

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **E+W**

Section 1

THE CARE QUALITY COMMISSION

Status

- 1 (1) The Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Commission's property is not to be regarded as property of, or property held on behalf of, the Crown.

Commencement Information

II Sch. 1 para. 1 in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(i)

General powers and duties

- 2 (1) The Commission may do anything which appears to it to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions.
- (2) This includes, in particular—
 - (a) co-operating with other public authorities in the United Kingdom,
 - (b) acquiring and disposing of land and other property,
 - (c) entering into contracts,
 - (d) providing training, and
 - (e) doing things outside (as well as within) the United Kingdom.
- (3) It is the duty of the Commission to carry out its functions effectively, efficiently and economically.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(i)

Membership

- 3 (1) The Commission is to consist of—
 - (a) a chair appointed by the Secretary of State, and
 - (b) other members so appointed.
- (2) The Secretary of State must exercise the powers in sub-paragraph (1) so as to secure that the knowledge and experience of the members of the Commission (taken

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together) includes knowledge and experience relating to health care, social care and the Mental Health Act 1983 (c. 20).

- (3) The Secretary of State may, in the prescribed manner, remove the chair or any other member from office if (but only if) the Secretary of State is satisfied that the person—
- (a) is unable or unfit to carry out the duties of that office,
 - (b) is failing to carry out those duties, or
 - (c) is disqualified from holding office (or was disqualified at the time of appointment).
- (4) The Secretary of State may by regulations make provision as to—
- (a) the appointment of the chair and other members (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment), and
 - (b) subject to this paragraph of this Schedule, the tenure of office of the chair and other members (including the circumstances in which they are to cease to hold office, are disqualified from holding office or may be suspended from office).
- (5) Regulations under sub-paragraph (4)(b) relating to the suspension of a person from office may only provide for suspension where it appears to the Secretary of State that one of the conditions in sub-paragraph (3) is or may be satisfied in relation to that person.

Commencement Information

- I3** Sch. 1 para. 3 partly in force; Sch. 1 para. 3 in force for specified purposes at Royal Assent, see s. 170
- I4** Sch. 1 para. 3 in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2497](#), [art. 2\(n\)\(i\)](#)

Remuneration and allowances

- 4 (1) The Commission must pay to its chair, or to any other member, such remuneration and allowances as the Secretary of State may determine.
- (2) If the Secretary of State so determines, the Commission must pay or make provision for the payment of such pension, allowances or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the chair or any other member of the Commission.
- (3) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chair of the Commission to receive compensation, the Commission must—
- (a) pay to that person, or
 - (b) make provision for the payment to that person of, such compensation as the Secretary of State may determine.

Commencement Information

- I5** Sch. 1 para. 4 in force at 1.10.2008 by [S.I. 2008/2497](#), [art. 2\(n\)\(i\)](#)

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Employees

- 5 (1) The Commission must appoint a chief executive, who is to be an employee of the Commission.
- (2) The Commission may appoint such other employees as it considers appropriate.
- (3) Employees of the Commission are to be appointed on such terms and conditions as the Commission may determine.
- (4) Without prejudice to its other powers, the Commission may pay, or make provision for the payment of—
- (a) pensions, allowances and gratuities, or
 - (b) compensation for loss of employment or reduction of remuneration,
- to or in respect of its employees.
- [^{F1}(5) Before making a determination as to remuneration, pensions, allowances or gratuities for the purposes of sub-paragraph (3) or (4), the Commission must obtain the approval of the Secretary of State to its policy on that matter.]

Textual Amendments

F1 Sch. 1 para. 5(5) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 292, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Commencement Information

I6 Sch. 1 para. 5 in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(i)

Procedure

- 6 (1) The Commission must appoint an advisory committee (“the advisory committee”) for the purpose of giving advice or information to it about matters connected with its functions.
- [^{F2}(1A) A committee of the Commission known as “the Healthwatch England committee” is to be appointed in accordance with regulations.
- (1B) The purpose of the Healthwatch England committee is to provide the Commission or other persons with advice, information or other assistance in accordance with provision made by or under this or any other Act.]
- (2) In considering how to exercise its functions, the Commission must have regard to relevant advice and information given to it by the advisory committee (whether or not given at its request).
- (3) The Commission may appoint such other committees and sub-committees as it thinks fit.
- (4) The advisory committee and any committee or sub-committee appointed under sub-paragraph (3) may consist of or include persons who are not members of the Commission.
- (5) The advisory committee must include persons of a prescribed description.

