

SCHEDULES

SCHEDULE 9

Section 147

PART 2: MINOR AND CONSEQUENTIAL AMENDMENTS

Public Records Act 1958 (c. 52)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate places in Part 2 of the Table at the end of paragraph 3 insert the following entries—
- “Commission for Healthcare Audit and Inspection”;
- “Commission for Social Care Inspection”.

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 2 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (bf) of paragraph 1 insert—
- “(bg) the Commission for Healthcare Audit and Inspection;
- (bh) the Commission for Social Care Inspection;”.

Parliamentary Commissioner Act 1967 (c. 13)

- 3 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments subject to investigation), at the appropriate places insert the following entries—
- “Commission for Healthcare Audit and Inspection.”;
- “Commission for Social Care Inspection.”

Local Authority Social Services Act 1970 (c. 42)

- 4 In the Local Authority Social Services Act 1970, in Schedule 1, insert at the end—
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- | | |
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| “Health and Social Care (Community Health and Standards) Act 2003 | |
| Section 114 | Consideration of complaints.” |
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Superannuation Act 1972 (c. 11)

- 5 In Schedule 1 to the Superannuation Act 1972 (kinds of employment in relation to which pension schemes may be made), at the appropriate places in the list of “Other Bodies” insert the following entries—
- “The Commission for Healthcare Audit and Inspection.”;

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“The Commission for Social Care Inspection.”.

- 6 The CHAI and the CSCI must each pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as he may determine in respect of any increase attributable to paragraph 5 in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

House of Commons Disqualification Act 1975 (c. 24)

- 7 In the House of Commons Disqualification Act 1975, in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate places insert the following entries—

“Commission for Healthcare Audit and Inspection.”;

“Commission for Social Care Inspection.”.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 8 In the Northern Ireland Assembly Disqualification Act 1975, in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate places insert the following entries—

“Commission for Healthcare Audit and Inspection.”;

“Commission for Social Care Inspection.”.

National Health Service Act 1977 (c. 49)

- 9 In section 19A(2) of the 1977 Act, after paragraph (a) insert—
 “(aa) a complaint under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003,”.

Children Act 1989 (c. 41)

- 10 (1) The Children Act 1989 has effect subject to the following amendments.
- (2) In section 65(6)(a), for “the National Care Standards Commission” substitute “the Commission for Social Care Inspection”.
- (3) In section 87(10)—
- (a) in the definition of “appropriate authority”, in paragraph (a), for “the National Care Standards Commission” substitute “the Commission for Social Care Inspection”, and
 - (b) in the definition of “the Commission”, for “the National Care Standards Commission” substitute “the Commission for Social Care Inspection”.
- (4) In paragraph 20 of Schedule 2, at the end of paragraph (a) insert “and the Commission for Social Care Inspection”.

Health Service Commissioners Act 1993 (c. 46)

- 11 (1) The Health Service Commissioners Act 1993 has effect subject to the following amendments.

Status: This is the original version (as it was originally enacted).

- (2) In section 4(4)(a), after “can be made” insert “under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003 or”.
- (3) In section 11, after subsection (1B) insert—
- “(1C) Where a Commissioner proposes to conduct an investigation pursuant to a complaint under section 3(1E), he shall afford to the person or body whose maladministration is complained of an opportunity to comment on any allegations contained in the complaint.”
- (4) In section 12(1A), for “or (1C)” substitute “(1C) or (1E)”.
- (5) In section 14, after subsection (2D) insert—
- “(2E) In any case where the Health Service Commissioner for England conducts an investigation pursuant to a complaint under section 3(1E) he shall send a report of the results of the investigation—
- (a) to the person who made the complaint;
 - (b) to any member of the House of Commons who to the Commissioner’s knowledge assisted in the making of the complaint (or if he is no longer a member to such other member as the Commissioner thinks appropriate);
 - (c) to the person or body whose maladministration is complained of;
 - (d) to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of;
 - (e) to the Secretary of State.
- (2F) In any case where the Health Service Commissioner for England decides not to conduct an investigation pursuant to a complaint under section 3(1E) he shall send a statement of his reasons—
- (a) to the person who made the complaint; or
 - (b) to any such member of the House of Commons as is mentioned in subsection (2E)(b).”
- (6) In section 14A, at the end insert—
- “(4) In any case where the Health Service Commissioner for Wales conducts an investigation pursuant to a complaint under section 3(1E) he shall send a report of the results of the investigation—
- (a) to the person who made the complaint;
 - (b) to any Assembly member who to the Commissioner’s knowledge assisted in the making of the complaint (or if he is no longer an Assembly member to such other member as the Commissioner thinks appropriate);
 - (c) to the person or body whose maladministration is complained of;
 - (d) to any person or body whose action was complained of in the complaint made to the person or body whose maladministration is complained of;
 - (e) to the Assembly First Secretary.

