



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 6

MISCELLANEOUS AND GENERAL

Crown application

96 Application of Part 1 to Crown

- (1) Any provision made by or under Chapter 2 or 3 or this Chapter binds the Crown, but does not affect Her Majesty in her private capacity.
- (2) Subsection (1)—
 - (a) does not require regulations made under section 8 to be made so as to apply to activities carried on by or on behalf of the Crown, and
 - (b) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (c. 44) (references to Her Majesty in her private capacity) were contained in this Act.
- (3) No contravention of any provision made by or under Chapter 2 or 3 or this Chapter is to make the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) The provisions of Chapters 2 and 3 and this Chapter apply to persons in the public service of the Crown as they apply to other persons.
- (5) If the Secretary of State certifies that it appears to the Secretary of State requisite or expedient in the interests of national security that the powers of entry and inspection conferred by sections 62 and 63—

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

- (a) should not be exercisable in relation to any premises which are used by or on behalf of the Crown and are specified in the certificate, or
 - (b) should not be exercisable in relation to any premises which are so used and are specified in the certificate, except in circumstances specified in the certificate,
- those powers are not exercisable in relation to those premises or (as the case may be) are not exercisable in relation to those premises except in those circumstances.

Commencement Information

II S. 96 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 31**

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