

Status: Point in time view as at 01/04/2009. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 5

FURTHER AMENDMENTS RELATING TO PART 1

PART 2

AMENDMENTS OF HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

- 35 In this Part of this Schedule “the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

Commencement Information

- I1** Sch. 5 para. 35 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(n\)](#)

- 36 Omit sections 41 to 44 of the 2003 Act (regulatory bodies).

Commencement Information

- I2** Sch. 5 para. 36 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(n\)](#)

VALID FROM 01/04/2010

- 37 In section 45 of the 2003 Act (quality in health care), in subsection (1), after “each” insert “Welsh”.

VALID FROM 01/04/2010

- 38 Omit section 46 of the 2003 Act (standards set by Secretary of State).

- 39 Omit sections 47A to 47C of the 2003 Act (code of practice relating to health care associated infections).

Commencement Information

- I3** Sch. 5 para. 39 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(o\)](#)

- 40 Omit sections 48 to 69A of the 2003 Act (NHS health care: functions of CHAI).

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- I4** Sch. 5 para. 40 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 35\(p\)](#) (with [art. 11](#), [Sch. 3](#))

- 41 Omit sections 76 to 91 of the 2003 Act (social services: functions of CSCI).

Commencement Information

- I5** Sch. 5 para. 41 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 35\(q\)](#) (with [art. 11](#), [Sch. 3](#))

- 42 In section 96 of the 2003 Act (additional functions of Welsh Ministers), in subsection (2), for paragraph (a) substitute—
“(a) functions of the Care Quality Commission under Part 1 of the Health and Social Care Act 2008, and”.

Commencement Information

- I6** Sch. 5 para. 42 in force at 1.4.2009 by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 35\(r\)](#)

- 43 In section 100 of the 2003 Act (power of Welsh Ministers to require information), in subsection (2)(c), for “NHS body” substitute “Welsh NHS body or cross-border SHA”.

Commencement Information

- I7** Sch. 5 para. 43 in force at 1.4.2009 by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 35\(r\)](#)

- 44 Omit sections 102 to 104 of the 2003 Act (functions of CHAI and CSCI under Care Standards Act).

Commencement Information

- I8** Sch. 5 para. 44 in force at 1.4.2009 by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 35\(r\)](#)

- 45 In section 113 of the 2003 Act (complaints about health care), in subsection (3), omit paragraph (b).

Commencement Information

- I9** Sch. 5 para. 45 in force at 1.4.2009 by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 35\(r\)](#)

- 46 In section 114 of the 2003 Act (complaints about social services), in subsection (2), omit paragraph (b).

Commencement Information

- I10** Sch. 5 para. 46 in force at 1.4.2009 by [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 para. 35\(r\)](#)

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47 Omit sections 120 to 141 of the 2003 Act (supplementary provision about CHAI and CSCI).

Commencement Information

I11 Sch. 5 para. 47 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(s\)](#)

48 For section 143 of the 2003 Act substitute—

“143 Use by Welsh Ministers of information

- (1) The Welsh Ministers may use any information they obtain, or documents produced to them, in the course of exercising any function of the Welsh Ministers referred to in any paragraph of subsection (2) for the purposes of any function of the Welsh Ministers referred to in any other paragraph of that subsection.
- (2) The functions of the Welsh Ministers referred to in subsection (1) are—
 - (a) their functions under Chapter 4 of this Part;
 - (b) their functions under Chapter 6 of this Part;
 - (c) their functions exercisable by virtue of section 5(1)(b) or 8(1) to (3) of the Care Standards Act 2000;
 - (d) their functions under section 80 of the Children Act 1989;
 - (e) their functions under the Mental Health Act 1983 in their capacity as the regulatory authority (within the meaning of that Act);
 - (f) any functions exercisable by them by virtue of paragraph 163(1) of Schedule A1 to the Mental Capacity Act 2005.
- (3) References to functions in subsection (2) do not include functions of making regulations.”

Commencement Information

I12 Sch. 5 para. 48 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(t\)](#)

49 Omit section 144 of the 2003 Act (inquiries: Wales).

Commencement Information

I13 Sch. 5 para. 49 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(t\)](#)

50 Omit sections 145 and 145A of the 2003 Act (CHAI duties to co-operate).

Commencement Information

I14 Sch. 5 para. 50 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(t\)](#)

51 In section 148 of the 2003 Act (interpretation of Part 2), omit the following definitions—

- (a) “the CHAI”,
- (b) “the CSCI”,

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- (c) “financial year”, and
- (d) “Minister of the Crown”.

Commencement Information

I15 Sch. 5 para. 51 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(t\)](#)

- 52 Omit Schedules 6 to 8 to the 2003 Act (supplementary provision about CHAI and CSCI).

Commencement Information

I16 Sch. 5 para. 52 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(t\)](#)

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