



# Health and Social Care Act 2008

## CHAPTER 14

### HEALTH AND SOCIAL CARE ACT 2008

#### PART 1

##### THE CARE QUALITY COMMISSION

#### CHAPTER 1

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- 2 The Commission's functions
- 3 The Commission's objectives
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- 7 Meaning of “health and social care services” in Chapter 1

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*Status: Point in time view as at 27/03/2012.*

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12 Grant or refusal of registration as a service provider

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- 75 Inquiries

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## SCHEDULES

### SCHEDULE 1 — The Care Quality Commission

#### *Status*

- 1 (1) The Commission is not to be regarded as the...

#### *General powers and duties*

- 2 (1) The Commission may do anything which appears to it...

#### *Membership*

- 3 (1) The Commission is to consist of—

#### *Remuneration and allowances*

- 4 (1) The Commission must pay to its chair, or to...

#### *Employees*

- 5 (1) The Commission must appoint a chief executive, who is...

#### *Procedure*

- 6 (1) The Commission must appoint an advisory committee (“the advisory...

#### *Exercise of functions*

- 7 (1) The Commission may arrange for— (a) any of its...

#### *Assistance*

- 8 (1) The Commission may arrange for such persons as it...

#### *Payments and loans to the Commission*

- 9 (1) The Secretary of State may make payments to the...

#### *Accounts*

- 10 (1) The Commission must keep accounts in such form as...

#### *Seal and evidence*

- 11 The application of the seal of the Commission must be...  
12 A document— (a) purporting to be duly executed under the...

### SCHEDULE 2 — Transfers of property and staff etc.

#### *Transfer schemes*

- 1 (1) The Secretary of State may make one or more...



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### *Transfer*

- 2 The property, rights and liabilities which are the subject of...

### *Employment*

- 3 The transfer by paragraph 2 of the rights and liabilities...
- 4 (1) Paragraph 2 does not operate to transfer the rights...

### *Transitional*

- 5 (1) Anything done by or in relation to the transferor...

### SCHEDULE 3 — Amendments of Mental Health Act 1983

- 1 In this Schedule “the MHA” means the Mental Health Act...
- 2 In section 57 of the MHA (treatment requiring consent and...
- 3 In section 58 of the MHA (treatment requiring consent or...
- 4 (1) Section 61 of the MHA (review of treatment) is...
- 5 In section 64H of the MHA (certificates: supplementary provision), in...
- 6 (1) Section 118 of the MHA (code of practice) is...
- 7 (1) Section 119 of the MHA (practitioners approved for Part...
- 8 For section 120 of the MHA substitute— General protection of...
- 9 After section 120 of the MHA insert— Investigation reports (1) The regulatory authority may publish a report of a...
- 10 In section 129 of the MHA (obstruction), in subsection (1),...
- 11 (1) Section 134 of the MHA (correspondence of patients) is...
- 12 After section 134 of the MHA insert— Review of decisions...
- 13 In section 145 of the MHA (general interpretation), in subsection...

### SCHEDULE 4 — Interaction with other authorities

#### Part 1 — INTERPRETATION

### *Inspection authorities*

- 1 (1) In this Schedule references to inspection authorities are to...

### *Inspection functions*

- 2 In this Schedule “inspection functions” means functions relating to, or...

### *Public authorities*

- 3 (1) In this Schedule “public authority”— (a) includes any person...

#### Part 2 — EXERCISE OF FUNCTIONS

### *Delegation of inspection functions to public authorities*

- 4 (1) The Commission may delegate any of its inspection functions...

### *Inspection programmes and inspection frameworks*

- 5 (1) The Commission must from time to time, or at...

### *Inspections by other inspectors of activities within Commission's remit*

- 6 (1) If— (a) a specified inspector is proposing to carry...

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### *Co-operation*

- 7 The Commission must co-operate with— (a) the inspection authorities, and...

### *Joint action*

- 8 (1) The Commission may act jointly with another public authority...

### *Advice or assistance for other public authorities*

- 9 (1) The Commission may, if it thinks it appropriate to...

