
STATUTORY INSTRUMENTS

2010 No. 2484

**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**

PART 2

Provisions relating to activities which are
regulated activities with effect from 1st April 2011

Transitional provisions relating to cancellation of registration

8.—(1) Where a decision has been made by the Commission to grant a transitional application, the Commission may, prior to 1st April 2011, subsequently exercise its powers under section 17(1) of the Act (cancellation of registration) and must comply with any duty arising under section 17(2) of the Act in respect of that registration, notwithstanding that the period of that registration has not commenced.

(2) Where—

- (a) the Commission decides to exercise its powers under section 17(1) of the Act to cancel a registration as provided for in paragraph (1); and
- (b) it must therefore give a notice of proposal pursuant to section 26(4)(a) of the Act (notice of proposal relating to cancellation of registration),

it must use its best endeavours to give such a notice to the applicant or person to be registered as a manager (as the case may be) as soon as reasonably practicable after the decision to propose cancellation is made and in any event before 1st April 2011.

(3) Any subsequent notice of decision relating to that cancellation given under section 28(3) of the Act (notice of decisions) must, in addition to explaining the right of appeal as required by section 28(4)(a) of the Act, state that the decision takes effect—

- (a) on 1st April 2011;
- (b) at the end of the period of 28 days referred to in section 32(2) of the Act (appeals to the Tribunal); or
- (c) subject to any decision by the Tribunal, at the end of such further period specified in the notice

and accordingly section 28(6) and (7) of the Act does not apply.

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