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STATUTORY INSTRUMENTS

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**2009 No. 462**

**The Health and Social Care Act 2008 (Commencement  
No.9, Consequential Amendments and Transitory,  
Transitional and Saving Provisions) Order 2009**

**Provision for continuity in the exercise of functions**

**11.**—(1) Subject to Schedules 2 to 4 and paragraph (4), anything done before 1st April 2009 under—

- (a) the 1983 Act by or in relation to the MHAC; or
- (b) the 2000 Act or the 2003 Act by or in relation to the CHAI or the CSCI,

shall be treated on and after that date as if done by or in relation to the Care Quality Commission.

(2) The reference in paragraph (1) to anything done by or in relation to either the CHAI, the CSCI or the MHAC includes without limitation any applications made or any authorisations, directions or notices given, to, by or in relation to the CHAI, the CSCI or the MHAC.

(3) Subject to paragraph (4)—

- (a) any instrument made by the CHAI, the CSCI or the MHAC that is in force immediately before the relevant date continues in force in relation to the Care Quality Commission as if it had been made by the Care Quality Commission; and
- (b) so far as is necessary and appropriate, a reference in an agreement or other instrument to the CHAI, the CSCI or the MHAC shall be treated on and after 1st April 2009 as a reference to the Care Quality Commission.

(4) This article does not apply to any property, rights or liabilities that are the subject of a transfer scheme made under Schedule 2 to the Act.