### *Inspections carried out under arrangements*

- 10 (1) The Commission may make arrangements with—

## SCHEDULE 5 — Further amendments relating to Part 1

### Part 1 — AMENDMENTS OF CARE STANDARDS ACT 2000

- 1 In this Part of this Schedule “the 2000 Act” means...
- 2 (1) Section 1 of the 2000 Act (children's homes) is...
- 3 In section 2 of the 2000 Act (independent hospitals etc),...
- 4 (1) Section 3 of the 2000 Act (care homes) is...
- 5 (1) Section 4 of the 2000 Act (other basic definitions)...
- 6 (1) Section 5 of the 2000 Act (registration authorities) is...
- 7 Omit section 5A (general duties of Commission for Healthcare Audit...
- 8 (1) Section 8 of the 2000 Act (general functions of...
- 9 In section 10 of the 2000 Act (inquiries), omit subsection...
- 10 In section 11 of the 2000 Act (requirement to register)—...
- 11 In section 12 of the 2000 Act (applications for registration),...
- 12 In section 14 of the 2000 Act (cancellation of registration),...
- 13 After section 14 of the 2000 Act insert— Suspension of...
- 14 In section 15 of the 2000 Act (applications by registered...
- 15 In section 16 of the 2000 Act (regulations about registration),...
- 16 In section 17 of the 2000 Act (notice of proposals)—...
- 17 In section 19 of the 2000 Act (notice of decisions),...
- 18 (1) Section 20 of the 2000 Act (urgent procedure for...
- 19 After section 20 of the 2000 Act insert— Urgent procedure...
- 20 (1) Section 21 of the 2000 Act (appeals to the...
- 21 In section 22 of the 2000 Act (regulation of establishments...
- 22 After section 24 of the 2000 Act insert— Offences relating...
- 23 In section 26 of the 2000 Act (false descriptions of...
- 24 In section 29 of the 2000 Act (proceedings for offences)—...
- 25 After section 30 of the 2000 Act insert— Penalty notices...
- 26 (1) In section 30A of the 2000 Act (notification of...
- 27 In section 31 of the 2000 Act (inspections by persons...
- 28 (1) Section 42 of the 2000 Act (power to extend...
- 29 (1) Section 55 of the 2000 Act (interpretation of Part...
- 30 In section 113 of the 2000 Act (default powers of...
- 31 Omit section 113A of the 2000 Act (fees payable under...
- 32 After section 118 of the 2000 Act insert— Regulations: Wales...
- 33 In section 120 of the 2000 Act (Wales) omit subsection...
- 34 In section 121 of the 2000 Act (general interpretation etc),...

### Part 2 — AMENDMENTS OF HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

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- 35 In this Part of this Schedule “the 2003 Act” means...
- 36 Omit sections 41 to 44 of the 2003 Act (regulatory...
- 37 In section 45 of the 2003 Act (quality in health...
- 38 Omit section 46 of the 2003 Act (standards set by...
- 39 Omit sections 47A to 47C of the 2003 Act (code...
- 40 Omit sections 48 to 69A of the 2003 Act (NHS...
- 41 Omit sections 76 to 91 of the 2003 Act (social...
- 42 In section 96 of the 2003 Act (additional functions of...
- 43 In section 100 of the 2003 Act (power of Welsh...
- 44 Omit sections 102 to 104 of the 2003 Act (functions...
- 45 In section 113 of the 2003 Act (complaints about health...
- 46 In section 114 of the 2003 Act (complaints about social...
- 47 Omit sections 120 to 141 of the 2003 Act (supplementary...
- 48 For section 143 of the 2003 Act substitute— Use by...
- 49 Omit section 144 of the 2003 Act (inquiries: Wales).
- 50 Omit sections 145 and 145A of the 2003 Act (CHAI...
- 51 In section 148 of the 2003 Act (interpretation of Part...
- 52 Omit Schedules 6 to 8 to the 2003 Act (supplementary...

Part 3 — AMENDMENTS OF OTHER ACTS

*Prison Act 1952 (c. 52)*

- 53 (1) Schedule A1 to the Prison Act 1952 (further provision...

*Public Records Act 1958 (c. 51)*

- 54 In Schedule 1 to the Public Records Act 1958 (definition...

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 55 In paragraph 1 of the Schedule to the Public Bodies...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 56 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

*House of Commons Disqualification Act 1975 (c. 24)*

- 57 (1) Schedule 1 to the House of Commons Disqualification Act...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 58 In Part 2 of Schedule 1 to the Northern Ireland...

*Race Relations Act 1976 (c. 74)*

- 59 .....

*Copyright, Designs and Patents Act 1988 (c. 48)*

- 60 In section 48(6) of the Copyright, Designs and Patents Act...

*Road Traffic Act 1988 (c. 52)*

- 61 In section 144 of the Road Traffic Act 1988 (exceptions...

