
Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Paragraph 9. (See end of Document for details)

SCHEDULES

SCHEDULE 3

AMENDMENTS OF MENTAL HEALTH ACT 1983

9 After section 120 of the MHA insert—

“120A Investigation reports

- (1) The regulatory authority may publish a report of a review or investigation carried out by it under section 120(1).
- (2) The Secretary of State may by regulations make provision as to the procedure to be followed in respect of the making of representations to the Care Quality Commission before the publication of a report by the Commission under subsection (1).
- (3) The Secretary of State must consult the Care Quality Commission before making any such regulations.
- (4) The Welsh Ministers may by regulations make provision as to the procedure to be followed in respect of the making of representations to them before the publication of a report by them under subsection (1).

120B Action statements

- (1) The regulatory authority may direct a person mentioned in subsection (2) to publish a statement as to the action the person proposes to take as a result of a review or investigation under section 120(1).
- (2) The persons are—
 - (a) the managers of a hospital within the meaning of Part 2 of this Act;
 - (b) a local social services authority;
 - (c) persons of any other description prescribed in regulations.
- (3) Regulations may make further provision about the content and publication of statements under this section.
- (4) “Regulations” means regulations made—
 - (a) by the Secretary of State, in relation to England;
 - (b) by the Welsh Ministers, in relation to Wales.

120C Provision of information

- (1) This section applies to the following persons—
 - (a) the managers of a hospital within the meaning of Part 2 of this Act;
 - (b) a local social services authority;
 - (c) persons of any other description prescribed in regulations.

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- (2) A person to whom this section applies must provide the regulatory authority with such information as the authority may reasonably request for or in connection with the exercise of its functions under section 120.
- (3) A person to whom this section applies must provide a person authorised under section 120 with such information as the person so authorised may reasonably request for or in connection with the exercise of functions under arrangements made under that section.
- (4) This section is in addition to the requirements of section 120(7)(c).
- (5) “Information” includes documents and records.
- (6) “Regulations” means regulations made—
 - (a) by the Secretary of State, in relation to England;
 - (b) by the Welsh Ministers, in relation to Wales.

120D Annual reports

- (1) The regulatory authority must publish an annual report on its activities in the exercise of its functions under this Act.
- (2) The report must be published as soon as possible after the end of each financial year.
- (3) The Care Quality Commission must send a copy of its annual report to the Secretary of State who must lay the copy before Parliament.
- (4) The Welsh Ministers must lay a copy of their annual report before the National Assembly for Wales.
- (5) In this section “financial year” means—
 - (a) the period beginning with the date on which section 52 of the Health and Social Care Act 2008 comes into force and ending with the next 31 March following that date, and
 - (b) each successive period of 12 months ending with 31 March.”

Commencement Information

- I1** Sch. 3 para. 9 partly in force; Sch. 3 para. 9 in force for specified purposes at Royal Assent, see s. 170
- I2** Sch. 3 para. 9 in force at 1.4.2009 in so far as not already in force by S.I. 2009/462, art. 2(1), Sch. 1 para. 33 (with art. 11, Sch. 4)

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