
STATUTORY INSTRUMENTS

2008 No. 3168

**The Health and Social Care Act 2008 (Commencement
No.6, Transitory and Transitional Provisions) Order 2008**

Transitional provisions relating to grant or refusal of registration for 2009/10

6.—(1) Paragraph (2) applies to any application made under section 11 of the Act (applications for registration as a service provider) in respect of a period commencing on or after 1st April 2009 but before 1st April 2010.

(2) In the case of an application to which this paragraph applies, section 12 of the Act (grant or refusal of registration as a service provider) shall apply as if modified as set out in paragraph (3).

(3) For subsections (2) and (3) substitute—

“(2) If the Commission is satisfied that the requirements of regulations under section 20 are being and will continue to be complied with (so far as applicable) in relation to the carrying on of the regulated activity, it must grant the application either unconditionally or subject to such conditions as it thinks fit.

(3) If the Commission is not so satisfied then it must—

- (a) grant the application subject to such conditions as it thinks fit; or
- (b) refuse the application.

(3A) The conditions referred to in subsections (2), (3) and (5)(b) may relate to the requirements of any other enactment which appears to the Commission to be relevant.”.

(4) In the case of any application to which paragraph (2) applies which is made on or before 6th February 2009—

- (a) registration, if granted, shall take effect from 1st April 2009; and
- (b) section 12 of the Act shall apply as if, in addition to the modifications in paragraph (3), for subsection (4) there were substituted—

“(4) Where the application is granted, the Commission must issue a certificate of registration to the applicant on or before 30th April 2009.”.