

2019 No. 1050

NATIONAL HEALTH SERVICE, ENGLAND

**The Care Quality Commission (Additional Functions)
(Amendment) Regulations 2019**

<i>Made</i> - - - -	<i>25th June 2019</i>
<i>Laid before Parliament</i>	<i>27th June 2019</i>
<i>Coming into force</i> - -	<i>26th July 2019</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 59(1) and 161(3) of the Health and Social Care Act 2008(a).

Citation and commencement

1. These Regulations may be cited as the Care Quality Commission (Additional Functions) (Amendment) Regulations 2019 and come into force on 26th July 2019.

Amendments to the Care Quality Commission (Additional Functions) Regulations 2011

2.—(1) The Care Quality Commission (Additional Functions) Regulations 2011(b) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)(c), for paragraph (2) substitute—

“(2) In these Regulations, “the 2019 Directions” means the High Security Psychiatric Services (Arrangements for Safety and Security) Directions 2019(d).”.

(3) In regulation 2(1) (review of decision to withhold an item delivered or brought to a high security hospital for a patient)(e)—

(a) for “direction 22(3) of the 2013 Directions” substitute “direction 21(3) of the 2019 Directions”; and

(b) for “direction 22(4)(c)” substitute “direction 21(4)(c)”.

(4) In regulation 3(1) (review of decision to withhold internal post in high security hospitals)(f), for “2013 Directions” substitute “2019 Directions”.

(a) 2008 c.14. See section 97(1) for the definition of “regulations”.
(b) S.I.2011/1551.
(c) Regulation 1(2) was substituted by regulation 2(2) of S.I. 2013/1413.
(d) The High Security Psychiatric Services (Arrangements for Safety and Security) Directions 2019. The Directions are available https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810039/the-high-security-psychiatric-services-directions-2019.pdf online at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810039/the-high-security-psychiatric-services-directions-2019.pdf. A hard copy can be obtained by writing to the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU.
(e) Regulation 2(1) was amended by regulation 2(3) of S.I. 2013/1413.
(f) Regulation 3(1) was amended by regulation 2(3) of S.I. 2013/1413.

(5) In regulation 4 (review of decisions to record and monitor telephone calls in high security hospitals)(a)—

- (a) in paragraph (1)—
 - (i) for the words “direction 34(5) of the 2013 Directions” substitute “direction 33(5) of the 2019 Directions”, and
 - (ii) for the words “direction 34(6)(c)” substitute “direction 33(6)(b)”; and
- (b) in paragraph (2), for “direction 34(5) and (6) of the 2013 Directions” substitute “direction 33(5) and (6) of the 2019 Directions”.

Signed by authority of the Secretary of State for Health and Social Care

Jackie Doyle-Price
Parliamentary Under Secretary of State,
Department of Health and Social Care

25th June 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care Quality Commission (Additional Functions) Regulations 2011 (“the 2011 Regulations”), which give the Care Quality Commission a duty upon application to review a decision made pursuant to the High Security Psychiatric Services (Arrangements for Safety and Security and Security) Directions 2013 (“the 2013 Directions”) to:

- (a) withhold an item delivered or brought to a high security hospital for a patient;
- (b) withhold internal post sent by a patient in a high security hospital to another patient in the same hospital or a member of staff in that hospital; or
- (c) monitor and record a telephone conversation made by a patient in such a hospital.

The 2013 Directions have been revoked and replaced by the High Security Psychiatric Services (Arrangements for Safety and Security) Directions 2019 (“the 2019 Directions”). These Regulations amend the 2011 Regulations to take this change into account. Regulation 2 makes amendments to refer to the 2019 Directions in place of the 2013 Directions.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.

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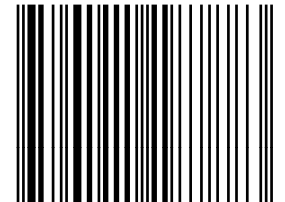
(a) Regulation 4 was amended by regulation 10(2) of S.I. 2012/921 and regulation 2(3) of S.I. 2013/1413.

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