

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 95

#### 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 the Care Standards Act 2000 (c. 14).

#### Commencement Information

- I1** Sch. 5 para. 1 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(a)

- 2 (1) Section 1 of the 2000 Act (children's homes) is amended as follows.
- (2) In subsection (4), after “establishment” insert “ in Wales ”.
- (3) After that subsection insert—
- “(4A) An establishment in England is not a children's home if it is—
- (a) a hospital (within the meaning of the National Health Service Act 2006); or
- (b) a residential family centre,
- or if it is of a description excepted by regulations.”

#### Commencement Information

- I2** Sch. 5 para. 2 partly in force; Sch. 5 para. 2 in force for specified purposes at Royal Assent, see s. 170
- I3** Sch. 5 para. 2 in force at 1.10.2010 in so far as not already in force by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 3 In section 2 of the 2000 Act (independent hospitals etc), in subsection (1), after “this Act” insert “ as it applies in relation to Wales ”.

#### Commencement Information

- I4** Sch. 5 para. 3 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 4 (1) Section 3 of the 2000 Act (care homes) is amended as follows.
- (2) In subsection (3), after “establishment” insert “ in Wales ”.
- (3) After that subsection insert—

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- “(4) And an establishment in England is not a care home if it is—
- (a) a hospital (within the meaning of the National Health Service Act 2006); or
  - (b) a children's home,
- or if it is of a description excepted by regulations.”

#### Commencement Information

- I5** Sch. 5 para. 4 partly in force; Sch. 5 para. 4 in force for specified purposes at Royal Assent, see s. 170
- I6** Sch. 5 para. 4 in force at 1.10.2010 in so far as not already in force by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 5 (1) Section 4 of the 2000 Act (other basic definitions) is amended as follows.
- (2) In subsection (8), for paragraph (a) substitute—
- “(a) any reference to a description of establishment is a reference to—
- (i) a children's home,
  - (ii) a children's home providing accommodation for the purpose of restricting liberty,
  - (iii) an independent hospital in Wales,
  - (iv) an independent hospital in Wales in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983,
  - (v) an independent clinic in Wales,
  - (vi) a care home in Wales, or
  - (vii) a residential family centre;”.
- (3) For subsection (9) substitute—
- “(9) Below in this Act—
- (a) any reference to a description of agency is a reference to—
    - (i) an independent medical agency in Wales or, where the activities of an independent medical agency are carried on from two or more branches, a branch in Wales of an independent medical agency,
    - (ii) a domiciliary care agency in Wales or, where the activities of a domiciliary care agency are carried on from two or more branches, a branch in Wales of a domiciliary care agency,
    - (iii) a nurses agency in Wales or, where the activities of a nurses agency are carried on from two or more branches, a branch in Wales of a nurses agency,
    - (iv) a fostering agency or, where the activities of a fostering agency are carried on from two or more branches, a branch of a fostering agency,
    - (v) a voluntary adoption agency, or
    - (vi) an adoption support agency or, where the activities of an adoption support agency are carried on from two or more branches, a branch of an adoption support agency;
  - (b) a reference to any agency is a reference to an agency or branch of any of those descriptions.”

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I7** Sch. 5 para. 5 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 6 (1) Section 5 of the 2000 Act (registration authorities) is amended as follows.
- (2) In subsection (1)—
- (a) for paragraph (a) substitute—
- “(a) the registration authority in the case of establishments and agencies mentioned in subsection (1A) is Her Majesty's Chief Inspector of Education, Children's Services and Skills (referred to in this Act as “the CIECSS”);”, and
- (b) in paragraph (b) for “in relation to Wales” substitute “ in any other case ”.
- (3) After subsection (1) insert—
- “(1A) The establishments and agencies are—
- (a) children's homes in England,
- (b) residential family centres in England,
- (c) fostering agencies in England or, where the activities of a fostering agency are carried on from two or more branches, the branches in England,
- (d) voluntary adoption agencies whose principal office is in England, and
- (e) adoption support agencies in England or, where the activities of an adoption support agency are carried on from two or more branches, the branches in England.”

#### Commencement Information

**I8** Sch. 5 para. 6 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 7 Omit section 5A (general duties of Commission for Healthcare Audit and Inspection) and section 5B (general duties of Commission for Social Care Inspection) of the 2000 Act.

#### Commencement Information

**I9** Sch. 5 para. 7 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(b)

- 8 (1) Section 8 of the 2000 Act (general functions of the Welsh Ministers) is amended as follows.
- (2) For subsection (3A) substitute—
- “(3A) But the functions which may be so specified do not include functions of making, confirming or approving subordinate legislation (as defined by section 158(1) of the Government of Wales Act 2006).”
- (3) In subsection (6)(b)(i), for “the CSCI” substitute “ the Care Quality Commission ”.
- (4) In subsection (7), omit the words from “, other than” to the end.

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

**I10** Sch. 5 para. 8 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(c)

9 In section 10 of the 2000 Act (inquiries), omit subsection (6).

**Commencement Information**

**I11** Sch. 5 para. 9 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(d)

10 In section 11 of the 2000 Act (requirement to register)—

- (a) omit subsection (2),
- (b) in subsection (3), for “subsections (1) and (2)” substitute “ subsection (1)”, and
- (c) in subsection (4), omit “the CHAI, the CSCI or”.

**Commencement Information**

**I12** Sch. 5 para. 10 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

11 In section 12 of the 2000 Act (applications for registration), in subsection (2), for the words from “the amount determined” to the end substitute “ the prescribed amount ”.