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*Vehicle Excise and Registration Act 1994 (c. 22)*

62 In paragraph 7 of Schedule 2 to the Vehicle Excise...

*Police Act 1996 (c. 16)*

63 (1) Schedule 4A to the Police Act 1996 (further provision...

*Audit Commission Act 1998 (c. 18)*

64 (1) Section 4 of the Audit Commission Act 1998 (code...

65 (1) Section 7 of the Audit Commission Act 1998 (fees)...

66 (1) In section 33 of the Audit Commission Act 1998...

67 (1) In section 34 of the Audit Commission Act 1998...

68 (1) In section 49 of the Audit Commission Act 1998...

69 In Schedule 2A to the Audit Commission Act 1998 (interaction...

*Local Government Act 1999 (c. 27)*

70 In section 25 of the Local Government Act 1999 (co-ordination...

*Crown Prosecution Service Inspectorate Act 2000 (c. 10)*

71 (1) The Schedule to the Crown Prosecution Service Inspectorate Act...

*Regulation of Investigatory Powers Act 2000 (c. 23)*

72 In Schedule 1 to the Regulation of Investigatory Powers Act...

*Freedom of Information Act 2000 (c. 36)*

73 In Schedule 1 to the Freedom of Information Act 2000...

*Criminal Justice and Court Services Act 2000 (c. 43)*

74 (1) Schedule 1A to the Criminal Justice and Court Services...

*Courts Act 2003 (c. 39)*

75 (1) Schedule 3A to the Courts Act 2003 (further provision...

*Public Audit (Wales) Act 2004 (c. 23)*

76 In section 62 of the Public Audit (Wales) Act 2004...

77 In section 64 of the Public Audit (Wales) Act 2004...

*Children Act 2004 (c. 31)*

78 In section 20 of the Children Act 2004 (joint area...

*Health Act 2006 (c. 28)*

79 In section 61 of the Health Act 2006 (Commission to...

80 In Schedule 5 to the Health Act 2006 (list of...

*Education and Inspections Act 2006 (c. 40)*

81 (1) Paragraph 1 of Schedule 13 to the Education and...

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*National Health Service Act 2006 (c. 41)*

- 82 In section 9 of the National Health Service Act 2006...
- 83 In section 35 of the National Health Service Act 2006...
- 84 In section 56 of the National Health Service Act 2006...
- 85 In section 71 of the National Health Service Act 2006...
- 86 In Schedule 10 to the National Health Service Act 2006...

*National Health Service (Wales) Act 2006 (c. 42)*

- 87 In section 7 of the National Health Service (Wales) Act...
- 88 In section 30 of the National Health Service (Wales) Act...

*NHS Redress Act 2006 (c. 44)*

- 89 In section 5 of the NHS Redress Act 2006 (duty...
- 90 In section 13 of the NHS Redress Act 2006 (duties...

*Safeguarding Vulnerable Groups Act 2006 (c. 47)*

- 91 In section 45 of the Safeguarding Vulnerable Groups Act 2006...
- 92 (1) Paragraph 1 of Schedule 4 to the Safeguarding Vulnerable...
- 93 (1) Paragraph 7 of Schedule 4 to the Safeguarding Vulnerable...

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

- 94 In section 227 of the Local Government and Public Involvement...

SCHEDULE 6 — The Office of the Health Professions Adjudicator

...

SCHEDULE 7 — Adjudication functions under Medical Act 1983 and Opticians Act 1989

...

SCHEDULE 8 — Extension of powers under s. 60 of Health Act 1999

- 1 (1) Section 60 of the 1999 Act (regulation of health...
- 2 In section 62 of the 1999 Act (regulations and orders),...
- 3 Schedule 3 to the 1999 Act (which relates to the...
- 4 In paragraph 5 (exercise of power so as to confer...
- 5 (1) Paragraph 7 (matters outside the scope of the Orders)...
- 6 (1) Paragraph 8 (other matters outside the scope of the...
- 7 (1) Paragraph 9 (preliminary procedure for making Orders) is amended...
- 8 In paragraph 10 (interpretation of the Schedule)—
- 9 In paragraph 11 (which contains further interpretative provisions), in sub-paragraph...
- 10 Omit paragraph 12 (which confers limited powers in relation to...

SCHEDULE 9 — Regulation of social care workers

*Interpretation*

- 1 In this Schedule— “functions” includes powers and duties; “regulations” means...

