



# 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

##### *Registration procedure*

#### **28 Notice of decisions**

- (1) If the Commission decides to grant an application for registration as a service provider or manager in respect of a regulated activity—
  - (a) unconditionally, or
  - (b) subject only to conditions each of which is either required by section 13(1) or agreed in writing between the Commission and the applicant,it must give the applicant notice in writing of the decision.
- (2) A notice under subsection (1) must state the conditions subject to which registration is granted.
- (3) If the Commission decides to adopt a proposal of which it was required to give notice under section 26, it must give notice in writing of its decision to any person to whom it was required by section 26 to give notice of the proposal.
- (4) A notice under subsection (3) must—
  - (a) explain the right of appeal conferred by section 32,
  - (b) in the case of a decision to adopt a proposal under section 26(2), state the conditions subject to which the application is granted,

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- (c) in the case of a decision to adopt a proposal under section 26(4)(b), state the period (or extended period) of suspension, and
  - (d) in the case of a decision to adopt a proposal under section 26(4)(c) or (d), state the condition as varied, the condition which is removed or (as the case may be) the additional condition imposed.
- (5) Where a person (“M”) is registered as a manager in respect of a regulated activity, the Commission must—
- (a) give M a copy of any notice given under subsection (3) to the person (“S”) registered as a service provider in respect of the regulated activity, and
  - (b) give S a copy of any such notice given under that subsection to M.
- (6) Subject to <sup>F1</sup>subsections (7) to (9)], a decision of the Commission to adopt a proposal under section 26(2) or (4) takes effect—
- (a) at the end of the period of 28 days referred to in section 32(2), or
  - (b) if an appeal is brought, on the determination or abandonment of the appeal.
- (7) Where the applicant notifies the Commission in writing before the end of the period mentioned in subsection (6)(a) that the applicant does not intend to appeal, the decision is to take effect when the Commission receives the applicant's notification.
- <sup>F2</sup>(8) But in a case where notice of the proposal has been given to an individual under section 26(4A) subsection (7) does not apply unless, by the time the Commission receives the applicant's notification, it has received notification from the individual that he or she does not intend to appeal.
- (9) And if the Commission receives notification from the individual after it receives the applicant's notification and before the end of the period mentioned in subsection (6) (a), the decision is to take effect when the Commission receives the individual's notification.]

#### Textual Amendments

- F1** Words in s. 28(6) substituted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 87(2)**, 127(1); S.I. 2014/2473, art. 3(b)
- F2** S. 28(8)(9) inserted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 87(3)**, 127(1); S.I. 2014/2473, art. 3(b)

#### 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)**
- C3** S. 28(3)(4) excluded (E.) (12.11.2010) by [The Health and Social Care Act 2008 \(Primary Dental Services, Private Ambulance Services and Primary Medical Services\) \(Regulated Activities\) \(Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/2484\)](#), arts. 1, **5, 7, 9, 14, 16, 18**
- C4** S. 28(4)(b) excluded (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **7(1)(a)** (as amended (8.2.2010) by S.I. 2010/47, art. 2)
- C5** S. 28(4)(b) 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), **7(2)(a)**
- C6** S. 28(6)(7) excluded (E.) (12.11.2010) by [The Health and Social Care Act 2008 \(Primary Dental Services, Private Ambulance Services and Primary Medical Services\) \(Regulated Activities\) \(Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/2484\)](#), arts. 1, 5, 7, 8, 14, 16, 17

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#### Commencement Information

- I1** S. 28(1)-(3) (4)(a) in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), [art. 2](#) (with [art. 8](#))
- I2** S. 28(1)-(3) (4)(a)(c)(d) 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. 8](#) (with [Pt. 3](#))
- I3** S. 28(4)(b)(5)-(7) in force at 6.4.2010 by [S.I. 2010/807](#), [art. 2\(1\)](#), [Sch. 1 para. 8](#) (with [Pt. 3](#))
- I4** S. 28(4)(c)(d) in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 10](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 28.