**Commencement Information**

**I13** Sch. 5 para. 11 in force at 2.11.2009 for specified purposes for E. by S.I. 2009/2862, art. 2(a)

**I14** Sch. 5 para. 11 in force at 1.10.2010 in so far as not already in force by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

12 In section 14 of the 2000 Act (cancellation of registration), in subsection (2), after paragraph (e) insert—

“(f) an offence under Part 1 of the Health and Social Care Act 2008 or regulations made under that Part.”

**Commencement Information**

**I15** Sch. 5 para. 12 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

13 After section 14 of the 2000 Act insert—

**“14A Suspension of registration**

- (1) The Welsh Ministers may at any time suspend for a specified period the registration of a person in respect of an establishment or agency for which the Welsh Ministers are the registration authority.
- (2) Except where the Welsh Ministers give notice under section 20B, the power conferred by subsection (1) is exercisable only on the ground that

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the establishment or agency is being, or has at any time been, carried on otherwise than in accordance with the relevant requirements.

- (3) The suspension of a person's registration does not affect the continuation of the registration (but see sections 24A and 26 as to offences).
- (4) A period of suspension may be extended under subsection (1) on one or more occasions.
- (5) Reference in this Part to the suspension of a person's registration is to suspension under this section, and related expressions are to be read accordingly.
- (6) In this section “relevant requirements” has the same meaning as in section 14.”

#### Commencement Information

- I16** Sch. 5 para. 13 in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(e)**  
**I17** Sch. 5 para. 13 in force at 1.10.2010 in so far as not already in force by S.I. 2010/807, art. 2(2), **Sch. 1 para. 30** (with Pt. 3)

- 14 In section 15 of the 2000 Act (applications by registered persons)—
- (a) in subsection (1), at the end of paragraph (b) insert “; or  
(c) for the cancellation of, or the variation of the period of, any suspension of the registration.”,
  - (b) in subsection (3)—
    - (i) after “(a)” insert “ or (c) ”, and
    - (ii) for the words from “a fee of—” to the end substitute “ a fee of the prescribed amount ”,
  - (c) after subsection (4) insert—

“(4A) If the Welsh Ministers decide to grant an application under subsection (1)(c), they must serve notice in writing of their decision on the applicant (stating, where applicable, the period as varied).”,  
and
  - (d) for subsection (5) substitute—

“(5) If different amounts are prescribed under subsection (3), the regulations may provide for the appropriate Minister to determine which amount is payable in a particular case.”

#### Commencement Information

- I18** Sch. 5 para. 14(a)(b)(i)(c) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(f)**  
**I19** Sch. 5 para. 14(b)(ii) in force at 2.11.2009 for specified purposes for E. by S.I. 2009/2862, **art. 2(b)**  
**I20** Sch. 5 para. 14(b)(ii) in force at 1.10.2010 in so far as not already in force by S.I. 2010/807, art. 2(2), **Sch. 1 para. 30** (with Pt. 3)  
**I21** Sch. 5 para. 14(d) in force at 1.10.2010 by S.I. 2010/807, art. 2(2), **Sch. 1 para. 30** (with Pt. 3)

- 15 In section 16 of the 2000 Act (regulations about registration), in subsection (3), for the words from “an annual fee—” to the end substitute “ an annual fee of the prescribed amount ”.

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

- I22** Sch. 5 para. 15 in force at 2.11.2009 for specified purposes for E. by S.I. 2009/2862, art. 2(c)  
**I23** Sch. 5 para. 15 in force at 1.10.2010 in so far as not already in force by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 16 In section 17 of the 2000 Act (notice of proposals)—
- (a) in subsection (4), after “section 20” insert “ or 20A or gives notice under section 20B ”,
  - (b) after paragraph (a) of that subsection insert—
    - “(aa) to suspend the registration or extend a period of suspension;”, and
  - (c) in subsection (5), after “(a)” insert “ or (c) ”.

**Commencement Information**

- I24** Sch. 5 para. 16(a) in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)  
**I25** Sch. 5 para. 16(b)(c) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(g)

- 17 In section 19 of the 2000 Act (notice of decisions), in subsection (4)—
- (a) omit the word “and” at the end of paragraph (b), and
  - (b) after that paragraph insert—
    - “(ba) in the case of a decision to adopt a proposal under section 17(4)(aa), state the period (or extended period) of suspension; and”.

**Commencement Information**

- I26** Sch. 5 para. 17 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(h)

- 18 (1) Section 20 of the 2000 Act (urgent procedure for cancellation etc) is amended as follows.
- (2) In subsection (1)—
    - (a) after “If” insert “ in respect of an establishment or agency for which the CIECSS is the registration authority ”,
    - (b) in paragraph (a), for “the registration authority” substitute “ the CIECSS ”, and
    - (c) in sub-paragraph (i) of that paragraph, for “an” substitute “ the ”.
  - (3) In subsection (3), for “the registration authority” substitute “ the CIECSS ”.
  - (4) In subsection (5), for “the registration authority” substitute “ the CIECSS ”.
  - (5) For subsection (6) substitute—
    - “(6) For the purposes of this section the appropriate authorities are—
      - (a) the local authority in whose area the establishment or agency is situated; and
      - (b) any other statutory authority whom the CIECSS thinks it appropriate to notify.”

