
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the ninth commencement order made under the Health and Social Care Act 2008 (“the Act”).

Article 2 of, and Schedule 1 to, this Order bring into force on 1st April 2009 certain provisions of the Act—

- (a) dissolving the Commission for Healthcare Audit and Inspection (“CHAI”), the Commission for Social Care Inspection (“CSCI”) and the Mental Health Act Commission (“MHAC”);
- (b) repealing the functions of the CHAI and the CSCI under the Health and Social Care (Community Health and Standards) Act 2003;
- (c) amending the Mental Health Act 1983 and giving the Care Quality Commission functions under that Act; and
- (d) giving the Care Quality Commission functions under the Act.

Article 3 brings into force on 1st April 2009 provisions of the Act which insert a regulation-making power and associated provisions in to the Public Health (Control of Disease) Act 1984.

Article 4 brings into force on 6th April 2009 section 147 of the Act (and associated provisions) other than in relation to Wales: section 147 removes local authorities’ powers to seek liable relatives’ payments under the National Assistance Act 1948.

Article 5 brings into force on 1st April 2009 amendments to the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 to correct erroneous cross-references.

Article 6 makes transitional provision for the Care Quality Commission to exercise powers under section 113A of the Care Standards Act 2000 (“the 2000 Act”) in relation to determining fees. This article comes into force on 27th March 2009 to allow the Care Quality Commission to make fees schemes in time for 1st April.

Article 7 makes transitional provision to allow the carrying on of a regulated activity to continue without registration until the Care Quality Commission has had an opportunity to consider representations in relation to its proposal to refuse registration under section 27 of the Act.

Article 8 and Schedule 2 make transitory provision such that the Care Quality Commission can discharge the functions of the CHAI and the CSCI under the Care Standards Act 2000 and secondary legislation made under that Act. The transitory provision applies only in relation to England.

Article 9 and Schedule 3 make transitional, transitory and saving provision such that the Care Quality Commission can complete matters begun by the CHAI and the CSCI under the Health and Social Care (Community Health and Standards) Act 2003 before those last two mentioned Commissions were dissolved.

Article 10 and Schedule 4 make transitional provision whereby things done under the Mental Health Act 1983 by or in relation to the Mental Health Act Commission before its abolition or by the Secretary of State can be completed by or in relation to the Care Quality Commission.

Article 11 makes provision for continuity in the exercise of functions of the MHAC, CHAI or CSCI where specific provision is not made elsewhere in this Order or a transfer scheme made under Schedule 2 to the Act.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 12 and Schedule 5 make amendments to certain regulations and orders consequential upon the dissolution of the CHAI, the CSCI and the MHAC and the assumption of the Care Quality Commission of functions under the Act.

Article 13 makes transitory modifications to the Health Protection Agency Act 2004, to allow the Care Quality Commission to carry out reviews of the quality of health care provided by or for the Agency in 2009/10.

Article 14 makes transitory provision relating to sections 149 to 156 of the Act (financial assistance related to provision of health or social care services) consequential on the coming into force of those sections prior to the coming into force of section 1 of the Companies Act 2006 (1st October 2009).

Article 15 and Schedule 6 revoke instruments in the light of the dissolution of the CHAI, the CSCI and the MHAC.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.