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- (5) In any case where the Health Service Commissioner for Wales decides not to conduct an investigation pursuant to a complaint under section 3(1E) he shall send a statement of his reasons—
- (a) to the person who made the complaint; or
 - (b) to any such member of the Assembly as is mentioned in subsection (4)(b)."

(7) In section 14B—

- (a) for "14A(1)", in each place, substitute "14A", and
- (b) in subsection (2), for "or (1C)" substitute "(1C) or (1E)".

Audit Commission Act 1998 (c. 18)

12 (1) The Audit Commission Act 1998 has effect subject to the following amendments.

(2) In section 4, in subsection (7)—

- (a) in paragraph (a), after "bodies," insert "the Commission for Healthcare Audit and Inspection and";
- (b) in paragraph (b), after "bodies," insert "the Commission for Social Care Inspection and"; and
- (c) in paragraph (c), after "case," insert "the National Assembly for Wales and".

(3) At the end of that section insert—

- "(8) The Commission must obtain the agreement of the Commission for Healthcare Audit and Inspection before preparing or altering provisions of a code which—
- (a) are applicable to accounts which are or include accounts of health service bodies; and
 - (b) concern the function under section 5(1)(e)."

(4) In section 7—

- (a) in subsection (2)(a), for "such organisations" substitute "the Commission for Healthcare Audit and Inspection and such other organisations"; and
- (b) in subsection (9), after paragraph (a) insert—
 - "(aa) the Commission for Healthcare Audit and Inspection;"

(5) In section 33 (studies for improving economy etc in services), in subsection (6), at the end insert—

- "(d) in the case of a study which has a connection with English local authority social services (within the meaning of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003), also consult the Commission for Social Care Inspection; and
- (e) in the case of a study which has a connection with Welsh local authority social services (within the meaning of that Part of that Act), also consult the National Assembly for Wales;"

(6) In that section, after subsection (6) insert—

- "(7) The following provisions of this section do not apply in relation to the bodies specified in subsection (8)—
- (a) subsection (1)(a);

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- (b) subsection (1)(b), so far as relating to management other than financial management;
 - (c) subsection (4).
- (8) Those bodies are—
 - (a) any Primary Care Trust;
 - (b) any Strategic Health Authority;
 - (c) any NHS trust (within the meaning of the National Health Service Act 1977) all or most of whose hospitals, establishments and facilities are situated in England.”
- (7) In section 34(6), after paragraph (b) insert—
 - “(ba) in the case of a study which has a connection with any English local authority social service (within the meaning of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003), the Commission for Social Care Inspection;
 - (bb) in the case of a study which has a connection with any Welsh local authority social service (within the meaning of that Part of that Act), the National Assembly for Wales;”.
- (8) In section 35 (studies at request of bodies subject to audit), at the end insert—
 - “(4) This section does not apply in relation to the bodies specified in section 33(8).”
- (9) For section 37 substitute—

“37 Assistance to CHAI and CSCI

- (1) The Audit Commission may provide assistance to the Commission for Healthcare Audit and Inspection or the Commission for Social Care Inspection in the discharge of any of their functions under Chapter 3 or 5 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003.
- (2) Assistance under subsection (1) may be provided on such terms, including terms as to payment, as the Audit Commission and the Commission in question may agree.”
- (10) In section 49(1)—
 - (a) after paragraph (b) insert—
 - “(ba) to the Commission for Social Care Inspection for the purposes of its functions under Chapter 5 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003;
 - (bb) to the National Assembly for Wales for the purposes of its functions under Chapter 4 of that Part of that Act;”.
 - (b) in paragraph (c), at the end insert “or for the purposes of the functions of the Commission for Healthcare Audit and Inspection under Chapter 3 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003”.

Government of Wales Act 1998 (c. 38)

- 13 In Schedule 5 to the Government of Wales Act 1998, for paragraph 12A substitute—
 “12A. The Commission for Healthcare Audit and Inspection.”

Protection of Children Act 1999 (c. 14)

- 14 In section 2A of the Protection of Children Act 1999, in subsection (2), for paragraph (a) substitute—
 “(a) the Commission for Social Care Inspection;
 (aa) the Commission for Healthcare Audit and Inspection;”.

