



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 2

#### REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

##### *Power to modify provisions of Chapter*

#### **43 Power to modify Chapter in relation to newly regulated activities**

- (1) Regulations may modify the provisions of this Chapter in their application to any newly regulated activity of a prescribed description.
- (2) A “newly regulated activity” is any regulated activity other than one which—
  - (a) consists of or includes the carrying on of a relevant concern,
  - (b) under the 2000 Act as it has effect immediately before commencement, is regulated under Part 2 of that Act by virtue of regulations under section 42 of that Act (power to extend application of that Part), or
  - (c) consists of the provision of health care by a National Health Service body, as defined by section 121 of that Act.
- (3) For this purpose a relevant concern is anything which, under the 2000 Act as it has effect immediately before commencement, would for the purposes of that Act be—
  - (a) an independent hospital,
  - (b) an independent clinic,
  - (c) an independent medical agency,
  - (d) a care home,
  - (e) a domiciliary care agency, or
  - (f) a nurses agency.

---

**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Power to modify provisions of Chapter. (See end of Document for details)

---

(4) Any regulated activity carried on by or on behalf of the Crown is for this purpose a newly regulated activity.

(5) In this section—

“the 2000 Act” means the Care Standards Act 2000 (c. 14);

“commencement” means the commencement of section 10 of this Act.

**Modifications etc. (not altering text)**

- C1** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **17(4)(c)(5)(b)**
- C2** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **14(4)(c)**

**Commencement Information**

- I1** S. 43 partly in force; S. 43 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 43 in force at 6.4.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(1), **Sch. 1 para. 11** (with Pt. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross  
Heading: Power to modify provisions of Chapter.