Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 6

MISCELLANEOUS AND GENERAL

Interpretation

97 General interpretation of Part 1

(1) In this Part—

"adult social services" means—

(a) services which are provided or commissioned by an English local authority in the exercise of its adult social services functions, and

(b) services which are provided or commissioned by an English local authority under section 2(1)(b) of the Local Government Act 2000 (c. 22) **[**[F1]or section 1 of the Localism Act 2011**]** and which are similar in nature to a service which could be provided by the authority in the exercise of any of its adult social services functions;

"adult social services functions" means social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)) so far as relating to persons aged 18 or over, excluding any function to which Chapter 4 of Part 8 of the Education and Inspections Act 2006 (c. 40) applies;

"the Commission" means the Care Quality Commission;

"cross-border Special Health Authority" means a Special Health Authority not performing functions only or mainly in respect of England or only or mainly in respect of Wales;

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"enactment" includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

"English local authority" means—

(a) a county council in England,

(b) a metropolitan district council,

(c) a non-metropolitan district council for an area for which there is no county council,

(d) a London borough council,

(e) the Common Council of the City of London, or

(f) the Council of the Isles of Scilly;

"English NHS body" means—

(a) [F2]...

(b) [F3]...

(c) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in England,

(ca) **[**[F4]a clinical commissioning group,

[[F5]NHS England**]**,

(cb) **[**[F6]an integrated care board,**]]**

(d) an NHS foundation trust, or

(e) a Special Health Authority performing functions only or mainly in respect of England;

"English NHS provider" means—

(a) [F7]...

(b) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in England, or

(c) an NHS foundation trust;

"health care" has the meaning given by section 9(2) (but see subsection (2) below);

"health or social care" has the meaning given by section 9(4);

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

"NHS care" means health care

(a) **[**[F8] commissioned by **[**[F5]NHS England**]** or by **[**[F9]an integrated care board**]** (whether from an English NHS provider or not), or **]**

(b) [F10]...

"Part 1 offence" means an offence under this Part or under regulations under this Part;

"prescribed" means prescribed by regulations;

"regulated activity" has the meaning given by section 8;

"regulations" means regulations made by the Secretary of State;

"regulatory functions", in relation to the Commission, is to be read in accordance with section 60(2);

"social care" has the meaning given by section 9(3).

(2) Except in Chapter 2, any reference in this Part to the provision of health care includes a reference to—

(a) the provision of services connected with the provision of health care, and

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(b) the promotion and protection of public health.

[[F11](2A) Any reference in this Part to health care commissioned by NHS England or by an integrated care board is a reference to health care provided by other persons pursuant to arrangements made by NHS England or an integrated care board (including arrangements made by it in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006).**]**

[F12](3) . . . . . .

(4) Any reference in this Part to adult social services commissioned by an English local authority is a reference to adult social services provided by other persons pursuant to arrangements made by the authority.

(5) Any reference in this Part to a person who carries on a regulated activity includes a reference to a person who carries it on otherwise than for profit.

(6) Any reference in this Part to the provision of health care, or adult social services, by a person includes a reference to the provision of that care, or those services, by that person's agent or sub-contractor.

(7) In its application to a function conferred on the Commission by regulations under section 59(1)(b), Chapter 6 has effect as if any reference in Chapter 6 to an English NHS body included a reference to a cross-border Special Health Authority.

Textual Amendments

F1 Words in s. 97(1) inserted (28.3.2012) by The Localism Act 2011 (Consequential Amendments) Order 2012 (S.I. 2012/961), art. 1(2), **Sch. 1 para. 9**

F2 Words in s. 97(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 166(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F3 Words in s. 97(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 166(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F4 Words in s. 97(1) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 166(2)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F5 Words in s. 97 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F6 Words in s. 97(1) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 167(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F7 Words in s. 97(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 166(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F8 Words in s. 97(1) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 166(4)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F9 Words in s. 97(1) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 167(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F10 Words in s. 97(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 166(4)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F11 S. 97(2A) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 9 para. 16**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F12 S. 97(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 166(6)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Commencement Information

I1 S. 97 partly in force; s. 97 in force for specified purposes at Royal Assent, see s. 170

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I2 S. 97 in force at 1.10.2008 in so far as not already in force by S.I. 2008/2497, **art. 2(m)**

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Changes and effects yet to be applied to :

- s. 97(1) words omitted by 2012 c. 7 Sch. 14 para. 109(a)
- s. 97(1) words omitted by 2012 c. 7 Sch. 14 para. 109(b)
- specified provision(s) amendment to earlier commencing SI 2009/462 art. 1(4) Sch. 5 para. 2 by S.I. 2009/580 art. 2 (This amendment does not affect the commencements made by S.I. 2009/462)