

EXPLANATORY MEMORANDUM TO
**THE HEALTH AND SOCIAL CARE ACT 2008 (PRIMARY DENTAL SERVICES,
PRIVATE AMBULANCE SERVICES AND PRIMARY MEDICAL SERVICES)**
(REGULATED ACTIVITIES) (TRANSITORY AND TRANSITIONAL PROVISIONS)
ORDER 2010

2010 No. 2484

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Health and Social Care Act 2008 (Primary Dental Services, Private Ambulance Services and Primary Medical Services) (Regulated Activities) (Transitory and Transitional Provisions) Order 2010 makes various transitory and transitional provisions in connection with primary dental services providers, private ambulance service providers and primary medical services providers being brought within the regulatory system introduced by the Health and Social Care Act 2008.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The Health and Social Care Act 2008 established, in respect of England, a new system of regulation of health and adult social care provision which replaced the previous system of registration under the Care Standards Act 2000. The new system is based on a requirement to register in respect of the provision of any “regulated activity”, with different activities, and thus different categories of providers, being brought into regulation at different times. The Care Quality Commission (“the Commission”) took over the regulation of health and adult social care in England on 1st April 2009.

4.2 Regulations prescribing the regulated activities and imposing registration requirements, and setting out the dates upon which these requirements come into force for different providers, came into force on 1st April 2010 (SI 2010/781). From 1st April 2011, providers of primary dental care and private ambulance services will be required to be registered with the Commission and to comply with the requirements set out in regulations. From 1st April 2012, providers of primary medical care will be required to be registered with the Commission and to comply with the registration requirements.

4.3 This Order allows the application process for those expected to be required to register in respect of a regulated activity from 1st April 2011 to take place between 15th November 2010 and 1st April 2011. It allows the application process for those expected to be required to register in respect of a regulated activity from 1st April 2012 to take place in the run-up to 1st April 2012.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Commission took over the regulation of health and adult social care in England on 1st April 2009. It is responsible for the registration, review and inspection of certain health and adult social care services in England. In addition, it has a number of functions under the Mental Health Act 1983.

7.2 On 1st April 2010, NHS providers of health care were required to be registered against the full set of requirements set out in regulations. On 1st October 2010 providers of adult social care and independent sector providers of healthcare were required to become registered against the registration requirements. Most of these providers were previously registered with the Commission under the Care Standards Act 2000. The Commission has a range of enforcement powers that it can use to take prompt action if providers are failing to meet the requirements in regulations.

7.3 This instrument puts in place transitional provisions to modify the procedures for grant or refusal of registration for those providers who will commence registration under the Health and Social Care Act 2008 in April 2011 and April 2012. It also puts in place arrangements that will suspend the offence of carrying out a regulated activity without being registered in certain circumstances.

8. Consultation outcome

8.1 Not applicable

9. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector from this Order. The activities in respect of which there is a requirement to register are set out in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and an impact assessment accompanied these Regulations. This Order simply facilitates the transfer into regulation.

10. Regulating small business

11.1 The legislation does not apply to small business.

11. Monitoring & review

12.1 The provisions of this instrument aim to achieve a smooth and effective transition into the full registration system.

12.2 The outcome will be subject to internal review after April 2012.

13. Contact

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