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*Matters generally within the scope of regulations*

- 2 Regulations may make provision for the following matters (among others)—...

*Manner of exercise of power*

- 3 The power to make regulations may be exercised by amending...  
4 The power may be exercised so as to make provision...  
5 The power may be exercised so as to make provision—...  
6 The power may be exercised so as to—  
7 The power may not be exercised so as to create...

*Matters outside the scope of regulations*

- 8 (1) Regulations may not abolish the General Social Care Council...

*Preliminary procedure for making regulations: England*

- 9 (1) If the Secretary of State proposes to lay a...

*Preliminary procedure for making regulations: Wales*

- 10 (1) If the Welsh Ministers propose to lay a draft...

SCHEDULE 10 — Further amendments relating to Part 2

*Provision consequential on section 113(1)*

- 1 (1) Any reference in any instrument or document to the...

*Public Records Act 1958 (c. 51)*

- 2 In Schedule 1 to the Public Records Act 1958 (definition...

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 3 In the Schedule to the Public Bodies (Admission to Meetings)...

*House of Commons Disqualification Act 1975 (c. 24)*

- 4 In Part 2 of Schedule 1 to the House of...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 5 In Part 2 of Schedule 1 to the Northern Ireland...

*Race Relations Act 1976 (c. 74)*

- 6 .....

*Dentists Act 1984 (c. 24)*

- 7 In section 27 of the Dentists Act 1984 (allegations against...  
8 In section 36A of the Dentists Act 1984 (professions complementary...  
9 .....

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*Health Act 1999 (c. 8)*

- 10 In section 60 of the 1999 Act (regulation of health...
- 11 In section 62 of the 1999 Act (regulations and orders),...
- 12 In Schedule 3 to the 1999 Act (regulation of health...

*Freedom of Information Act 2000 (c. 36)*

- 13 In Part 6 of Schedule 1 to the Freedom of...

*Nursing and Midwifery Order 2001 (S.I. 2002/253)*

- 14 .....

*Health Professions Order 2001 (S.I. 2002/254)*

- 15 .....

*National Health Service Reform and Health Care Professions Act 2002 (c. 17)*

- 16 For the title to section 25 of the 2002 Act,...
- 17 (1) Section 25 of the 2002 Act is amended as...
- 18 .....
- 19 For the title to Schedule 7 to the 2002 Act...

...

- 20 .....
- 21 .....
- 22 .....
- 23 .....

*National Health Service Act 2006 (c. 41)*

- 24 In section 201 of the National Health Service Act 2006...

*National Health Service (Wales) Act 2006 (c. 42)*

- 25 In section 149 of the National Health Service (Wales) Act...

*National Assembly for Wales (Disqualification) Order 2006 (S.I. 2006/3335)*

- 26 In Part 1 of the Schedule to the National Assembly...

*Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289)*

- 27 .....

SCHEDULE 11 — Public health protection: further amendments

*Introductory*

- 1 In this Schedule “the 1984 Act” means the Public Health...

*Local Government, Planning and Land Act 1980 (c. 65)*

- 2 In section 159 of the Local Government, Planning and Land...

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### *Public Health (Control of Disease) Act 1984*

- 3 (1) Section 1 (authorities administering Act) of the 1984 Act...
- 4 (1) Section 5 of the 1984 Act (financial provisions as...
- 5 In section 7 of the 1984 Act (port health district...
- 6 Omit section 9 of the 1984 Act (vessels in inland...
- 7 In section 48 of the 1984 Act (removal of body...
- 8 In section 49 of the 1984 Act (regulations as to...
- 9 In section 50 of the 1984 Act (power to enter...
- 10 In section 51 of the 1984 Act (duties of local...
- 11 Omit section 52 of the 1984 Act (prosecution of offences...
- 12 Omit sections 54 to 57 of the 1984 Act.
- 13 In section 58 of the 1984 Act (form of notices...
- 14 In section 59 of the 1984 Act (authentication of documents)—...
- 15 In section 60 of the 1984 Act (service of notices...
- 16 After section 60 of the 1984 Act insert— Electronic communications...
- 17 (1) Section 61 of the 1984 Act (power to enter...
- 18 (1) Section 62 of the 1984 Act (supplementary provisions as...
- 19 For section 63 of the 1984 Act substitute— Offence of...
- 20 After section 63 of the 1984 Act insert— Offences by...
- 21 (1) Section 64 of the 1984 Act (restriction on right...
- 22 After section 64 of the 1984 Act insert— Time limits...
- 23 (1) Section 67 of the 1984 Act (applications to, and...
- 24 For section 69 of the 1984 Act substitute— Protection from...
- 25 Omit section 70 of the 1984 Act (local inquiries).
- 26 For section 71 of the 1984 Act substitute— Default powers...
- 27 In section 72 of the 1984 Act (cumulative effect of...
- 28 In section 73 of the 1984 Act (Crown property) after...
- 29 (1) Section 74 of the 1984 Act (interpretation) is amended...
- 30 Omit section 76 of the 1984 Act (Isle of Man...