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) Accordingly, for the heading of section 20 substitute “ Urgent procedure for cancellation, variation etc: England ”

**Commencement Information**

**I27** Sch. 5 para. 18 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

19 After section 20 of the 2000 Act insert—

**“20A Urgent procedure for cancellation: Wales**

- (1) If in respect of an establishment or agency for which the Welsh Ministers are the registration authority—
- (a) the Welsh Ministers apply to a justice of the peace for an order cancelling the registration of a person in respect of the establishment or agency, and
  - (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being,
- the justice may make the order, and the cancellation has effect from the time when the order is made.
- (2) An application under subsection (1) may, if the justice thinks fit, be made without notice.
- (3) As soon as practicable after the making of an application under this section, the Welsh Ministers must notify the appropriate authorities of the making of the application.
- (4) An order under subsection (1) is to be in writing.
- (5) Where such an order is made, the Welsh Ministers must, as soon as practicable after the making of the order, serve on the person registered in respect of the establishment or agency—
- (a) a copy of the order, and
  - (b) notice of the right of appeal conferred by section 21.
- (6) For the purposes of this section the appropriate authorities are—
- (a) the local authority in whose area the establishment or agency is situated,
  - (b) the Local Health Board in whose area the establishment or agency is situated, and
  - (c) any statutory authority not falling within paragraph (a) or (b) whom the Welsh Ministers think it appropriate to notify.
- (7) In this section “statutory authority” has the same meaning as in section 20.

**20B Urgent procedure for suspension or variation etc: Wales**

- (1) Subsection (2) applies where—
- (a) a person is registered under this Part in respect of an establishment or agency for which the Welsh Ministers are the registration authority, and

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) the Welsh Ministers have reasonable cause to believe that unless they act under this section any person will or may be exposed to the risk of harm.
- (2) Where this subsection applies, the Welsh Ministers may, by giving notice in writing under this section to the person registered in respect of the establishment or agency, provide for any decision of the Welsh Ministers that is mentioned in subsection (3) to take effect from the time when the notice is given.
- (3) Those decisions are—
  - (a) a decision under section 13(5) to vary or remove a condition for the time being in force in relation to the registration or to impose an additional condition;
  - (b) a decision under section 14A to suspend the registration or extend the period of suspension.
- (4) The notice must—
  - (a) state that it is given under this section,
  - (b) state the Welsh Ministers' reasons for believing that the circumstances fall within subsection (1)(b),
  - (c) specify the condition as varied, removed or imposed or the period (or extended period) of suspension, and
  - (d) explain the right of appeal conferred by section 21.”

**Commencement Information**

**I28** Sch. 5 para. 19 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 20 (1) Section 21 of the 2000 Act (appeals to the Tribunal) is amended as follows.
- (2) In subsection (1)(b), after “20” insert “ or 20A ”.
  - (3) In subsection (3), after “authority” insert “ , other than a decision to which a notice under section 20B relates, ”.
  - (4) After subsection (4) insert—
    - “(4ZA) On an appeal against a decision to which a notice under section 20B relates, the Tribunal may confirm the decision or direct that it shall cease to have effect.”
  - (5) In subsection (5)—
    - (a) omit the word “or” at the end of paragraph (b), and
    - (b) after paragraph (c) insert “; or
    - (d) to vary the period of any suspension.”
  - (6) After subsection (5) insert—
    - “(6) Subsection (1) does not apply to a decision of the Welsh Ministers under section 30ZA (penalty notices).”



*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

- I29** Sch. 5 para. 20(1) in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(i)**  
**I30** Sch. 5 para. 20(1) in force at 1.10.2010 in so far as not already in force by S.I. 2010/807, art. 2(2), **Sch. 1 para. 30** (with Pt. 3)  
**I31** Sch. 5 para. 20(2)-(4) in force at 1.10.2010 by S.I. 2010/807, art. 2(2), **Sch. 1 para. 30** (with Pt. 3)  
**I32** Sch. 5 para. 20(5)(6) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(i)**

- 21 In section 22 of the 2000 Act (regulation of establishments and agencies), in subsection (7)(i), for the words from “a fee of—” to the end substitute “ a fee of the prescribed amount; ”.

#### Commencement Information

- I33** Sch. 5 para. 21 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), **Sch. 1 para. 30** (with Pt. 3)

- 22 After section 24 of the 2000 Act insert—

#### “24A Offences relating to suspension

- (1) If a person who is registered under this Part in respect of an establishment or agency carries on or (as the case may be) manages the establishment or agency while the person's registration is suspended, the person is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

#### Commencement Information

- I34** Sch. 5 para. 22 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(j)**

- 23 In section 26 of the 2000 Act (false descriptions of establishments and agencies), after subsection (1) insert—

“(1A) If a person's registration under this Part has been suspended, the registration is to be treated for the purposes of subsection (1) as if it had not been effected.”

#### Commencement Information

- I35** Sch. 5 para. 23 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(j)**

- 24 In section 29 of the 2000 Act (proceedings for offences)—

- (a) for subsection (1) substitute—

“(1) Proceedings in respect of an offence under this Part or regulations made under it shall not, without the written consent of the Attorney General, be taken by any person other than the CIECSS or the Welsh Ministers.”,

- (b) in subsection (2), for “a period of six months” substitute “ the permitted period ”, and

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) after subsection (2) insert—

“(3) “The permitted period” means—

- (a) in the case of proceedings brought by the Welsh Ministers, a period of 12 months;
- (b) in any other case, a period of 6 months.”

