



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 6

#### MISCELLANEOUS AND GENERAL

#### *Interaction with other authorities*

#### 66 Interaction with other authorities

Schedule 4 (interaction with other authorities) has effect.

#### **Modifications etc. (not altering text)**

- C1** Pt. 1 Ch. 6 modified by 2004 c. 17, s. 10(1) (as substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), **arts. 1(1), 15**)

#### **Commencement Information**

- I1** S. 66 in force at 1.10.2008 for specified purposes by [S.I. 2008/2497](#), **art. 2(h)**  
**I2** S. 66 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), **art. 2(1)**, **Sch. 1 para. 21**  
**I3** S. 66 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/807](#), **art. 2(2)**, **Sch. 1 para. 26** (with **Pt. 3**)

#### 67 Co-ordination of reviews or assessments

The Commission must promote the effective co-ordination of reviews or assessments carried out by public bodies or other persons in relation to the carrying on of regulated activities.

*Status: Point in time view as at 01/04/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Interaction with other authorities. (See end of Document for details)*

#### Commencement Information

**I4** S. 67 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 22

### 68 Avoidance of unreasonable burdens in exercise of regulatory powers

- (1) The Secretary of State may publish guidance about steps which regulatory authorities may take in exercising relevant powers with a view to avoiding the imposition of unreasonable burdens on those in respect of whom the powers are exercisable.
- (2) “Regulatory authorities” means—
  - (a) the Commission, and
  - (b) such other bodies as may be prescribed.
- (3) A body may not be prescribed under subsection (2)(b) unless it has functions relating to the provision of health or social care.
- (4) “Relevant powers” means powers conferred by or under an enactment to—
  - (a) carry out inspections, or
  - (b) require the provision of information,
 but, in relation to a body prescribed under subsection (2)(b), such powers are “relevant powers” only so far as they are exercisable in respect of a person in respect of whom the Commission has relevant powers.
- (5) The steps mentioned in subsection (1) might include for example—
  - (a) co-operating with other regulatory authorities and co-ordinating the exercise of relevant powers,
  - (b) sharing information or the results of inspections, and
  - (c) seeking to obtain information from other sources before exercising a relevant power to require the provision of that information.
- (6) In exercising relevant powers, regulatory authorities must have regard to any guidance published under subsection (1).
- (7) Nothing in this section is intended to limit the scope of a relevant power or affect a person's obligation to comply with a requirement imposed in the exercise of such a power.
- (8) In this section—
  - (a) “inspections” includes inspections of persons, premises or the carrying on of activities,
  - (b) a reference to a power to carry out inspections includes a reference to any power which is ancillary to that power (such as a power to enter premises or to require assistance), and
  - (c) a reference to a power to require the provision of information includes a reference to a power to require the production of documents, records or other items, a power to require the making of reports and a power to require explanations.

#### Commencement Information

**I5** S. 68 partly in force; S. 68 in force for specified purposes at Royal Assent, see s. 170

*Status: Point in time view as at 01/04/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Interaction with other authorities. (See end of Document for details)*

**16** S. 68 in force at 1.4.2009 in so far as not already in force by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 22](#)

## **69 Co-operation between the Commission and Welsh Ministers**

- (1) The Commission and the Welsh Ministers must co-operate with each other for the efficient and effective discharge of their corresponding functions.
- (2) Their corresponding functions are—
  - (a) the Commission's functions, and
  - (b) any functions of the Welsh Ministers exercisable in or in relation to Wales which correspond or are similar to any of the Commission's functions.
- (3) The Commission and the Welsh Ministers may share information with each other for the purposes of subsection (1).

### **Commencement Information**

**17** S. 69 in force at 1.4.2009 by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 22](#)

## **70 Co-operation between the Commission and the <sup>F1</sup>Monitor]**

- <sup>F2</sup>(1) The Commission must co-operate with Monitor in the exercise of their respective functions.]
- <sup>F3</sup>(2) In particular the Commission must—
- (a) give Monitor any information the Commission has about the provision of health care which the Commission or Monitor considers would assist Monitor in the exercise of its functions,
  - (b) make arrangements with Monitor to ensure that—
    - (i) a person applying to be both registered under Chapter 2 and for a licence under the Health and Social Care Act 2012 may do so by way of a single application form, and
    - (ii) such a person is granted a registration under Chapter 2 and a licence under that Act by way of a single document, and
  - (c) seek to secure that the conditions on a registration under Chapter 2 in a case within paragraph (b) are consistent with the conditions included in the person's licence under that Act.]
- (3) Without prejudice to subsection (2)(a) the Commission must, on request, provide the <sup>F4</sup>Monitor] with any material relevant to—
- (a) a review under section 46 or 49,
  - (b) a review or investigation under section 48, or
  - (c) a study promoted, or undertaken, by the Commission under section 54,
- so far as the material relates to the provision of health care by <sup>F5</sup>a person who holds a licence under the Health and Social Care Act 2012]
- <sup>F6</sup>(4) In this section, a reference to a licence under the Health and Social Care Act 2012 is a reference to a licence under Chapter 3 of Part 3 of that Act.]

