
Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Inspections by other inspectors of activities within Commission's remit. (See end of Document for details)

SCHEDULES

SCHEDULE 4

INTERACTION WITH OTHER AUTHORITIES

PART 2

EXERCISE OF FUNCTIONS

Inspections by other inspectors of activities within Commission's remit

- 6 (1) If—
- (a) a specified inspector is proposing to carry out an inspection that would involve inspecting a specified organisation, and
 - (b) the Commission considers that the proposed inspection would impose an unreasonable burden on the specified organisation, or would do so if carried out in a particular way,
- the Commission must, subject to sub-paragraph (6), give a notice to the specified inspector requiring the inspector not to carry out the proposed inspection, or not to carry it out in that way.
- (2) In this paragraph “specified inspector” means—
- (a) an inspection authority, or
 - (b) any other person or body specified by order made by the Secretary of State.
- (3) In this paragraph “specified organisation” means a person or body specified by order made by the Secretary of State.
- (4) A person or body may be specified under sub-paragraph (3) in relation to particular functions or particular activities.
- (5) In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge by that person or body of any of the functions, or the carrying on by that person or body of any of the activities, in relation to which it is specified.
- (6) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (7) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice; but this is subject to sub-paragraph (8).
- (8) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the specified organisation in question, or
 - (b) would not do so if carried out in a particular manner,

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may give consent to the inspection being carried out, or being carried out in that manner.

- (9) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—
- (a) provision about the form of notices;
 - (b) provision prescribing the period within which notices are to be given;
 - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
 - (d) provision for revising or withdrawing notices;
 - (e) provision for setting aside notices not validly given.

Commencement Information

- I1** Sch. 4 para. 6 partly in force; Sch. 4 para. 6 in force for specified purposes at Royal Assent, see s. 170
- I2** Sch. 4 para. 6 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. 34(c)

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