**Commencement Information**

- I36** Sch. 5 para. 24(a) in force at 1.10.2010 by S.I. 2010/807, art. 2(2), **Sch. 1 para. 30** (with Pt. 3)  
**I37** Sch. 5 para. 24(b)(c) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(k)**

25 After section 30 of the 2000 Act insert—

*“Penalty notices*

**30ZA Penalty notices**

- (1) Where the Welsh Ministers are satisfied that a person has committed a fixed penalty offence, they may give the person a penalty notice in respect of the offence.
- (2) A fixed penalty offence is any relevant offence which—
  - (a) relates to an establishment or agency for which the Welsh Ministers are the registration authority, and
  - (b) is prescribed for the purposes of this section.
- (3) A relevant offence is—
  - (a) an offence under this Part or under regulations made under this Part, or
  - (b) an offence under regulations made under section 9 of the Adoption and Children Act 2002.
- (4) A penalty notice is a notice offering the person the opportunity of discharging any liability to conviction for the offence to which the notice relates by payment of a penalty in accordance with the notice.
- (5) Where a person is given a penalty notice, proceedings for the offence to which the notice relates may not be instituted before the end of such period as may be prescribed.
- (6) Where a person is given a penalty notice, the person cannot be convicted of the offence to which the notice relates if the person pays the penalty in accordance with the notice.
- (7) Penalties under this section are payable to the Welsh Ministers.
- (8) In this section “prescribed” means prescribed by regulations made by the Welsh Ministers.

**30ZB Penalty notices: supplementary provision**

- (1) The Welsh Ministers may by regulations make—

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) provision as to the form and content of penalty notices,
  - (b) provision as to the monetary amount of the penalty and the time by which it is to be paid,
  - (c) provision determining the methods by which penalties may be paid,
  - (d) provision as to the records to be kept in relation to penalty notices,
  - (e) provision for or in connection with the withdrawal, in prescribed circumstances, of a penalty notice, including—
    - (i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and
    - (ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates,
  - (f) provision for a certificate—
    - (i) purporting to be signed by or on behalf of a prescribed person, and
    - (ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate,to be received in evidence of the matters so stated,
  - (g) provision as to action to be taken if a penalty is not paid in accordance with a penalty notice, and
  - (h) such other provision in relation to penalties or penalty notices as the Welsh Ministers think necessary or expedient.
- (2) Regulations under subsection (1)(b)—
- (a) may make provision for penalties of different amounts to be payable in different cases, including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid, but
  - (b) must secure that the amount of any penalty payable in respect of any offence does not exceed one half of the maximum amount of the fine to which a person committing the offence would be liable on summary conviction.
- (3) In this section—
- “penalty” means a penalty under a penalty notice;
  - “penalty notice” has the meaning given by section 30ZA(4).”

#### Commencement Information

**I38** Sch. 5 para. 25 partly in force; Sch. 5 para. 25 in force for specified purposes at Royal Assent, see s. 170

**I39** Sch. 5 para. 25 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. 35(l)

- 26 (1) In section 30A of the 2000 Act (notification of matters relating to persons carrying on or managing certain establishments or agencies), inserted by the Children and Young Persons Act 2008, subsection (2) is amended as follows.
- (2) After paragraph (a) insert—
- “(aa) has decided to adopt a proposal under section 17(4)(aa) to suspend the registration of P in respect of the establishment or agency or to extend any such suspension,

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (ab) has given a notice under section 20B to suspend the registration of P in respect of the establishment or agency or to extend any such suspension.”.
- (3) Omit the word “or” at the end of paragraph (b).
- (4) At the end of paragraph (c) insert “or
  - (d) has given P a penalty notice under section 30ZA in respect of an offence which it alleges P committed in relation to the establishment or agency and P has paid the penalty in accordance with the notice,”.

**Commencement Information**

**I40** Sch. 5 para. 26 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 27 In section 31 of the 2000 Act (inspections by persons authorised by registration authority), in subsection (7), for the words from “require” to “the CIECSS” substitute “require the CIECSS”.

**Commencement Information**

**I41** Sch. 5 para. 27 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 28 (1) Section 42 of the 2000 Act (power to extend the application of Part 2) is amended as follows.
- (2) In subsection (1), after “(2)” insert “, (2A)”.
  - (3) For subsection (2) substitute—
    - “(2) This subsection applies to—
      - (a) Welsh local authorities providing services in the exercise of their social services functions, and
      - (b) persons who provide services which are similar to services which—
        - (i) may or must be so provided by Welsh local authorities, or
        - (ii) may or must be provided by Welsh NHS bodies.
    - (2A) This subsection applies to—
      - (a) English local authorities providing services in the exercise of their social services functions so far as relating to persons aged under 18, and
      - (b) persons who provide services which are similar to services which may or must be so provided by English local authorities.”
  - (4) In subsection (4), after “(2)” insert “ or (2A)”.
  - (5) Omit subsection (5).
  - (6) After subsection (5) insert—
    - “(6) For the purposes of this section, functions mentioned in section 135(1)(e) of the Education and Inspections Act 2006 are taken to be social services functions relating to persons aged under 18.

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) In this section—

“cross-border Special Health Authorities” means Special Health Authorities not performing functions only or mainly in respect of England or only or mainly in respect of Wales,

“English local authorities” means local authorities in England,

“Welsh local authorities” means local authorities in Wales, and

“Welsh NHS bodies” means—

- (a) Local Health Boards,
- (b) National Health Service trusts all or most of whose hospitals, establishments and facilities are situated in Wales,
- (c) Special Health Authorities performing functions only or mainly in respect of Wales, and
- (d) cross-border Special Health Authorities but only so far as their functions are performed in respect of Wales.”

