



Health and Social Care Act 2008

CHAPTER 14

HEALTH AND SOCIAL CARE ACT 2008

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 1

INTRODUCTORY

- 1 The Care Quality Commission
- 2 The Commission's functions
- 3 The Commission's objectives
- 4 Matters to which the Commission must have regard
- 5 Statement on user involvement
- 6 Transfers of property, rights and liabilities
- 7 Meaning of “health and social care services” in Chapter 1

CHAPTER 2

REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

Introductory

- 8 “Regulated activity”
- 9 “Health or social care”

Registration of persons carrying on regulated activities

- 10 Requirement to register as a service provider
- 11 Applications for registration as a service provider

Status: Point in time view as at 01/04/2009.

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12 Grant or refusal of registration as a service provider

Registration of managers

- 13 Condition requiring registered manager
- 14 Applications for registration as a manager
- 15 Grant or refusal of registration as a manager

Further provision about registration as a service provider or manager

- 16 Regulations about registration
- 17 Cancellation of registration
- 18 Suspension of registration
- 19 Applications by registered persons

Regulation, code of practice and guidance

- 20 Regulation of regulated activities
- 20A Functions relating to processing of information by registered persons
- 21 Code of practice relating to health care associated infections
- 22 Consultation etc. in relation to code of practice under s. 21
- 23 Guidance as to compliance with requirements
- 24 Consultation in relation to guidance under s. 23
- 25 Effect of code under s. 21 and guidance under s. 23

Registration procedure

- 26 Notice of proposals
- 27 Right to make representations
- 28 Notice of decisions
- 29 Warning notice
- 30 Urgent procedure for cancellation
- 31 Urgent procedure for suspension, variation etc.
- 32 Appeals to the Tribunal

Offences

- 33 Failure to comply with conditions
- 34 Offences relating to suspension or cancellation of registration
- 35 Contravention of regulations
- 36 False description of concerns, premises etc.
- 37 False statements in applications

Information to be available to public

- 38 Provision of copies of registers

Miscellaneous

- 39 Bodies required to be notified of certain matters
- 40 Periodic returns
- 41 Liquidators etc.
- 42 Death of registered person

Power to modify provisions of Chapter

- 43 Power to modify Chapter in relation to newly regulated activities

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Interpretation

- 44 Interpretation of Chapter 2

CHAPTER 3

QUALITY OF HEALTH AND SOCIAL CARE

...

- 45 Standards set by Secretary of State

Healthwatch England and Local Healthwatch organisations

- 45A Functions to be exercised by Healthwatch England
45B Conflicts of interest
45C Reports
45D Granting licence to use trade mark

Reviews and investigations

- 46 Periodic reviews
47 Frequency and period of review
48 Special reviews and investigations
49 Power to extend periodic review function
50 Failings by English local authorities
51 Failings by Welsh NHS bodies

CHAPTER 4

FUNCTIONS UNDER MENTAL HEALTH ACT 1983

- 52 Transfer and amendment of functions under Mental Health Act 1983

CHAPTER 5

FURTHER FUNCTIONS

- 53 Information and advice
54 Studies as to economy, efficiency etc.
55 Publication of results of studies under s. 54
56 Role of Audit Commission
57 Reviews of data, studies and research
58 Publication of information
59 Additional functions

CHAPTER 6

MISCELLANEOUS AND GENERAL

Inspections

- 60 Inspections
61 Inspections carried out for registration purposes

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Powers of entry etc.

- 62 Entry and inspection
- 63 Entry and inspection: supplementary
- 64 Power to require documents and information etc.
- 65 Power to require explanation

Interaction with other authorities

- 66 Interaction with other authorities
- 67 Co-ordination of reviews or assessments
- 68 Avoidance of unreasonable burdens in exercise of regulatory powers
- 69 Co-operation between the Commission and Welsh Ministers
- 70 Co-operation between the Commission and the Monitor
- 71 Provision of information by Auditor General for Wales
- 72 Provision of material to the Comptroller and Auditor General
- 73 Arrangements with Ministers
- 74 Arrangements with Northern Ireland Ministers

Inquiries

- 75 Inquiries

Information

- 76 Disclosure of confidential personal information: offence
- 77 Defence
- 78 Use of information etc.
- 79 Permitted disclosures
- 80 Code of practice on confidential personal information

Further provisions about functions of Commission

- 81 Publication of programme of reviews etc.
- 82 Failure by the Commission or Healthwatch England in discharge of functions
- 83 Reports for each financial year etc.
- 84 Reports and information

Fees

- 85 Fees

Enforcement

- 86 Penalty notices
- 87 Penalty notices: supplementary provision
- 88 Guidance by the Commission in relation to enforcement action
- 89 Publication of information relating to enforcement action etc.
- 90 Proceedings for offences
- 91 Offences by bodies corporate
- 92 Unincorporated associations

Service of documents

- 93 Service of documents
- 94 Electronic communications

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Further amendments

- 95 Further amendments relating to Part 1

Crown application

- 96 Application of Part 1 to Crown

Interpretation

- 97 General interpretation of Part 1

PART 2

REGULATION OF HEALTH PROFESSIONS AND HEALTH AND SOCIAL CARE WORKFORCE

The Office of the Health Professions Adjudicator

98. The Office of the Health Professions Adjudicator
99. Functions under Medical Act 1983 and Opticians Act 1989
100. Fitness to practise panels
101. Lists of persons eligible for membership of fitness to practise panels
102. Further provisions about listed persons
103. Legal assessors
104. Clinical and other specialist advisers
105. Procedural rules
106. Administration of oaths and issuing of witness summonses etc.
107. Duty to inform the public
108. Duty to consult
109. OHPA rules: supplementary
110. Fees payable by General Medical Council and General Optical Council

Amendments of Part 3 of Health Act 1999

- 111 Extension of powers under s. 60 of Health Act 1999
112 Standard of proof in fitness to practise proceedings

The Council for Healthcare Regulatory Excellence

- 113 The Council for Healthcare Regulatory Excellence
114 Constitution etc. of Council
115 Powers and duties of Council
116 Powers of Secretary of State and devolved administrations
117 Duty to inform and consult the public
118 Reference of cases by Council to court

Conduct and performance of medical practitioners and other health care workers

- 119 Responsible officers and their duties relating to medical profession
120 Additional responsibilities of responsible officers: England and Wales and Northern Ireland
121 Co-operation between prescribed bodies
122 Ss. 120 and 121: Crown application

Hearing Aid Council

- 123 Dissolution of Hearing Aid Council

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Regulation of social care workforce

- 124 Regulation of social care workers: Wales
- 125 Standard of proof in proceedings relating to registration of social care worker

Approved mental health professionals

- 126 Education and training of approved mental health professionals: Wales

General

- 127 Further amendments relating to Part 2
- 128 Interpretation of Part 2

PART 3

PUBLIC HEALTH PROTECTION

- 129 Public health protection
- 130 Further amendments relating to public health protection

PART 4

HEALTH IN PREGNANCY GRANT

England, Wales and Scotland

- 131 Entitlement: Great Britain
- 132 Administration: Great Britain
- 133 Penalty: Great Britain

Northern Ireland

- 134 Entitlement: Northern Ireland
- 135 Administration: Northern Ireland
- 136 Penalty: Northern Ireland
- 137 Northern Ireland: health in pregnancy grant to be excepted matter

General and supplementary

- 138 General and supplementary

PART 5

MISCELLANEOUS

Amendments relating to National Health Service

- 139 Duty of Primary Care Trusts
- 140 Pharmaceutical services
- 141 Remuneration for persons providing pharmaceutical services
- 142 Indemnity schemes in connection with provision of health services

Weighing and measuring of children

- 143 Weighing and measuring of children: England
- 144 Weighing and measuring of children: Wales

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Social care

- 145 Human Rights Act 1998: provision of certain social care to be public function
- 146 Direct payments in lieu of provision of care services
- 147 Abolition of maintenance liability of relatives
- 148 Ordinary residence for certain purposes of National Assistance Act 1948 etc.

Financial assistance related to provision of health or social care services

- 149 Power of Secretary of State to give financial assistance
- 150 Qualifying bodies
- 151 Forms of assistance under s. 149
- 152 Terms on which assistance under s. 149 is given
- 153 Directions to certain NHS bodies
- 154 Arrangements with other third parties
- 155 Power to form company
- 156 Interpretation of group of sections

National Information Governance Board for Health and Social Care

- 157 National Information Governance Board for Health and Social Care
- 158 Duty to consult Board in relation to regulations about patient information

Functions of Health Protection Agency in relation to biological substances

- 159 Functions of Health Protection Agency in relation to biological substances

Further amendments

- 160 Minor and consequential amendments relating to Part 5

PART 6

GENERAL

- 161 Orders, regulations and directions: general provisions
- 162 Orders and regulations: Parliamentary control
- 163 Orders and regulations: control by National Assembly for Wales
- 164 Regulations: control by Northern Ireland Assembly
- 165 Directions
- 166 Repeals
- 167 Power to make transitional and consequential provision etc.
- 168 Financial provisions
- 169 Extent
- 170 Commencement
- 171 The appropriate authority by whom commencement order is made
- 172 Consultation in relation to commencement
- 173 Short title

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SCHEDULES

SCHEDULE 1 — The Care Quality Commission

Status

- 1 (1) The Commission is not to be regarded as the...

General powers and duties

- 2 (1) The Commission may do anything which appears to it...

Membership

- 3 (1) The Commission is to consist of—

Remuneration and allowances

- 4 (1) The Commission must pay to its chair, or to...

Employees

- 5 (1) The Commission must appoint a chief executive, who is...

Procedure

- 6 (1) The Commission must appoint an advisory committee (“the advisory...

Exercise of functions

- 7 (1) The Commission may arrange for— (a) any of its...

Assistance

- 8 (1) The Commission may arrange for such persons as it...

Payments and loans to the Commission

- 9 (1) The Secretary of State may make payments to the...

Accounts

- 10 (1) The Commission must keep accounts in such form as...

Seal and evidence

- 11 The application of the seal of the Commission must be...
12 A document— (a) purporting to be duly executed under the...

SCHEDULE 2 — Transfers of property and staff etc.

Transfer schemes

- 1 (1) The Secretary of State may make one or more...

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Transfer

- 2 The property, rights and liabilities which are the subject of...

Employment

- 3 The transfer by paragraph 2 of the rights and liabilities...
- 4 (1) Paragraph 2 does not operate to transfer the rights...

Transitional

- 5 (1) Anything done by or in relation to the transferor...

SCHEDULE 3 — Amendments of Mental Health Act 1983

- 1 In this Schedule “the MHA” means the Mental Health Act...
- 2 In section 57 of the MHA (treatment requiring consent and...
- 3 In section 58 of the MHA (treatment requiring consent or...
- 4 (1) Section 61 of the MHA (review of treatment) is...
- 5 In section 64H of the MHA (certificates: supplementary provision), in...
- 6 (1) Section 118 of the MHA (code of practice) is...
- 7 (1) Section 119 of the MHA (practitioners approved for Part...
- 8 For section 120 of the MHA substitute— General protection of...
- 9 After section 120 of the MHA insert— Investigation reports (1) The regulatory authority may publish a report of a...
- 10 In section 129 of the MHA (obstruction), in subsection (1),...
- 11 (1) Section 134 of the MHA (correspondence of patients) is...
- 12 After section 134 of the MHA insert— Review of decisions...
- 13 In section 145 of the MHA (general interpretation), in subsection...

SCHEDULE 4 — Interaction with other authorities

Part 1 — INTERPRETATION

Inspection authorities

- 1 (1) In this Schedule references to inspection authorities are to...

Inspection functions

- 2 In this Schedule “inspection functions” means functions relating to, or...

Public authorities

- 3 (1) In this Schedule “public authority”— (a) includes any person...

Part 2 — EXERCISE OF FUNCTIONS

Delegation of inspection functions to public authorities

- 4 (1) The Commission may delegate any of its inspection functions...

Inspection programmes and inspection frameworks

- 5 (1) The Commission must from time to time, or at...

Inspections by other inspectors of activities within Commission's remit

- 6 (1) If— (a) a specified inspector is proposing to carry...

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Co-operation

- 7 The Commission must co-operate with— (a) the inspection authorities, and...

Joint action

- 8 (1) The Commission may act jointly with another public authority...

Advice or assistance for other public authorities

- 9 (1) The Commission may, if it thinks it appropriate to...

Inspections carried out under arrangements

- 10 (1) The Commission may make arrangements with—

SCHEDULE 5 — Further amendments relating to Part 1

Part 1 — AMENDMENTS OF CARE STANDARDS ACT 2000

- 1 In this Part of this Schedule “the 2000 Act” means...
- 2 (1) Section 1 of the 2000 Act (children's homes) is...
- 3 In section 2 of the 2000 Act (independent hospitals etc),...
- 4 (1) Section 3 of the 2000 Act (care homes) is...
- 5 (1) Section 4 of the 2000 Act (other basic definitions)...
- 6 (1) Section 5 of the 2000 Act (registration authorities) is...
- 7 Omit section 5A (general duties of Commission for Healthcare Audit...
- 8 (1) Section 8 of the 2000 Act (general functions of...
- 9 In section 10 of the 2000 Act (inquiries), omit subsection...
- 10 In section 11 of the 2000 Act (requirement to register)—...
- 11 In section 12 of the 2000 Act (applications for registration),...
- 12 In section 14 of the 2000 Act (cancellation of registration),...
- 13 After section 14 of the 2000 Act insert— Suspension of...
- 14 In section 15 of the 2000 Act (applications by registered...
- 15 In section 16 of the 2000 Act (regulations about registration),...
- 16 In section 17 of the 2000 Act (notice of proposals)—...
- 17 In section 19 of the 2000 Act (notice of decisions),...
- 18 (1) Section 20 of the 2000 Act (urgent procedure for...
- 19 After section 20 of the 2000 Act insert— Urgent procedure...
- 20 (1) Section 21 of the 2000 Act (appeals to the...
- 21 In section 22 of the 2000 Act (regulation of establishments...
- 22 After section 24 of the 2000 Act insert— Offences relating...
- 23 In section 26 of the 2000 Act (false descriptions of...
- 24 In section 29 of the 2000 Act (proceedings for offences)—...
- 25 After section 30 of the 2000 Act insert— Penalty notices...
- 26 (1) In section 30A of the 2000 Act (notification of...
- 27 In section 31 of the 2000 Act (inspections by persons...
- 28 (1) Section 42 of the 2000 Act (power to extend...
- 29 (1) Section 55 of the 2000 Act (interpretation of Part...
- 30 In section 113 of the 2000 Act (default powers of...
- 31 Omit section 113A of the 2000 Act (fees payable under...
- 32 After section 118 of the 2000 Act insert— Regulations: Wales...
- 33 In section 120 of the 2000 Act (Wales) omit subsection...
- 34 In section 121 of the 2000 Act (general interpretation etc),...

Part 2 — AMENDMENTS OF HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

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- 35 In this Part of this Schedule “the 2003 Act” means...
- 36 Omit sections 41 to 44 of the 2003 Act (regulatory...
- 37 In section 45 of the 2003 Act (quality in health...
- 38 Omit section 46 of the 2003 Act (standards set by...
- 39 Omit sections 47A to 47C of the 2003 Act (code...
- 40 Omit sections 48 to 69A of the 2003 Act (NHS...
- 41 Omit sections 76 to 91 of the 2003 Act (social...
- 42 In section 96 of the 2003 Act (additional functions of...
- 43 In section 100 of the 2003 Act (power of Welsh...
- 44 Omit sections 102 to 104 of the 2003 Act (functions...
- 45 In section 113 of the 2003 Act (complaints about health...
- 46 In section 114 of the 2003 Act (complaints about social...
- 47 Omit sections 120 to 141 of the 2003 Act (supplementary...
- 48 For section 143 of the 2003 Act substitute— Use by...
- 49 Omit section 144 of the 2003 Act (inquiries: Wales).
- 50 Omit sections 145 and 145A of the 2003 Act (CHAI...
- 51 In section 148 of the 2003 Act (interpretation of Part...
- 52 Omit Schedules 6 to 8 to the 2003 Act (supplementary...

Part 3 — AMENDMENTS OF OTHER ACTS

Prison Act 1952 (c. 52)

- 53 (1) Schedule A1 to the Prison Act 1952 (further provision...

Public Records Act 1958 (c. 51)

- 54 In Schedule 1 to the Public Records Act 1958 (definition...

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

- 55 In paragraph 1 of the Schedule to the Public Bodies...

Parliamentary Commissioner Act 1967 (c. 13)

- 56 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

House of Commons Disqualification Act 1975 (c. 24)

- 57 (1) Schedule 1 to the House of Commons Disqualification Act...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 58 In Part 2 of Schedule 1 to the Northern Ireland...

Race Relations Act 1976 (c. 74)

- 59

Copyright, Designs and Patents Act 1988 (c. 48)

- 60 In section 48(6) of the Copyright, Designs and Patents Act...

Road Traffic Act 1988 (c. 52)

- 61 In section 144 of the Road Traffic Act 1988 (exceptions...

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Vehicle Excise and Registration Act 1994 (c. 22)

62 In paragraph 7 of Schedule 2 to the Vehicle Excise...

Police Act 1996 (c. 16)

63 (1) Schedule 4A to the Police Act 1996 (further provision...

Audit Commission Act 1998 (c. 18)

64 (1) Section 4 of the Audit Commission Act 1998 (code...

65 (1) Section 7 of the Audit Commission Act 1998 (fees)...

66 (1) In section 33 of the Audit Commission Act 1998...

67 (1) In section 34 of the Audit Commission Act 1998...

68 (1) In section 49 of the Audit Commission Act 1998...

69 In Schedule 2A to the Audit Commission Act 1998 (interaction...

Local Government Act 1999 (c. 27)

70 In section 25 of the Local Government Act 1999 (co-ordination...

Crown Prosecution Service Inspectorate Act 2000 (c. 10)

71 (1) The Schedule to the Crown Prosecution Service Inspectorate Act...

Regulation of Investigatory Powers Act 2000 (c. 23)

72 In Schedule 1 to the Regulation of Investigatory Powers Act...

Freedom of Information Act 2000 (c. 36)

73 In Schedule 1 to the Freedom of Information Act 2000...

Criminal Justice and Court Services Act 2000 (c. 43)

74 (1) Schedule 1A to the Criminal Justice and Court Services...

Courts Act 2003 (c. 39)

75 (1) Schedule 3A to the Courts Act 2003 (further provision...

Public Audit (Wales) Act 2004 (c. 23)

76 In section 62 of the Public Audit (Wales) Act 2004...

77 In section 64 of the Public Audit (Wales) Act 2004...

Children Act 2004 (c. 31)

78 In section 20 of the Children Act 2004 (joint area...

Health Act 2006 (c. 28)

79 In section 61 of the Health Act 2006 (Commission to...

80 In Schedule 5 to the Health Act 2006 (list of...

Education and Inspections Act 2006 (c. 40)

81 (1) Paragraph 1 of Schedule 13 to the Education and...

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National Health Service Act 2006 (c. 41)

- 82 In section 9 of the National Health Service Act 2006...
- 83 In section 35 of the National Health Service Act 2006...
- 84 In section 56 of the National Health Service Act 2006...
- 85 In section 71 of the National Health Service Act 2006...
- 86 In Schedule 10 to the National Health Service Act 2006...

National Health Service (Wales) Act 2006 (c. 42)

- 87 In section 7 of the National Health Service (Wales) Act...
- 88 In section 30 of the National Health Service (Wales) Act...

NHS Redress Act 2006 (c. 44)

- 89 In section 5 of the NHS Redress Act 2006 (duty...
- 90 In section 13 of the NHS Redress Act 2006 (duties...

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 91 In section 45 of the Safeguarding Vulnerable Groups Act 2006...
- 92 (1) Paragraph 1 of Schedule 4 to the Safeguarding Vulnerable...
- 93 (1) Paragraph 7 of Schedule 4 to the Safeguarding Vulnerable...

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 94 In section 227 of the Local Government and Public Involvement...

SCHEDULE 6 — The Office of the Health Professions Adjudicator

...

SCHEDULE 7 — Adjudication functions under Medical Act 1983 and Opticians Act 1989

...

SCHEDULE 8 — Extension of powers under s. 60 of Health Act 1999

- 1 (1) Section 60 of the 1999 Act (regulation of health...
- 2 In section 62 of the 1999 Act (regulations and orders),...
- 3 Schedule 3 to the 1999 Act (which relates to the...
- 4 In paragraph 5 (exercise of power so as to confer...
- 5 (1) Paragraph 7 (matters outside the scope of the Orders)...
- 6 (1) Paragraph 8 (other matters outside the scope of the...
- 7 (1) Paragraph 9 (preliminary procedure for making Orders) is amended...
- 8 In paragraph 10 (interpretation of the Schedule)—
- 9 In paragraph 11 (which contains further interpretative provisions), in sub-paragraph...
- 10 Omit paragraph 12 (which confers limited powers in relation to...

SCHEDULE 9 — Regulation of social care workers

Interpretation

- 1 In this Schedule— “functions” includes powers and duties; “regulations” means...

