d) a London borough council,
- (e) the Common Council of the City of London, or
- (f) the Council of the Isles of Scilly;

“English NHS body” means—

- (a) a Primary Care Trust,
- (b) a Strategic Health Authority,
- (c) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in England,
- (d) an NHS foundation trust, or
- (e) a Special Health Authority performing functions only or mainly in respect of England;

“English NHS provider” means—

- (a) a Primary Care Trust,
- (b) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in England, or
- (c) an NHS foundation trust;

“health care” has the meaning given by section 9(2) (but see subsection (2) below);

“health or social care” has the meaning given by section 9(4);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

“NHS care” means health care provided by Primary Care Trusts or commissioned by Primary Care Trusts (whether from other English NHS providers or not);

“Part 1 offence” means an offence under this Part or under regulations under this Part;

“prescribed” means prescribed by regulations;

“regulated activity” has the meaning given by section 8;

“regulations” means regulations made by the Secretary of State;

“regulatory functions”, in relation to the Commission, is to be read in accordance with section 60(2);

“social care” has the meaning given by section 9(3).

- (2) Except in Chapter 2, any reference in this Part to the provision of health care includes a reference to—
  - (a) the provision of services connected with the provision of health care, and
  - (b) the promotion and protection of public health.
- (3) Any reference in this Part to health care commissioned by a Primary Care Trust is a reference to health care provided by other persons pursuant to arrangements made by the Trust.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Any reference in this Part to adult social services commissioned by an English local authority is a reference to adult social services provided by other persons pursuant to arrangements made by the authority.
- (5) Any reference in this Part to a person who carries on a regulated activity includes a reference to a person who carries it on otherwise than for profit.
- (6) Any reference in this Part to the provision of health care, or adult social services, by a person includes a reference to the provision of that care, or those services, by that person's agent or sub-contractor.
- (7) In its application to a function conferred on the Commission by regulations under section 59(1)(b), Chapter 6 has effect as if any reference in Chapter 6 to an English NHS body included a reference to a cross-border Special Health Authority.