**Commencement Information**

**I42** Sch. 5 para. 28 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

- 29 (1) Section 55 of the 2000 Act (interpretation of Part 4) is amended as follows.
- (2) In subsection (2)(c), for “an establishment, or an agency, of a description” substitute “a home, centre or agency of a kind”.
- (3) In subsection (3)—
- (a) in paragraph (e) omit “the CSCI,”, and
  - (b) after that paragraph insert—  
“(ea) staff of the Care Quality Commission who inspect premises under Part 1 of the Health and Social Care Act 2008 used for or in connection with the provision of social care (within the meaning of that Part) or who are responsible for persons who do so;”.

**Commencement Information**

**I43** Sch. 5 para. 29 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(m)

- 30 In section 113 of the 2000 Act (default powers of appropriate Minister) omit subsection (1A).

**Commencement Information**

**I44** Sch. 5 para. 30 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(m)

- 31 Omit section 113A of the 2000 Act (fees payable under Part 2).

**Commencement Information**

**I45** Sch. 5 para. 31 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

32 After section 118 of the 2000 Act insert—

**“118A Regulations: Wales**

- (1) This section has effect where a power to make regulations under this Act is conferred on the Welsh Ministers other than by or by virtue of the Government of Wales Act 2006.
- (2) Subsections (1) and (5) to (7) of section 118 apply to the exercise of that power as they apply to the exercise of a power conferred on the Welsh Ministers by or by virtue of that Act.
- (3) A statutory instrument containing regulations made in the exercise of that power is subject to annulment in pursuance of a resolution of the Assembly.”

**Commencement Information**

**I46** Sch. 5 para. 32 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(n)

33 In section 120 of the 2000 Act (Wales) omit subsection (1).

**Commencement Information**

**I47** Sch. 5 para. 33 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(n)

34 In section 121 of the 2000 Act (general interpretation etc), in the Table in subsection (13), omit the entries for the expressions “CHAI” and “CSCI”.

**Commencement Information**

**I48** Sch. 5 para. 34 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(n)

**PART 2**

AMENDMENTS OF HEALTH AND SOCIAL CARE  
 (COMMUNITY HEALTH AND STANDARDS) ACT 2003

35 In this Part of this Schedule “the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

**Commencement Information**

**I49** Sch. 5 para. 35 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(n)

36 Omit sections 41 to 44 of the 2003 Act (regulatory bodies).

**Commencement Information**

**I50** Sch. 5 para. 36 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(n)

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 37 In section 45 of the 2003 Act (quality in health care), in subsection (1), after “each” insert “ Welsh ”.

**Commencement Information**

**I51** Sch. 5 para. 37 in force at 1.4.2010 by S.I. 2010/708, art. 13(e)

- 38 Omit section 46 of the 2003 Act (standards set by Secretary of State).

**Commencement Information**

**I52** Sch. 5 para. 38 in force at 1.4.2010 by S.I. 2010/708, art. 13(e)

- 39 Omit sections 47A to 47C of the 2003 Act (code of practice relating to health care associated infections).

**Commencement Information**

**I53** Sch. 5 para. 39 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(o)

- 40 Omit sections 48 to 69A of the 2003 Act (NHS health care: functions of CHAI).

**Commencement Information**

**I54** Sch. 5 para. 40 in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(p) (with art. 11, Sch. 3)

**I55** Sch. 5 para. 40 in force at 6.4.2010 in so far as not already in force by S.I. 2010/807, art. 2(1), Sch. 1 para. 17 (with Pt. 3)

- 41 Omit sections 76 to 91 of the 2003 Act (social services: functions of CSCI).

**Commencement Information**

**I56** Sch. 5 para. 41 in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(q) (with art. 11, Sch. 3)

**I57** Sch. 5 para. 41 in force at 6.4.2010 in so far as not already in force by S.I. 2010/807, art. 2(1), Sch. 1 para. 17 (with Pt. 3)

- 42 In section 96 of the 2003 Act (additional functions of Welsh Ministers), in subsection (2), for paragraph (a) substitute—  
“(a) functions of the Care Quality Commission under Part 1 of the Health and Social Care Act 2008, and”.

**Commencement Information**

**I58** Sch. 5 para. 42 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(r)

- 43 In section 100 of the 2003 Act (power of Welsh Ministers to require information), in subsection (2)(c), for “NHS body” substitute “ Welsh NHS body or cross-border SHA ”.

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

**I59** Sch. 5 para. 43 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(r)

44 Omit sections 102 to 104 of the 2003 Act (functions of CHAI and CSCI under Care Standards Act).

**Commencement Information**

**I60** Sch. 5 para. 44 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(r)

45 In section 113 of the 2003 Act (complaints about health care), in subsection (3), omit paragraph (b).

**Commencement Information**

**I61** Sch. 5 para. 45 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(r)

46 In section 114 of the 2003 Act (complaints about social services), in subsection (2), omit paragraph (b).

**Commencement Information**

**I62** Sch. 5 para. 46 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(r)

47 Omit sections 120 to 141 of the 2003 Act (supplementary provision about CHAI and CSCI).

**Commencement Information**

**I63** Sch. 5 para. 47 in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(s)

**I64** Sch. 5 para. 47 in force at 6.4.2010 in so far as not already in force by S.I. 2010/807, art. 2(1), Sch. 1 para. 17 (with Pt. 3)

48 For section 143 of the 2003 Act substitute—

**“143 Use by Welsh Ministers of information**

- (1) The Welsh Ministers may use any information they obtain, or documents produced to them, in the course of exercising any function of the Welsh Ministers referred to in any paragraph of subsection (2) for the purposes of any function of the Welsh Ministers referred to in any other paragraph of that subsection.
- (2) The functions of the Welsh Ministers referred to in subsection (1) are—
  - (a) their functions under Chapter 4 of this Part;
  - (b) their functions under Chapter 6 of this Part;
  - (c) their functions exercisable by virtue of section 5(1)(b) or 8(1) to (3) of the Care Standards Act 2000;
  - (d) their functions under section 80 of the Children Act 1989;



*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (e) their functions under the Mental Health Act 1983 in their capacity as the regulatory authority (within the meaning of that Act);
  - (f) any functions exercisable by them by virtue of paragraph 163(1) of Schedule A1 to the Mental Capacity Act 2005.
- (3) References to functions in subsection (2) do not include functions of making regulations.”

**Commencement Information**

**I65** Sch. 5 para. 48 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(f)

49 Omit section 144 of the 2003 Act (inquiries: Wales).

**Commencement Information**

**I66** Sch. 5 para. 49 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(f)

50 Omit sections 145 and 145A of the 2003 Act (CHAI duties to co-operate).

**Commencement Information**

**I67** Sch. 5 para. 50 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(f)

51 In section 148 of the 2003 Act (interpretation of Part 2), omit the following definitions—

- (a) “the CHAI”,
- (b) “the CSCI”,
- (c) “financial year”, and
- (d) “Minister of the Crown”.

**Commencement Information**

**I68** Sch. 5 para. 51 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(f)

52 Omit Schedules 6 to 8 to the 2003 Act (supplementary provision about CHAI and CSCI).

**Commencement Information**

**I69** Sch. 5 para. 52 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(f)

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### PART 3

#### AMENDMENTS OF OTHER ACTS

##### *Prison Act 1952 (c. 52)*

- 53 (1) Schedule A1 to the Prison Act 1952 (further provision about Her Majesty's Chief Inspector of Prisons) is amended as follows.
- (2) In paragraph 2(2)—
- (a) omit paragraph (f), and
  - (b) for paragraph (g) substitute—  
     “(g) the Care Quality Commission;”.
- (3) In paragraph 3(2)—
- (a) omit paragraph (c), and
  - (b) for paragraph (d) substitute—  
     “(d) the Care Quality Commission;”.

#### **Commencement Information**

**I70** Sch. 5 para. 53 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(f)

##### *Public Records Act 1958 (c. 51)*

- 54 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3—
- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
  - (b) at the appropriate place insert— “ the Care Quality Commission. ”

#### **Commencement Information**

**I71** Sch. 5 para. 54(a) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(u)

**I72** Sch. 5 para. 54(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(i)

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

- 55 In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies in England and Wales to which the Act applies)—
- (a) omit paragraphs (bg) and (bh), and
  - (b) after paragraph (bh) insert—  
     “(bj) the Care Quality Commission;”.

#### **Commencement Information**

**I73** Sch. 5 para. 55 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(v)

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Parliamentary Commissioner Act 1967 (c. 13)*

- 56 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation)—
- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
  - (b) at the appropriate place insert— “ Care Quality Commission. ”

**Commencement Information**

- I74** Sch. 5 para. 56(a) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(w)  
**I75** Sch. 5 para. 56(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(ii)

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

- 57 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualified for membership) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified)—
- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
  - (b) at the appropriate place insert— “ The Care Quality Commission. ”
- (3) In Part 3 (other disqualifying offices), omit the entry for members of the Mental Health Act Commission in receipt of remuneration.

**Commencement Information**

- I76** Sch. 5 para. 57(1) in force at 1.10.2008 for specified purposes by S.I. 2008/2497, art. 2(q)(iii)  
**I77** Sch. 5 para. 57(1) 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. 35(w)  
**I78** Sch. 5 para. 57(2)(a)(3) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(w)  
**I79** Sch. 5 para. 57(2)(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(vi)

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

- 58 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified)—
- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
  - (b) at the appropriate place insert— “ The Care Quality Commission. ”

**Commencement Information**

- I80** Sch. 5 para. 58(a) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(w)  
**I81** Sch. 5 para. 58(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(v)

*Race Relations Act 1976 (c. 74)*

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F1** Sch. 5 para. 59 repealed (4.4.2011) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#)

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

- 60 In section 48(6) of the Copyright, Designs and Patents Act 1988 (“the Crown” includes certain bodies with health-related functions), for “the Commission for Social Care Inspection, the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

#### Commencement Information

- I82** Sch. 5 para. 60 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(x\)](#)

#### *Road Traffic Act 1988 (c. 52)*

- 61 In section 144 of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), in subsection (2)—
- (a) in paragraph (da) for the words from “, by a Local Health Board” to “Inspection” substitute “ or by a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 ”, and
  - (b) in paragraph (g) for “the Commission for Social Care Inspection” substitute “ the Care Quality Commission ”.

#### Commencement Information

- I83** Sch. 5 para. 61 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(x\)](#)

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

- 62 In paragraph 7 of Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt health service vehicles)—
- (a) omit paragraph (c) (together with the word “or” at the end of it), and
  - (b) for paragraph (f) substitute—  
“ (f) the Care Quality Commission.”

#### Commencement Information

- I84** Sch. 5 para. 62 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(x\)](#)

#### *Police Act 1996 (c. 16)*

- 63 (1) Schedule 4A to the Police Act 1996 (further provision about Her Majesty's Inspectors of Constabulary) is amended as follows.
- (2) In paragraph 2(2)—

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) omit paragraph (f), and
  - (b) for paragraph (g) substitute—  
“(g) the Care Quality Commission,”.
- (3) In paragraph 3(2), for paragraph (d) substitute—  
“(d) the Care Quality Commission;”.
- (4) In paragraph 4—
- (a) omit paragraph (f), and
  - (b) for paragraph (g) substitute—  
“(g) the Care Quality Commission,”.