### *Planning and Compensation Act 1991 (c. 34)*

- 31 In Part 1 of Schedule 18 to the Planning and...

#### SCHEDULE 12 — Funding of expenditure in connection with provision of pharmaceutical services

##### Part 1 — ENGLAND

- 1 In this Part of this Schedule “the NHS Act” means...
- 2 (1) Section 228 of the NHS Act (public funding of...
- 3 In section 229 of the NHS Act (financial duties of...
- 4 In section 230 of the NHS Act (resource limits for...
- 5 (1) Schedule 14 to the NHS Act (further provision about...

##### Part 2 — WALES

- 6 In this Part of this Schedule “the NHS (Wales) Act”...
- 7 In section 174 of the NHS (Wales) Act (public funding...
- 8 In section 175 of the NHS (Wales) Act (financial duties...
- 9 In section 176 of the NHS (Wales) Act (resource limits...
- 10 (1) Schedule 8 to the NHS (Wales) Act (further provision...

#### SCHEDULE 13 — Transitional provisions relating to s. 147



*Status: Point in time view as at 27/03/2012.*

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### *Interpretation of Schedule*

- 1 In this Schedule “the 1948 Act” means the National Assistance...

*Complaints, orders and payments under section 43 of the 1948 Act*

- 2 (1) No complaint may be made under section 43 of...

*Recovery of expenditure incurred under section 47(8) of the 1948 Act*

- 3 (1) Sub-paragraphs (3) to (5) apply in relation to expenditure...

*Recovery of expenses incurred under section 48 of the 1948 Act*

- 4 (1) Sub-paragraphs (3) to (5) apply in relation to reasonable...

*Prosecutions under section 51 of the 1948 Act*

- 5 (1) Sub-paragraph (2) applies in relation to an offence under...

*Transitional cases under paragraph 19(1) of Schedule 6 to the 1948 Act*

- 6 (1) Sub-paragraphs (2) and (3) apply where—

*Transitional cases under paragraph 19(2) of Schedule 6 to the 1948 Act*

- 7 (1) Sub-paragraphs (2) and (3) apply where an order of...

*Recovery of expenses under section 46 of the Public Health (Control of Disease) Act 1984*

- 8 (1) Sub-paragraphs (3) to (5) apply in relation to expenses...

### SCHEDULE 14 — Further amendments relating to Part 5

*Children Act 1989 (c. 41)*

- 1 In section 17A of the Children Act 1989 (direct payments),...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

*House of Commons Disqualification Act 1975 (c. 24)*

- 3 In Part 2 of Schedule 1 to the House of...

*Freedom of Information Act 2000 (c. 36)*

- 4 In Schedule 1 to the Freedom of Information Act 2000...

*National Health Service Act 2006 (c. 41)*

- 5 In section 271 of the National Health Service Act 2006...  
6 In Schedule 1 to the National Health Service Act 2006...

*National Health Service (Wales) Act 2006 (c. 42)*

- 7 In Schedule 1 to the National Health Service (Wales) Act...

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*Safeguarding Vulnerable Groups Act 2006 (c. 47)*

8 In section 6 of the Safeguarding Vulnerable Groups Act 2006...

SCHEDULE 15 — Repeals and revocations

Part 1 — REPEALS AND REVOCATIONS RELATING TO PART 1

Part 2 — REGULATION OF HEALTHCARE PROFESSIONS

Part 3 — PUBLIC HEALTH PROTECTION

Part 4 — NATIONAL HEALTH SERVICE

Part 5 — ABOLITION OF MAINTENANCE LIABILITY OF RELATIVES

Part 6 — ESTABLISHMENT OF NATIONAL INFORMATION GOVERNANCE  
BOARD

Part 7 — ABOLITION OF NATIONAL BIOLOGICAL STANDARDS BOARD

**Status:**

Point in time view as at 27/03/2012.

**Changes to legislation:**

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