

2006 No. 539

PUBLIC HEALTH, ENGLAND

**The Private and Voluntary Health Care (England) (Amendment)
Regulations 2006**

<i>Made</i> - - - -	<i>1st March 2006</i>
<i>Laid before Parliament</i>	<i>7th March 2006</i>
<i>Coming into force</i> - -	<i>1st April 2006</i>

The Secretary of State, in exercise of the powers conferred by sections 31(7) and 118(6) of the Care Standards Act 2000(a), makes the following Regulations:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Private and Voluntary Health Care (England) (Amendment) Regulations 2006 and shall come into force on 1st April 2006.

(2) These Regulations apply in relation to England only.

Amendment of the Private and Voluntary Health Care (England) Regulations 2001

2. After Part III (conduct of health care establishments and agencies) of the Private and Voluntary Health Care (England) Regulations 2001(b) insert—

“PART IIIA

**FREQUENCY OF INSPECTIONS OF HEALTH CARE ESTABLISHMENTS AND
AGENCIES**

Frequency of inspections

32A.—(1) Subject to paragraph (2), the Commission shall arrange for premises which are used as an establishment, or for the purposes of an agency, to be inspected a minimum of once in every five year period.

(2) Any inspection referred to in paragraph (1) may be unannounced.

(3) In this regulation, “five year period” means a period commencing on 1st April in any year and ending on 31st March in the fifth year following.”.

(a) 2000 c.14. Section 31(7) of the Care Standards Act 2000 (“the Act”) has been amended by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”), section 147 and Schedule 9, paragraphs 16 and 23. The functions of the National Care Standards Commission under Part 2 of the Act are transferred either to the Commission for Healthcare Audit and Inspection (“the CHAI”) or to the Commission for Social Care Inspection in accordance with section 102 of the 2003 Act with effect from 1st April 2004. See section 121(1) for the definitions of “prescribed” and “regulations”.

(b) S.I. 2001/3968, amended by S.I. 2004/664; there are other amending instruments but none is relevant.

Revocations

3. Regulation 6 (frequency of inspections) of the Commission for Healthcare Audit and Inspection (Fees and Frequency of Inspections) Regulations 2004(a) is hereby revoked.

Signed by authority of the Secretary of State for Health

1st March 2006

Jane Kennedy
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”), and apply in relation to England only. Regulation 2 inserts Part IIIA (frequency of inspections of health care establishments and agencies) in the Private and Voluntary Health Care (England) Regulations 2001. New regulation 32A amends the minimum frequency of inspections of premises used for the purposes of health care establishments and agencies under section 31(7) of the Act.

Regulation 3 revokes regulation 6 of the Commission for Healthcare Audit and Inspection (Fees and Frequency of Inspections) Regulations 2004.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department of Health’s website www.doh.gov.uk/regulatoryimpact/index.htm. In addition, a copy can be obtained from Room 418, Wellington House, 133-135 Waterloo Road, London SE1 8UG.

(a) S.I. 2004/661, to which there are amendments not relevant to these Regulations.

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