*Status: Point in time view as at 01/04/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Interaction with other authorities. (See end of Document for details)*

#### Textual Amendments

- F1** Word in s. 70 heading substituted (1.7.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 289\(6\), 306\(4\); S.I. 2012/1319, art. 2\(3\)](#)
- F2** S. 70(1) substituted (1.7.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 289\(2\), 306\(4\); S.I. 2012/1319, art. 2\(3\)](#)
- F3** S. 70(2) substituted (1.7.2012 for specified purposes, 1.4.2014 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), ss. 289\(3\), 306\(4\); S.I. 2012/1319, art. 2\(3\); S.I. 2014/39, art. 2\(3\)](#)
- F4** Word in s. 70(3) substituted (1.7.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 289\(4\)\(a\), 306\(4\); S.I. 2012/1319, art. 2\(3\)](#)
- F5** Words in s. 70(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 289\(4\)\(b\), 306\(4\); S.I. 2013/671, art. 2\(3\)](#)
- F6** S. 70(4) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 289\(5\), 306\(4\); S.I. 2013/671, art. 2\(3\)](#)

#### Commencement Information

- I8** S. 70 in force at 1.4.2009 by [S.I. 2009/462, art. 2\(1\), Sch. 1 para. 22](#)

### 71 Provision of information by Auditor General for Wales

- (1) The Auditor General for Wales must, on request, provide the Commission with any information it may reasonably require for the purpose of making comparisons, in the exercise of its functions under section 54 so far as relating to health care or English NHS bodies, between English NHS bodies and Welsh NHS bodies.
- (2) In this section “Welsh NHS body” has the same meaning as in Part 3 of the Public Audit (Wales) Act 2004 (c. 23).

#### Commencement Information

- I9** S. 71 in force at 1.4.2009 by [S.I. 2009/462, art. 2\(1\), Sch. 1 para. 22](#)

### 72 Provision of material to the Comptroller and Auditor General

The Commission must, on request, provide the Comptroller and Auditor General with any material relevant to—

- (a) a review under section 46 or 49 in respect of an English NHS body,
- (b) a review or investigation under section 48 in respect of such a body, or
- (c) a study promoted, or undertaken, by the Commission under section 54.

#### Commencement Information

- I10** S. 72 in force at 1.4.2009 for specified purposes by [S.I. 2009/462, art. 2\(1\), Sch. 1 para. 23](#)
- I11** S. 72 in force at 11.12.2009 in so far as not already in force by [S.I. 2009/3023, art. 2\(g\)](#) (with [arts. 3-17](#)) (as amended (8.2.2010) by [S.I. 2010/47, art. 2](#))

*Status: Point in time view as at 01/04/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Interaction with other authorities. (See end of Document for details)*

### 73 Arrangements with Ministers

- (1) The Commission and a Minister of the Crown may make arrangements for the Commission to—
  - (a) perform any of its functions in relation to a prescribed health scheme, or a prescribed social care scheme, for which the Minister has responsibility;
  - (b) provide services or facilities insofar as they are required by the Minister in connection with such a scheme.
- (2) Arrangements under this section may be made on such terms and conditions as may be agreed between the parties to the arrangements.
- (3) Those terms and conditions may include provision with respect to the making of payments to the Commission in respect of the cost to it of giving effect to the arrangements.
- (4) In this section—

“health scheme” means a scheme which appears to the Secretary of State to be a health or medical scheme paid for out of public funds;

“social care scheme” means a scheme which appears to the Secretary of State to be a social care scheme paid for out of public funds.

#### Commencement Information

**112** S. 73 partly in force; s. 73 in force for specified purposes at Royal Assent, see s. 170

**113** S. 73 in force at 1.4.2009 in so far as not already in force by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 24](#)

### 74 Arrangements with Northern Ireland Ministers

- (1) The Commission and a Northern Ireland Minister may make arrangements for the Commission to—
  - (a) exercise on behalf of the Minister any function of the Minister which corresponds to a function of the Commission and relates to the Northern Ireland health service;
  - (b) provide services or facilities insofar as they are required by the Minister in connection with the exercise by the Minister of any such functions.
- (2) Arrangements under this section may be made on such terms and conditions as may be agreed between the parties to the arrangements.
- (3) Those terms and conditions may include provision with respect to the making of payments to the Commission in respect of the cost to it of giving effect to the arrangements.
- (4) Any arrangements under subsection (1)(a) are not to affect the responsibility of the Minister on whose behalf the function is exercised.
- (5) In this section—

“Northern Ireland Minister” includes the First Minister, the deputy First Minister and a Northern Ireland department;

“Northern Ireland health service” means any of the health services under any enactment which extends to Northern Ireland and which corresponds to section 1(1) of the National Health Service Act 2006 (c. 41).

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**Commencement Information**

**I14** S. 74 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 25**

**Status:**

Point in time view as at 01/04/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Interaction with other authorities.