
STATUTORY INSTRUMENTS

2023 No. 238

SOCIAL CARE, ENGLAND

**The Health and Social Care Act 2008
(Regulated Care Functions) Regulations 2023**

<i>Made</i>	- - - -	<i>1st March 2023</i>
<i>Laid before Parliament</i>		<i>2nd March 2023</i>
<i>Coming into force</i>	- -	<i>1st April 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 46A(2) and (3) and 161(3) of the Health and Social Care Act 2008⁽¹⁾.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Health and Social Care Act 2008 (Regulated Care Functions) Regulations 2023.

(2) These Regulations come into force on 1st April 2023.

(3) These Regulations extend to England and Wales.

Prescribed “regulated care functions” under Part 1 of the Care Act 2014

2.—(1) For the purpose of section 46A(2) of the Health and Social Care Act 2008, the functions of English local authorities under the provisions in Part 1 of the Care Act 2014 (functions relating to adult social care in England)⁽²⁾ listed in paragraph (2), including any functions in regulations made under those provisions, are prescribed as “regulated care functions”.

(2) The provisions referred to in paragraph (1) are—

(a) sections 1 to 7 (General responsibilities of local authorities)⁽³⁾;

(b) sections 9 to 13 (Assessing needs);

(c) sections 14(1) and (3) to (8) and 17(1) and (3) to (13) (Charging and assessing financial resources);

(1) 2008 c. 14. Section 46A was inserted by section 163 of the Health and Care Act 2022 (c. 31); section 161(3) was amended by section 294(4) of the Health and Social Care Act 2012 (c. 7).

(2) 2014 c. 23.

(3) Section 6 was amended by the Health and Care Act 2022, section 1 and Schedule 1, paragraph 1(1) and (2) and section 32 and Schedule 4, paragraphs 193 and 194.

- (d) sections 18(1)(a) and (c), (2) to (4), (6), (7) and 19 and 20 (Duties and powers to meet needs);
- (e) sections 24(1) and (2), 25, 26(1) and (3), 27 and 30 (Next steps after assessments);
- (f) sections 31 to 33 (Direct payments);
- (g) sections 37(1), (3), (4), (5)(a), (e), (f), (6) to (15) and 38(1)(a) and (2) to (8) (Continuity of care and support when adult moves);
- (h) sections 42 and 43 (Safeguarding adults at risk of abuse or neglect);
- (i) section 48 (Provider failure);
- (j) sections 58 to 65 (Transition for children to adult care and support, etc)(4);
- (k) sections 67 and 68 (Independent advocacy support)(5); and
- (l) sections 77 to 79 (Miscellaneous).

Signed by authority of the Secretary of State for Health and Social Care.

1st March 2023

Helen Whately
Minister of State,
Department of Health and Social Care

(4) Section 62 was amended by regulation 293 of [S.I. 2016/413](#).

(5) Section 67 was amended by the Data Protection Act 2018 ([c. 12](#)), section 211(1)(a) and Schedule 19, paragraph 187 and by [S.I. 2018/195](#), regulations 47 and 50.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 46A of the Health and Social Care Act 2008 imposes a duty on the Care Quality Commission (‘the Commission’) to conduct reviews of the exercise by English local authorities of regulated care functions. Following each review, the Commission must also assess the performance of those authorities and publish a report of its assessment. “Regulated care functions” are such functions relating to adult social care under Part 1 of the Care Act 2014 as may be prescribed in regulations. Regulation 2 of these Regulations prescribes those regulated care functions.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment, published on 4th November 2022, is available online at <https://www.gov.uk/government/publications/health-and-care-act-2022-combined-impact-assessments>, or a copy may be requested from the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU.