



Health and Social Care Act 2008

CHAPTER 14

HEALTH AND SOCIAL CARE ACT 2008

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 1

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- 2 Transfer
- 3 Employment
- 4 (1) Paragraph 2 does not operate to transfer the rights...
- 5 Transitional

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- 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...

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- 1 Inspection authorities
- 2 Inspection functions
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- 7 Co-operation
- 8 Joint action
- 9 Advice or assistance for other public authorities
- 10 Inspections carried out under arrangements

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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
- 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
- 53 Prison Act 1952 (c. 52)
- 54 Public Records Act 1958 (c. 51)

Status: This is the original version (as it was originally enacted).

- 55 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 56 Parliamentary Commissioner Act 1967 (c. 13)
- 57 House of Commons Disqualification Act 1975 (c. 24)
- 58 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 59 Race Relations Act 1976 (c. 74)
- 60 Copyright, Designs and Patents Act 1988 (c. 48)
- 61 Road Traffic Act 1988 (c. 52)
- 62 Vehicle Excise and Registration Act 1994 (c. 22)
- 63 Police Act 1996 (c. 16)
- 64 Audit Commission Act 1998 (c. 18)
- 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...
- 70 Local Government Act 1999 (c. 27)
- 71 Crown Prosecution Service Inspectorate Act 2000 (c. 10)
- 72 Regulation of Investigatory Powers Act 2000 (c. 23)
- 73 Freedom of Information Act 2000 (c. 36)
- 74 Criminal Justice and Court Services Act 2000 (c. 43)
- 75 Courts Act 2003 (c. 39)
- 76 Public Audit (Wales) Act 2004 (c. 23)
- 77 In section 64 of the Public Audit (Wales) Act 2004...
- 78 Children Act 2004 (c. 31)
- 79 Health Act 2006 (c. 28)
- 80 In Schedule 5 to the Health Act 2006 (list of...
- 81 Education and Inspections Act 2006 (c. 40)
- 82 National Health Service Act 2006 (c. 41)
- 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...
- 87 National Health Service (Wales) Act 2006 (c. 42)
- 88 In section 30 of the National Health Service (Wales) Act...
- 89 NHS Redress Act 2006 (c. 44)
- 90 In section 13 of the NHS Redress Act 2006 (duties...
- 91 Safeguarding Vulnerable Groups Act 2006 (c. 47)
- 92 (1) Paragraph 1 of Schedule 4 to the Safeguarding Vulnerable...
- 93 (1) Paragraph 7 of Schedule 4 to the Safeguarding Vulnerable...
- 94 Local Government and Public Involvement in Health Act 2007 (c. 28)

SCHEDULE 6 — The Office of the Health Professions Adjudicator

- 1 Interpretation
- 2 Status
- 3 General powers
- 4 Membership
- 5 No person may be appointed as a member unless the...
- 6 A person may be appointed as the chair only if...
- 7 (1) The Privy Council must by regulations make provision about...
- 8 (1) The first executive members are to be appointed by...
- 9 Each of the members mentioned in paragraph 4(a) to (c)—...
- 10 (1) Subject to sub-paragraph (2), the terms of a member's...
- 11 Procedure

- 12 The validity of proceedings of the OHPA is not affected—...
- 13 Members' interests
- 14 Remuneration and allowances
- 15 Amendment of Superannuation Act 1972 (c. 11)
- 16 The OHPA must pay to the Minister for the Civil...
- 17 Employees
- 18 Payments and loans to the OHPA
- 19 Accounts
- 20 Reports
- 21 Seal and evidence
- 22 A document— (a) purporting to be duly executed under the...
- 23 Meetings of the OHPA in Northern Ireland

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

Part 1 — AMENDMENTS OF MEDICAL ACT 1983

- 1 In this Part of this Schedule “the 1983 Act” means...
- 2 (1) Section 1 of the 1983 Act (the General Medical...
- 3 In section 29C of the 1983 Act (referral to the...
- 4 After section 35 of the 1983 Act insert— Fitness to...
- 5 In section 35B of the 1983 Act (notification and disclosure...
- 6 (1) Section 35C of the 1983 Act (functions of the...
- 7 (1) Section 35D of the 1983 Act (functions of a...
- 8 (1) Section 35E of the 1983 Act (provisions supplementary to...
- 9 (1) Section 38 of the 1983 Act (power to order...
- 10 (1) Section 40 of the 1983 Act (appeals) is amended...
- 11 After section 40 of the 1983 Act insert— Reference of...
- 12 (1) Section 41 of the 1983 Act (restoration of names...
- 13 (1) Section 41A of the 1983 Act (interim orders) is...
- 14 In section 41C of the 1983 Act (effect of directions...
- 15 In section 43 of the 1983 Act (proceedings before the...
- 16 In section 44 of the 1983 Act (effect of disqualification...
- 17 In section 47 of the 1983 Act (appointments not to...
- 18 In section 53 of the 1983 Act (proof of certain...
- 19 In section 55 of the 1983 Act (interpretation), in subsection...
- 20 (1) Part 3 of Schedule 1 to the 1983 Act...
- 21 In Schedule 3A to the 1983 Act (registration appeals), in...
- 22 In Schedule 3B to the 1983 Act (licence to practise...
- 23 (1) Schedule 4 to the 1983 Act (proceedings before the...