Local Government Act 1999 (c. 27)

- 15 In section 25(2) of the Local Government Act 1999, for paragraphs (e) to (g) substitute—
 “(e) the Commission for Social Care Inspection;”.

Care Standards Act 2000 (c. 14)

- 16 The Care Standards Act 2000 has effect subject to the following amendments.
- 17 In section 5, in paragraph (a), for “the National Care Standards Commission” substitute—
 “(i) the CHAI, in the case of independent hospitals, independent clinics and independent medical agencies;
 (ii) the CSCI, in the case of children’s homes, care homes, residential family centres, domiciliary care agencies, nurses agencies, fostering agencies, voluntary adoption agencies and adoption support agencies;”.
- 18 (1) Section 8 is amended as follows.
- (2) In subsection (3), for the words from “section 7” to “Commission” substitute “section 5A or 5B is exercisable by the CHAI or the CSCI”.
- (3) At the end insert—
 “(6) In this section, “Part II services” means services of the kind provided by persons registered under Part II, other than the provision of—
 (a) medical or psychiatric treatment, or
 (b) listed services (as defined in section 2).”
- 19 In section 10—
 (a) subsection (1) is omitted; and
 (b) in subsection (6)(b), for “by the Commission” substitute “by the CHAI or the CSCI under this Act”.
- 20 In section 11(4), for “the Commission” substitute “the CHAI or the CSCI”.
- 21 In section 23(4)(d), after the second “or” insert “against a voluntary adoption agency or adoption support agency for an offence under”.
- 22 In section 29(1)—

Status: This is the original version (as it was originally enacted).

- (a) for “the Commission”, in the first place, substitute “the CHAI or the CSCI (as appropriate)”, and
 - (b) for “the Commission”, in the second place, substitute “either the CHAI or the CSCI”.
- 23 In section 31—
- (a) in subsection (6), for “powers” substitute “power”; and
 - (b) in subsection (7), for “the Commission” substitute “the CHAI or the CSCI”.
- 24 In section 36A for “the Commission”, in all places, substitute “the CSCI”.
- 25 In section 42, at the end insert—
- “(5) Regulations under subsection (1) made by the Secretary of State may in particular specify whether, for the purposes of the application of this Part to any person, the registration authority is to be the CHAI or the CSCI.”
- 26 In section 45(4)—
- (a) omit “Subject to section 47(6)”;
 - (b) for “the Commission” substitute “the CSCI”; and
 - (c) at the end insert “; and an inspection under this section shall be regarded for all purposes as undertaken under section 80 of the Health and Social Care (Community Health and Standards) Act 2003”.
- 27 In section 51(1), for the words from “in relation to” to “registration authority” substitute “in England in relation to which powers conferred by section 80 of the Health and Social Care (Community Health and Standards) Act 2003 may be exercised to pay to the CSCI”.
- 28 In section 55(3)(e)—
- (a) for “the Commission” substitute “the CSCI”;
 - (b) for “section 31 or 46 of this Act” substitute “section 31 of this Act or section 88 or 98 of the Health and Social Care (Community Health and Standards) Act 2003”.
- 29 In section 113, after subsection (1) insert—
- “(1A) The powers conferred by this section are exercisable by the Secretary of State if he is satisfied that—
- (a) the CHAI or the CSCI has without reasonable excuse failed to discharge, or properly to discharge, any of its functions under this Act, or
 - (b) in discharging any of its functions under this Act the CHAI or the CSCI has without reasonable excuse failed to comply with any directions given by him in relation to those functions.”
- 30 In section 121, in the Table in subsection (13), insert the following entries at the appropriate places—

“CHAI	Section 5A”; and
“CSCI	Section 5B”.

Freedom of Information Act 2000 (c. 36)

31 In the Freedom of Information Act 2000, in Part 6 of Schedule 1, at the appropriate places insert the following entries—

“Commission for Healthcare Audit and Inspection, in respect of information held for purposes other than those of its functions exercisable by virtue of paragraph 5(a)(i) of the Care Standards Act 2000.”;

“Commission for Social Care Inspection, in respect of information held for purposes other than those of its functions exercisable by virtue of paragraph 5(a)(ii) of the Care Standards Act 2000.”.

Adoption and Children Act 2002 (c. 38)

32 In section 99 of the Adoption and Children Act 2002, for “the National Care Standards Commission” substitute “the Commission for Social Care Inspection”.