**Commencement Information**

**185** Sch. 5 para. 63 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

*Audit Commission Act 1998 (c. 18)*

- 64 (1) Section 4 of the Audit Commission Act 1998 (code of audit practice) is amended as follows.
- (2) In subsection (7)—
- (a) in paragraph (a) omit “the Commission for Healthcare Audit and Inspection and”,
  - (b) in paragraph (b) omit “the Commission for Social Care Inspection and”, and
  - (c) in paragraph (c) before “and such bodies” insert “ , the Care Quality Commission ”.
- (3) In subsection (8), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

**Commencement Information**

**186** Sch. 5 para. 64 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

- 65 (1) Section 7 of the Audit Commission Act 1998 (fees) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for “the Commission for Healthcare Audit and Inspection and such other” substitute “ such ”, and
  - (b) in paragraph (c) before “such bodies” insert “ the Care Quality Commission and ”.
- (3) In subsection (9) for paragraph (aa) substitute—  
“(aa) the Care Quality Commission,”.

**Commencement Information**

**187** Sch. 5 para. 65 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 66 (1) In section 33 of the Audit Commission Act 1998 (studies for improving economy etc in services), subsection (6) is amended as follows.
- (2) In paragraph (c), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.
- (3) For paragraph (d) substitute—
- “(d) in the case of a study which has a connection with adult social services (within the meaning of Part 1 of the Health and Social Care Act 2008), also consult the Care Quality Commission; and”.
- (4) In paragraph (e) for “that Part of that Act” substitute “ Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 ”.

**Commencement Information**

**I88** Sch. 5 para. 66 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

- 67 (1) In section 34 of the Audit Commission Act 1998 (reports on impact of statutory provisions), subsection (6) is amended as follows.
- (2) For paragraph (ba) substitute—
- “(ba) in the case of a study which has a connection with adult social services (within the meaning of Part 1 of the Health and Social Care Act 2008), the Care Quality Commission;”.
- (3) In paragraph (bb) for “that Part of that Act” substitute “ Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 ”.

**Commencement Information**

**I89** Sch. 5 para. 67 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

- 68 (1) In section 49 of the Audit Commission Act 1998 (disclosure), subsection (1) is amended as follows.
- (2) Omit paragraph (ba).
- (3) In paragraph (bb), for “that Part of that Act” substitute “ Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 ”.
- (4) In paragraph (c) omit the words from “or for the purposes of the functions of the Commission” to the end.
- (5) After paragraph (ca) insert—
- “(cb) for the purposes of the functions of the Care Quality Commission under Part 1 of the Health and Social Care Act 2008;”.

**Commencement Information**

**I90** Sch. 5 para. 68 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

- 69 In Schedule 2A to the Audit Commission Act 1998 (interaction with other authorities), in paragraph 1(1)—

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) at the end of paragraph (f) insert the word “ or ”,
- (b) omit paragraph (g) (together with the word “or” at the end of it), and
- (c) for paragraph (h) substitute—  
“ (h) the Care Quality Commission.”

**Commencement Information**

**I91** Sch. 5 para. 69 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

*Local Government Act 1999 (c. 27)*

- 70 In section 25 of the Local Government Act 1999 (co-ordination of inspections etc.), in subsection (2)(e), for “Commission for Social Care Inspection” substitute “ Care Quality Commission ”.

**Commencement Information**

**I92** Sch. 5 para. 70 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

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

- 71 (1) The Schedule to the Crown Prosecution Service Inspectorate Act 2000 (further provision about Her Majesty's Chief Inspector of the Crown Prosecution Service) is amended as follows.
- (2) In paragraph 2(2)—
- (a) omit paragraph (f), and
  - (b) for paragraph (g) substitute—  
“ (g) the Care Quality Commission.”
- (3) In paragraph 4—
- (a) omit paragraph (f), and
  - (b) for paragraph (g) substitute—  
“ (g) the Care Quality Commission.”

**Commencement Information**

**I93** Sch. 5 para. 71 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

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

- 72 In Schedule 1 to the Regulation of Investigatory Powers Act 2000 (surveillance authorisation: relevant authorities), for paragraph 20F substitute—  
“20F The Care Quality Commission.”

**Commencement Information**

**I94** Sch. 5 para. 72 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

- 73 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 6 (other public bodies and offices: general)—
- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
  - (b) at the appropriate place insert— “ The Care Quality Commission. ”

**Commencement Information**

**I95** Sch. 5 para. 73(a) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(y)**

**I96** Sch. 5 para. 73(b) in force at 1.10.2008 by S.I. 2008/2497, **art. 2(q)(viii)**

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

- 74 (1) Schedule 1A to the Criminal Justice and Court Services Act 2000 (further provision about the Inspectorate) is amended as follows.
- (2) In paragraph 2(2)—
    - (a) omit paragraph (f), and
    - (b) for paragraph (g) substitute—  
“(g) the Care Quality Commission,”.
  - (3) In paragraph 3(2)—
    - (a) omit paragraph (c), and
    - (b) for paragraph (d) substitute—  
“(d) the Care Quality Commission;”.
  - (4) In paragraph 4—
    - (a) omit paragraph (f), and
    - (b) for paragraph (g) substitute—  
“(g) the Care Quality Commission;”.

**Commencement Information**

**I97** Sch. 5 para. 74 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(z)**

*Courts Act 2003 (c. 39)*

F275 .....

