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STATUTORY INSTRUMENTS

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**2012 No. 1186**

**NATIONAL HEALTH SERVICE, ENGLAND  
SOCIAL CARE, ENGLAND  
PUBLIC HEALTH, ENGLAND**

**The Care Quality Commission (Registration and  
Membership) (Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>30th April 2012</i>
<i>Laid before Parliament</i>		<i>3rd May 2012</i>
<i>Coming into force</i>	- -	<i>1st June 2012</i>

The Secretary of State for Health, in exercise of the powers conferred by sections 20 and 161(3) of, and paragraph 3(4) of Schedule 1 to, the Health and Social Care Act 2008<sup>(1)</sup>, makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Care Quality Commission (Registration and Membership) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1st June 2012.

**Amendments to the Care Quality Commission (Registration) Regulations 2009**

2. In regulations 16(4) (notification of death of service user) and 18(4) (notification of other incidents) of the Care Quality Commission (Registration) Regulations 2009<sup>(2)</sup>, for the reference to “the National Patient Safety Agency” substitute “the NHS Commissioning Board Authority established under article 2 of the NHS Commissioning Board Authority (Establishment and Constitution) Order 2011”<sup>(3)</sup>.

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(1) 2008 c.14. “Prescribed” and “regulations” are defined in section 97(1).

(2) S.I. 2009/3112, as prospectively amended by S.I. 2012/921.

(3) The NHS Commissioning Board Authority was established under article 2 of the NHS Commissioning Board Authority (Establishment and Constitution) Order 2011 (S.I. 2011/2237). From 1st June 2012, the NHS Commissioning Board Authority is to be responsible for the functions currently carried out by the National Patient Safety Agency, established under article 2 of the National Patient Safety Agency (Establishment and Constitution) Order 2001 (S.I. 2001/1743), in relation to the National Reporting and Learning System. Under this system deaths or serious incidents may be reported by a health service body, as defined in regulation 2 of S.I. 2009/3112, to the National Patient Safety Agency instead of to the Care Quality Commission.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **Amendments to the Care Quality Commission (Membership) Regulations 2008**

3. In the Care Quality Commission (Membership) Regulations 2008<sup>(4)</sup>—
- (a) in regulation 2 (members of the Care Quality Commission), for “not more than ten” substitute “not more than twelve”; and
  - (b) omit paragraph 27 of the Schedule to those Regulations (grounds for disqualification).

Signed by authority of the Secretary of State for Health.

30th April 2012

*Simon Burns*  
Minister of State,  
Department of Health

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<sup>(4)</sup> [S.I. 2008/2252](#), to which a relevant amendment has been made by regulation 2(2) of [S.I. 2011/2547](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Care Quality Commission (Registration) Regulations 2009 (“the Registration Regulations”) and the Care Quality Commission (Membership) Regulations 2008 (“the Membership Regulations”).

Regulation 2 provides for the substitution of references to the National Patient Safety Agency in regulations 16 and 18 of the Registration Regulations with references to the NHS Commissioning Board Authority.

Regulation 3 amends the Membership Regulations to increase the maximum number of members of the Care Quality Commission to no more than twelve and to remove the bar on the Secretary of State appointing Care Quality Commission employees as members.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.