Part 2 — AMENDMENTS OF OPTICIANS ACT 1989

- 24 In this Part of this Schedule “the 1989 Act” means...
- 25 In section 3 of the 1989 Act (the Companies Committee),...
- 26 In section 4 of the 1989 Act (the Investigation Committee),...
- 27 In section 5A of the 1989 Act (the Registration Appeals...
- 28 Omit section 5C of the 1989 Act (the Fitness to...
- 29 In section 5D of the 1989 Act (the Hearings Panel),...
- 30 After section 13A of the 1989 Act insert— Fitness to...
- 31 (1) Section 13D of the 1989 Act (allegations) is amended...
- 32 (1) Section 13F of the 1989 Act (powers of the...
- 33 (1) Section 13G of the 1989 Act (provisions supplementary to...
- 34 In section 13H of the 1989 Act (financial penalty order),...
- 35 (1) Section 13I of the 1989 Act (power to order...
- 36 (1) Section 13J of the 1989 Act (removal from a...

- 37 (1) Section 13K of the 1989 Act (restoration of names...
- 38 (1) Section 13L of the 1989 Act (interim orders) is...
- 39 After section 23A of the 1989 Act insert— References to...
- 40 (1) Section 23B of the 1989 Act (procedure of Fitness...
- 41 (1) Section 23C of the 1989 Act (powers of the...
- 42 After section 23C of the 1989 Act insert— Assessments (1) If the Adjudicator considers (on reasonable grounds) that it...
- 43 In section 23D of the 1989 Act (legal advisers) omit...
- 44 In section 23E of the 1989 Act (other advisers), in...
- 45 (1) Section 23G of the 1989 Act (appeals from the...
- 46 After section 23H of the 1989 Act insert— Reference of...
- 47 In section 29 of the 1989 Act (provision as to...
- 48 In section 33 of the 1989 Act (default powers of...
- 49 In section 34 of the 1989 Act (subordinate legislation procedure),...
- 50 In section 36 of the 1989 Act (interpretation), in subsection...
- 51 In Schedule 1 to the 1989 Act (constitution etc of...

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

- 1 Interpretation
- 2 Matters generally within the scope of regulations
- 3 Manner of exercise of power
- 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...
- 8 Matters outside the scope of regulations
- 9 Preliminary procedure for making regulations: England
- 10 Preliminary procedure for making regulations: Wales

SCHEDULE 10 — Further amendments relating to Part 2

- 1 Provision consequential on section 113(1)
- 2 Public Records Act 1958 (c. 51)
- 3 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 4 House of Commons Disqualification Act 1975 (c. 24)
- 5 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 6 Race Relations Act 1976 (c. 74)
- 7 Dentists Act 1984 (c. 24)
- 8 In section 36A of the Dentists Act 1984 (professions complementary...
- 9 In section 36N of the Dentists Act 1984 (allegations against...

- 10 Health Act 1999 (c. 8)
- 11 In section 62 of the 1999 Act (regulations and orders),...
- 12 In Schedule 3 to the 1999 Act (regulation of health...
- 13 Freedom of Information Act 2000 (c. 36)
- 14 Nursing and Midwifery Order 2001 (S.I. 2002/253)
- 15 Health Professions Order 2001 (S.I. 2002/254)
- 16 National Health Service Reform and Health Care Professions Act 2002
(c. 17)
- 17 (1) Section 25 of the 2002 Act is amended as...
- 18 In section 26 of the 2002 Act (powers and duties...
- 19 For the title to Schedule 7 to the 2002 Act...
- 20 Health Act 2006 (c. 28)
- 21 In section 60 of the Health Act 2006 (which enables...
- 22 In section 63 of the Health Act 2006 (Appointments Commission...
- 23 In Schedule 5 to the Health Act 2006 (Appointments Commission...
- 24 National Health Service Act 2006 (c. 41)
- 25 National Health Service (Wales) Act 2006 (c. 42)
- 26 National Assembly for Wales (Disqualification) Order 2006 (S.I.
2006/3335)
- 27 Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289)

SCHEDULE 11 — Public health protection: further amendments

- 1 Introductory
- 2 Local Government, Planning and Land Act 1980 (c. 65)
- 3 Public Health (Control of Disease) Act 1984
- 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...
- 31 Planning and Compensation Act 1991 (c. 34)

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

- 1 Interpretation of Schedule
- 2 Complaints, orders and payments under section 43 of the 1948 Act
- 3 Recovery of expenditure incurred under section 47(8) of the 1948 Act
- 4 Recovery of expenses incurred under section 48 of the 1948 Act
- 5 Prosecutions under section 51 of the 1948 Act
- 6 Transitional cases under paragraph 19(1) of Schedule 6 to the 1948 Act
- 7 Transitional cases under paragraph 19(2) of Schedule 6 to the 1948 Act
- 8 Recovery of expenses under section 46 of the Public Health (Control of Disease) Act 1984

SCHEDULE 14 — Further amendments relating to Part 5

- 1 Children Act 1989 (c. 41)
- 2 Parliamentary Commissioner Act 1967 (c. 13)
- 3 House of Commons Disqualification Act 1975 (c. 24)
- 4 Freedom of Information Act 2000 (c. 36)
- 5 National Health Service Act 2006 (c. 41)
- 6 In Schedule 1 to the National Health Service Act 2006...
- 7 National Health Service (Wales) Act 2006 (c. 42)
- 8 Safeguarding Vulnerable Groups Act 2006 (c. 47)

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**