**Textual Amendments**

**F2** Sch. 5 para. 75 repealed (18.9.2012) by **The Public Bodies (Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board) Order 2012** (S.I. 2012/2401), art. 1(2)(3), **Sch. 1 para. 32** (with art. 2)



*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

- 76 In section 62 of the Public Audit (Wales) Act 2004 (co-operation), for paragraph (c) substitute—  
“(c) the Care Quality Commission,”.

**Commencement Information**

**I98** Sch. 5 para. 76 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)

- 77 In section 64 of the Public Audit (Wales) Act 2004 (provision of information by CHAI)—
- (a) in subsection (1), for “The Commission for Healthcare Audit and Inspection” substitute “The Care Quality Commission”;
  - (b) in subsection (2), for the words from “section 136” to the end substitute “section 76 of the Health and Social Care Act 2008 (disclosure of confidential personal information: offence).”, and
  - (c) for subsection (3) substitute—  
“(3) In this section—  
“English NHS body” has the meaning given by subsection (1) of section 97 of that Act; and  
“cross-border SHA” means a cross-border Special Health Authority as defined by that subsection.”

**Commencement Information**

**I99** Sch. 5 para. 77 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)

*Children Act 2004 (c. 31)*

- 78 In section 20 of the Children Act 2004 (joint area reviews), in subsection (4), for paragraph (d) substitute—  
“(d) the Care Quality Commission;”.

**Commencement Information**

**I100** Sch. 5 para. 78 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)

F3 ...

**Textual Amendments**

**F3** Sch. 5 paras. 79, 80 and crossheading omitted (31.10.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 20 para. 7(b); S.I. 2012/1831, art. 2(3)

- F<sup>3</sup>79 .....  
F<sup>3</sup>80 .....

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

- 81 (1) Paragraph 1 of Schedule 13 to the Education and Inspections Act 2006 (interaction with other authorities) is amended as follows.
- (2) In sub-paragraph (2)—
- (a) omit paragraph (f), and
  - (b) for paragraph (g) substitute—
    - “(g) the Care Quality Commission, and”.
- (3) In sub-paragraph (3)(f), for “(2)(f) to (h)” substitute “ (2)(g) and (h) ”.

**Commencement Information**

**I101** Sch. 5 para. 81 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

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

- 82 In section 9 of the National Health Service Act 2006 (NHS contracts), in subsection (4), for paragraph (k) substitute—
- “(k) the Care Quality Commission,”.

**Commencement Information**

**I102** Sch. 5 para. 82 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 83 In section 35 of the National Health Service Act 2006 (authorisation of NHS foundation trusts), in subsection (3)(a), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

**Commencement Information**

**I103** Sch. 5 para. 83 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 84 In section 56 of the National Health Service Act 2006 (mergers), in subsection (6) (a), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

**Commencement Information**

**I104** Sch. 5 para. 84 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 85 In section 71 of the National Health Service Act 2006 (schemes for meeting losses and liabilities etc of certain health service bodies), in subsection (2)(f), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

**Commencement Information**

**I105** Sch. 5 para. 85 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 86 In Schedule 10 to the National Health Service Act 2006 (audit of accounts of NHS foundation trusts), in paragraph 8(1)(e), for the words from “the Commission” to the end substitute “the Care Quality Commission”.

**Commencement Information**

**I106** Sch. 5 para. 86 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

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

- 87 In section 7 of the National Health Service (Wales) Act 2006 (NHS contracts), in subsection (4), for paragraph (k) substitute—  
“(k) the Care Quality Commission.”

**Commencement Information**

**I107** Sch. 5 para. 87 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 88 In section 30 of the National Health Service (Wales) Act 2006 (schemes for meeting losses and liabilities etc of certain health service bodies), in subsection (2)—  
(a) at the end of paragraph (c) insert “ and ”, and  
(b) omit paragraph (d) (together with the word “and” at the end of it).

**Commencement Information**

**I108** Sch. 5 para. 88 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

*NHS Redress Act 2006 (c. 44)*

- 89 In section 5 of the NHS Redress Act 2006 (duty to consider potential application of scheme), in subsection (2), for paragraph (b) substitute—  
“(b) the Care Quality Commission.”

**Commencement Information**

**I109** Sch. 5 para. 89 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 90 In section 13 of the NHS Redress Act 2006 (duties of co-operation), in subsection (1), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

**Commencement Information**

**I110** Sch. 5 para. 90 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

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

- 91 In section 45 of the Safeguarding Vulnerable Groups Act 2006 (supervisory authorities: duty to refer), in subsection (7)—

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) for paragraph (c) substitute—
  - “(c) the Care Quality Commission in respect of its functions under Part 1 of the Health and Social Care Act 2008;”,
- (b) omit paragraph (d), and
- (c) in paragraph (e), for “that Act” substitute “ the Health and Social Care (Community Health and Standards) Act 2003 ”.

**Commencement Information**

**I111** Sch. 5 para. 91 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(bb)**

F<sup>4</sup>92 . . . . .

**Textual Amendments**

**F4** Sch. 5 paras. 92, 93 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)

F<sup>4</sup>93 . . . . .

**Textual Amendments**

**F4** Sch. 5 paras. 92, 93 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(bb)

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

94 In section 227 of the Local Government and Public Involvement in Health Act 2007 (local involvement networks: annual reports), in subsection (4), after paragraph (c) insert—

“(ca) the Care Quality Commission;”.

**Commencement Information**

**I112** Sch. 5 para. 94 in force at 1.10.2008 by S.I. 2008/2497, **art. 2(q)(x)**

**Status:**

Point in time view as at 01/10/2014.

**Changes to legislation:**

Health and Social Care Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.