



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 2

#### REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

##### *Regulation, code of practice and guidance*

#### **24 Consultation in relation to guidance under s. 23**

- (1) Where the Commission proposes to issue guidance under section 23, it must—
  - (a) prepare a draft of the guidance, and
  - (b) consult such persons as the Commission considers appropriate about the draft.
- (2) Where the Commission proposes to issue under section 23 revised guidance which in its opinion would result in a substantial change in the guidance, the Commission must—
  - (a) prepare a draft of the revised guidance, and
  - (b) consult such persons as the Commission considers appropriate about the change.
- (3) Where, following consultation under subsection (1) or (2), the Commission issues the guidance or revised guidance (whether in the form of the draft or with such modifications as the Commission thinks fit), it comes into force at the time when it is issued by the Commission.
- (4) Where—
  - (a) any document by reference to whose provisions the guidance operates as mentioned in section 23(3)(a) and (b) is a document published by the Commission,

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*Status: This is the original version (as it was originally enacted).*

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- (b) the Commission proposes to revise the document, and
- (c) in the opinion of the Commission, the revision would result in a substantial change in the guidance,

the Commission must, before revising the document, consult such persons as the Commission considers appropriate about the change.

(5) Where—

- (a) any document by reference to whose provisions the guidance operates as mentioned in section 23(3)(a) and (b) is not one to which subsection (4)(a) of this section applies,
- (b) the document is revised, and
- (c) in the opinion of the Commission, the revision results in a substantial change in the guidance,

the Commission must consult such persons as the Commission considers appropriate about whether the guidance should be revised in connection with the change.

- (6) Consultation undertaken by the Commission before the commencement of this section is as effective for the purposes of this section as consultation undertaken after that time.