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- [^{F3}(5A) Regulations under sub-paragraph (1A) must make provision requiring a person who has power to appoint a member of the Healthwatch England committee to secure that a majority of the members of the committee are not members of the Commission.
- (5B) Regulations under sub-paragraph (1A) may specify other results which a person who has power to appoint a member of the committee must secure.
- (5C) Regulations under sub-paragraph (1A) may, in particular, make provision as to—
- (a) eligibility for appointment;
 - (b) procedures for selecting or proposing persons for appointment.
- (5D) Regulations under sub-paragraph (1A) may, in particular, make provision as to—
- (a) the removal or suspension of members of the committee;
 - (b) the payment of remuneration and allowances to members.]

(6) The Commission may pay such remuneration and allowances as it thinks fit to persons who—

 - (a) are members of its committees and sub-committees, but
 - (b) are not members of the Commission.

(7) The Commission may in all other respects regulate its own procedure.

(8) The validity of proceedings of the Commission is not affected—

 - (a) by any vacancy in its membership,
 - (b) by any defect in the appointment of a member, or
 - (c) by any person—
 - (i) acting as a member even though ineligible for appointment when purportedly appointed, or
 - (ii) acting as a member after having ceased to be a member.

Textual Amendments

- F2** Sch. 1 para. 6(1A)(1B) inserted (27.3.2012 for specified purposes, 1.10.2012 in so far as not already in force) by *Health and Social Care Act 2012 (c. 7)*, **ss. 181(2)**, 306(1)(d), (4); *S.I. 2012/1831*, art. 2(2)
- F3** Sch. 1 para. 6(5A)-(5D) inserted (27.3.2012 for specified purposes, 1.10.2012 in so far as not already in force) by *Health and Social Care Act 2012 (c. 7)*, **ss. 181(3)**, 306(1)(d), (4); *S.I. 2012/1831*, art. 2(2)

Commencement Information

- I7** Sch. 1 para. 6 partly in force; Sch. 1 para. 6 in force for specified purposes at Royal Assent, see s. 170
- I8** Sch. 1 para. 6(1)(2)(5) in force at 1.4.2009 by *S.I. 2009/462*, art. 2(1), **Sch. 1 para. 2**
- I9** Sch. 1 para. 6(3) Sch. 1 para. 6(6)-(8) in force at 1.10.2008 in so far as not already in force by *S.I. 2008/2497*, **art. 2(n)(ii)**
- I10** Sch. 1 para. 6(4) in force at 1.10.2008 for specified purposes by *S.I. 2008/2497*, **art. 2(n)(iii)**
- I11** Sch. 1 para. 6(4) in force at 1.4.2009 in so far as not already in force by *S.I. 2009/462*, art. 2(1), **Sch. 1 para. 2**

Exercise of functions

- 7 (1) The Commission may arrange for—
- (a) any of its committees, sub-committees, members or employees, or
 - (b) any other person,

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to exercise any of its functions on its behalf.

- (2) If the Commission arranges for the exercise of any function as mentioned in sub-paragraph (1)(b), the arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, any such person.
- (3) The reference in sub-paragraph (1) to any of the Commission's committees does not include the advisory committee.

Commencement Information

I12 Sch. 1 para. 7(1)(2) in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(v)

I13 Sch. 1 para. 7(3) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 2

Assistance

- 8 (1) The Commission may arrange for such persons as it thinks fit to assist it in the exercise of any of its functions in relation to—
 - (a) a particular case, or
 - (b) cases of a particular description.
- (2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Commencement Information

I14 Sch. 1 para. 8 in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(vi)

Payments and loans to the Commission

- 9 (1) The Secretary of State may make payments to the Commission of such amounts, at such times and on such conditions (if any) as the Secretary of State considers appropriate.
- (2) The Secretary of State may, with the approval of the Treasury, lend money to the Commission on such terms (including terms as to repayment and interest) as the Secretary of State may determine.
- (3) Except as provided by sub-paragraph (2), the Commission has no power to borrow money.

Commencement Information

I15 Sch. 1 para. 9 in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(vi)

Accounts

- 10 (1) The Commission must keep accounts in such form as the Secretary of State may determine.

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- (2) The Commission must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) The Commission must send copies of the annual accounts to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General,
 within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts, and of the report on them, before Parliament.
- (5) In this paragraph “financial year” means—
 - (a) the period beginning with the day on which the Commission is established and ending with the next 31 March following that day, and
 - (b) each successive period of 12 months ending with 31 March.

Commencement Information

I16 Sch. 1 para. 10 in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(vi)

Seal and evidence

- 11 The application of the seal of the Commission must be authenticated by the signature—
 - (a) of any member of the Commission, or
 - (b) of any other person who has been authorised by the Commission (whether generally or specifically) for that purpose.

Commencement Information

I17 Sch. 1 para. 11 in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(vi)

- 12 A document—
 - (a) purporting to be duly executed under the seal of the Commission, or
 - (b) purporting to be signed on behalf of the Commission,
 is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Commencement Information

I18 Sch. 1 para. 12 in force at 1.10.2008 by S.I. 2008/2497, art. 2(n)(vi)

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