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Matters generally within the scope of regulations

- 2 Regulations may make provision for the following matters (among others)—...

Manner of exercise of power

- 3 The power to make regulations may be exercised by amending...
4 The power may be exercised so as to make provision...
5 The power may be exercised so as to make provision—...
6 The power may be exercised so as to—
7 The power may not be exercised so as to create...

Matters outside the scope of regulations

- 8 (1) Regulations may not abolish the General Social Care Council...

Preliminary procedure for making regulations: England

- 9 (1) If the Secretary of State proposes to lay a...

Preliminary procedure for making regulations: Wales

- 10 (1) If the Welsh Ministers propose to lay a draft...

SCHEDULE 10 — Further amendments relating to Part 2

Provision consequential on section 113(1)

- 1 (1) Any reference in any instrument or document to the...

Public Records Act 1958 (c. 51)

- 2 In Schedule 1 to the Public Records Act 1958 (definition...

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

- 3 In the Schedule to the Public Bodies (Admission to Meetings)...

House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part 2 of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 5 In Part 2 of Schedule 1 to the Northern Ireland...

Race Relations Act 1976 (c. 74)

- 6

Dentists Act 1984 (c. 24)

- 7 In section 27 of the Dentists Act 1984 (allegations against...
8 In section 36A of the Dentists Act 1984 (professions complementary...
9

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Health Act 1999 (c. 8)

- 10 In section 60 of the 1999 Act (regulation of health...
- 11 In section 62 of the 1999 Act (regulations and orders),...
- 12 In Schedule 3 to the 1999 Act (regulation of health...

Freedom of Information Act 2000 (c. 36)

- 13 In Part 6 of Schedule 1 to the Freedom of...

Nursing and Midwifery Order 2001 (S.I. 2002/253)

- 14

Health Professions Order 2001 (S.I. 2002/254)

- 15

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 16 For the title to section 25 of the 2002 Act,...
- 17 (1) Section 25 of the 2002 Act is amended as...
- 18
- 19 For the title to Schedule 7 to the 2002 Act...

...

- 20
- 21
- 22
- 23

National Health Service Act 2006 (c. 41)

- 24 In section 201 of the National Health Service Act 2006...

National Health Service (Wales) Act 2006 (c. 42)

- 25 In section 149 of the National Health Service (Wales) Act...

National Assembly for Wales (Disqualification) Order 2006 (S.I. 2006/3335)

- 26 In Part 1 of the Schedule to the National Assembly...

Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289)

- 27

SCHEDULE 11 — Public health protection: further amendments

Introductory

- 1 In this Schedule “the 1984 Act” means the Public Health...

Local Government, Planning and Land Act 1980 (c. 65)

- 2 In section 159 of the Local Government, Planning and Land...

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Public Health (Control of Disease) Act 1984

- 3 (1) Section 1 (authorities administering Act) of the 1984 Act...
- 4 (1) Section 5 of the 1984 Act (financial provisions as...
- 5 In section 7 of the 1984 Act (port health district...
- 6 Omit section 9 of the 1984 Act (vessels in inland...
- 7 In section 48 of the 1984 Act (removal of body...
- 8 In section 49 of the 1984 Act (regulations as to...
- 9 In section 50 of the 1984 Act (power to enter...
- 10 In section 51 of the 1984 Act (duties of local...
- 11 Omit section 52 of the 1984 Act (prosecution of offences...
- 12 Omit sections 54 to 57 of the 1984 Act.
- 13 In section 58 of the 1984 Act (form of notices...
- 14 In section 59 of the 1984 Act (authentication of documents)—...
- 15 In section 60 of the 1984 Act (service of notices...
- 16 After section 60 of the 1984 Act insert— Electronic communications...
- 17 (1) Section 61 of the 1984 Act (power to enter...
- 18 (1) Section 62 of the 1984 Act (supplementary provisions as...
- 19 For section 63 of the 1984 Act substitute— Offence of...
- 20 After section 63 of the 1984 Act insert— Offences by...
- 21 (1) Section 64 of the 1984 Act (restriction on right...
- 22 After section 64 of the 1984 Act insert— Time limits...
- 23 (1) Section 67 of the 1984 Act (applications to, and...
- 24 For section 69 of the 1984 Act substitute— Protection from...
- 25 Omit section 70 of the 1984 Act (local inquiries).
- 26 For section 71 of the 1984 Act substitute— Default powers...
- 27 In section 72 of the 1984 Act (cumulative effect of...
- 28 In section 73 of the 1984 Act (Crown property) after...
- 29 (1) Section 74 of the 1984 Act (interpretation) is amended...
- 30 Omit section 76 of the 1984 Act (Isle of Man...

