

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Power to modify provisions of Chapter

Section 43: Power to modify Chapter in relation to newly regulated activities

186. **Section 43** enables the Secretary of State to make regulations modifying Chapter 2 in its application to newly regulated activities of a prescribed description. The registration provisions are designed to work to cover care which is already subject to regulation and to cover care directly provided by NHS bodies. When other forms of care are eventually brought within the ambit of the registration regime, there may be unforeseen issues which necessitate modification of the registration procedures. This power allows for that eventuality. The power to modify the Act under this section does not apply to the registration of NHS bodies or providers currently subject to regulation under the Care Standards Act 2000 but it will apply to regulated activities carried on by or on behalf of the Crown.

Chapter 3 – Quality of Health and Social Care

Health care standards

Section 45: Standards set by Secretary of State

187. **Section 45** gives the Secretary of State the power to prepare and publish statements of standards in relation to health care provided or commissioned by PCTs and to amend these statements from time to time.
188. PCTs will be required to have regard to these standards in discharging their duty under the new section 23A of the NHS Act 2006 (see section 139) to secure continuous improvement in the quality of health care provided or commissioned by them. *Subsection (3)* allows the Secretary of State to direct another person to develop standards and to submit them for approval. In “*High Quality Care for All*”, published on 30 June 2008, the Government indicated its intention to ask the National Institute for Clinical Excellence to develop these standards, with reference to the clinical priorities set out by a new National Quality Board, to be chaired by the NHS Chief Executive.
189. *Subsection (4)* provides that the Secretary of State must consult on the content of such statements of standards, or amended statements of standards which effect a substantial change in the standards, before they are published. The Commission has no role in monitoring or assessing compliance with these standards.