
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 refusal of registration

8.—(1) Where, pursuant to section 12 of the Act as modified by article 6, the Commission proposes to refuse an application it must give the applicant a notice of proposal pursuant to section 26(3) of the Act (notice of proposal relating to refusal of registration)—

- (a) in the case of any application to which article 6(2) applies and which is made on or before 6th February 2009, on or before 31st March 2009; and
- (b) in the case of any other application to which article 6(2) applies, when the decision to propose refusal is made.

(2) Any subsequent notice of decision relating to that refusal given under section 28(3) of the Act shall, in addition to the item listed in section 28(4)(a) of the Act, state that the decision takes effect—

- (a) on 1st April 2009 in the case of a decision made on or before 31st March 2009 or immediately in the case of a decision made on or after 1st April 2009;
- (b) at the end of the period of 28 days referred to in section 32(2) of the Act; or
- (c) subject to any decision by the Tribunal, at the end of such further period specified in the notice.

(3) In deciding which of the periods listed in paragraph (2) shall be stated in any particular case, the Commission shall have regard to the need to strike a balance between the desirability of preserving service continuity and the need to safeguard patients against serious risks to their life, health or well-being.