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Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 3. (See end of Document for details)

SCHEDULES

SCHEDULE 5 **E+W**

FURTHER AMENDMENTS RELATING TO PART 1

PART 3 **E+W**

AMENDMENTS OF OTHER ACTS

VALID FROM 01/04/2009

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, ”.

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

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

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VALID FROM 01/04/2009

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;”.

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

- I2** 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

- I3** Sch. 5 para. 57(1) in force at 1.10.2008 for specified purposes by [S.I. 2008/2497](#), [art. 2\(q\)\(iii\)](#)
I4 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. ”

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Commencement Information

I5 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)

- 59 (1) Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty) is amended as follows.
- (2) In Part 2 (bodies and other persons added after commencement of duty)—
- (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 under the heading “Health” insert— “ The Care Quality Commission. ”
- (3) In Part 4 (bodies and other persons added on 31 December 2004), omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection.

Commencement Information

I6 Sch. 5 para. 59(1) in force at 1.10.2008 for specified purposes by S.I. 2008/2497, art. 2(q)(vi)

I7 Sch. 5 para. 59(2)(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(vii)

VALID FROM 01/04/2009

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 ”.

VALID FROM 01/04/2009

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 ”.

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VALID FROM 01/04/2009

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.”

VALID FROM 01/04/2009

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)—
- (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.”

VALID FROM 01/04/2009

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 ”.

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

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“(h) the Care Quality Commission.”

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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 ”.

VALID FROM 01/04/2009

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, ”.

VALID FROM 01/04/2009

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.”

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. ”

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Commencement Information

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

VALID FROM 01/04/2009

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,”.

VALID FROM 01/04/2009

Courts Act 2003 (c. 39)

- 75 (1) Schedule 3A to the Courts Act 2003 (further provision about the Inspectors of Court Administration) 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,”.

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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.”

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.”

VALID FROM 01/04/2009

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;”.

Health Act 2006 (c. 28)

VALID FROM 01/04/2009

79 In section 61 of the Health Act 2006 (Commission to exercise Welsh Ministers' appointment functions), omit “the Commission for Healthcare Audit and Inspection or”.

80 In Schedule 5 to the Health Act 2006 (list of statutory bodies referred to in section 58(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. ”

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Commencement Information

19 Sch. 5 para. 80(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(ix)

VALID FROM 01/04/2009

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) ”.

VALID FROM 01/04/2009

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,”.
- 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 ”.
- 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 ”.
- 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 ”.
- 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”.

VALID FROM 01/04/2009

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—

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	“(k) the Care Quality Commission.”
88	<p>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)—</p> <p>(a) at the end of paragraph (c) insert “ and ”, and</p> <p>(b) omit paragraph (d) (together with the word “and” at the end of it).</p>

VALID FROM 01/04/2009

	<i>NHS Redress Act 2006 (c. 44)</i>
89	<p>In section 5 of the NHS Redress Act 2006 (duty to consider potential application of scheme), in subsection (2), for paragraph (b) substitute—</p> <p style="padding-left: 40px;">“(b) the Care Quality Commission.”</p>
90	<p>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 ”.</p>

VALID FROM 01/04/2009

	<i>Safeguarding Vulnerable Groups Act 2006 (c. 47)</i>
91	<p>In section 45 of the Safeguarding Vulnerable Groups Act 2006 (supervisory authorities: duty to refer), in subsection (7)—</p> <p>(a) for paragraph (c) substitute—</p> <p style="padding-left: 80px;">“(c) the Care Quality Commission in respect of its functions under Part 1 of the Health and Social Care Act 2008;”,</p> <p>(b) omit paragraph (d), and</p> <p>(c) in paragraph (e), for “that Act” substitute “ the Health and Social Care (Community Health and Standards) Act 2003 ”.</p>
92	<p>(1) Paragraph 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (regulated activity relating to children) is amended as follows.</p> <p>(2) In sub-paragraph (10)—</p> <p>(a) for paragraph (e) substitute—</p> <p style="padding-left: 40px;">“(e) the Care Quality Commission;”, and</p> <p>(b) omit paragraph (f).</p> <p>(3) In sub-paragraph (11), omit paragraph (a).</p> <p>(4) After sub-paragraph (13) insert—</p> <p style="padding-left: 40px;">“(13A) The exercise of a function of the Care Quality Commission so far as the function relates to the inspection of anything which—</p> <p style="padding-left: 80px;">(a) is listed in section 60(1) of the Health and Social Care Act 2008, and</p>

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- (b) involves the provision of any form of treatment or therapy for children,
is a regulated activity relating to children.”
- (5) In sub-paragraph (14), for “or (11)” substitute “, (11) or (13A)”.
- 93 (1) Paragraph 7 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (regulated activity relating to vulnerable adults) is amended as follows.
- (2) In sub-paragraph (6), omit paragraphs (a) and (b).
- (3) After sub-paragraph (8) insert—
- “(8A) The exercise of a function of the Care Quality Commission so far as the function relates to the inspection of anything which—
- (a) is listed in section 60(1) of the Health and Social Care Act 2008,
and
- (b) involves the provision of social services, care, treatment or therapy for vulnerable adults,
is a regulated activity relating to vulnerable adults.”

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

I10 Sch. 5 para. 94 in force at 1.10.2008 by [S.I. 2008/2497](#), [art. 2\(q\)\(x\)](#)

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