Planning and Compensation Act 1991 (c. 34)

- 31 In Part 1 of Schedule 18 to the Planning and...

SCHEDULE 12 — Funding of expenditure in connection with provision of pharmaceutical services

Part 1 — ENGLAND

- 1 In this Part of this Schedule “the NHS Act” means...
- 2 (1) Section 228 of the NHS Act (public funding of...
- 3 In section 229 of the NHS Act (financial duties of...
- 4 In section 230 of the NHS Act (resource limits for...
- 5 (1) Schedule 14 to the NHS Act (further provision about...

Part 2 — WALES

- 6 In this Part of this Schedule “the NHS (Wales) Act”...
- 7 In section 174 of the NHS (Wales) Act (public funding...
- 8 In section 175 of the NHS (Wales) Act (financial duties...
- 9 In section 176 of the NHS (Wales) Act (resource limits...
- 10 (1) Schedule 8 to the NHS (Wales) Act (further provision...

SCHEDULE 13 — Transitional provisions relating to s. 147

Status: Point in time view as at 01/04/2009.

Changes to legislation: Health and Social Care Act 2008 is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Interpretation of Schedule

- 1 In this Schedule “the 1948 Act” means the National Assistance...

Complaints, orders and payments under section 43 of the 1948 Act

- 2 (1) No complaint may be made under section 43 of...

Recovery of expenditure incurred under section 47(8) of the 1948 Act

- 3 (1) Sub-paragraphs (3) to (5) apply in relation to expenditure...

Recovery of expenses incurred under section 48 of the 1948 Act

- 4 (1) Sub-paragraphs (3) to (5) apply in relation to reasonable...

Prosecutions under section 51 of the 1948 Act

- 5 (1) Sub-paragraph (2) applies in relation to an offence under...

Transitional cases under paragraph 19(1) of Schedule 6 to the 1948 Act

- 6 (1) Sub-paragraphs (2) and (3) apply where—

Transitional cases under paragraph 19(2) of Schedule 6 to the 1948 Act

- 7 (1) Sub-paragraphs (2) and (3) apply where an order of...

Recovery of expenses under section 46 of the Public Health (Control of Disease) Act 1984

- 8 (1) Sub-paragraphs (3) to (5) apply in relation to expenses...

SCHEDULE 14 — Further amendments relating to Part 5

Children Act 1989 (c. 41)

- 1 In section 17A of the Children Act 1989 (direct payments),...

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

House of Commons Disqualification Act 1975 (c. 24)

- 3 In Part 2 of Schedule 1 to the House of...

Freedom of Information Act 2000 (c. 36)

- 4 In Schedule 1 to the Freedom of Information Act 2000...

National Health Service Act 2006 (c. 41)

- 5 In section 271 of the National Health Service Act 2006...
6 In Schedule 1 to the National Health Service Act 2006...

National Health Service (Wales) Act 2006 (c. 42)

- 7 In Schedule 1 to the National Health Service (Wales) Act...

Status: Point in time view as at 01/04/2009.

Changes to legislation: Health and Social Care Act 2008 is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Safeguarding Vulnerable Groups Act 2006 (c. 47)

8 In section 6 of the Safeguarding Vulnerable Groups Act 2006...

SCHEDULE 15 — Repeals and revocations

Part 1 — REPEALS AND REVOCATIONS RELATING TO PART 1

Part 2 — REGULATION OF HEALTHCARE PROFESSIONS

Part 3 — PUBLIC HEALTH PROTECTION

Part 4 — NATIONAL HEALTH SERVICE

Part 5 — ABOLITION OF MAINTENANCE LIABILITY OF RELATIVES

Part 6 — ESTABLISHMENT OF NATIONAL INFORMATION GOVERNANCE
BOARD

Part 7 — ABOLITION OF NATIONAL BIOLOGICAL STANDARDS BOARD

Status:

Point in time view as at 01/04/2009.

Changes to legislation:

Health and Social Care Act 2008 is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.