
STATUTORY INSTRUMENTS

2009 No. 3023

**The Health and Social Care Act 2008 (Commencement
No. 13, Transitory and Transitional Provisions
and Electronic Communications) Order 2009**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications) Order 2009 and shall come into force on 11th December 2009.

(2) In this Order—

“the Act” means the Health and Social Care Act 2008;

“determination”, in relation to any person, means a decision to give—

- (a) a notice of proposal under section 26(3) of the Act (notice of proposals) to refuse a transitional application; or
- (b) a notice of decision under section 28 of the Act (notice of decisions) in respect of a transitional application,

in relation to one or more regulated activities;

“existing registrant” means a person, other than NHS Blood and Transplant⁽¹⁾, who, on the first appointed date—

- (a) is registered under section 10 of the Act (requirement to register as a service provider) by virtue of carrying on a regulated activity prescribed in regulation 3 of the Regulated Activities Regulations 2009; and
- (b) does not come within article 13⁽⁴⁾ or (5);

“existing registration” means registration granted under section 12 of the Act (grant or refusal of registration as a service provider) in accordance with the Regulated Activities Regulations 2009;

“first appointed date” means 11th December 2009;

“new English NHS body” means an English NHS body⁽²⁾ that is established on or after the first appointed date but before 1st May 2010;

“new registration” means registration granted under section 12 of the Act, as modified by this Order, following a transitional application;

“Regulated Activities Regulations 2009” means the Health and Social Care Act 2008 (Registration of Regulated Activities) Regulations 2009⁽³⁾;

“second appointed date” means 1st April 2010;

⁽¹⁾ NHS Blood and Transplant was established as a Special Health Authority in October 2005: see [S.I. 2005/2529](#).

⁽²⁾ See section 97(1) of the Health and Social Care Act 2008 (c.14) (“the Act”) for the definition of “English NHS body”.

⁽³⁾ [S.I. 2009/660](#).

“transitional application” means an application made to the Commission⁽⁴⁾ under section 11 of the Act (applications for registration as a service provider), as modified by this Order, by—

- (a) an existing registrant before the second appointed date, in relation to whom article 14 does not apply;
- (b) a new English NHS body; or
- (c) a person in relation to whom article 14 applies,

for registration as a service provider in respect of a period commencing on or after the second appointed date.

(3) Any reference in this Order to a transitional application being—

- (a) granted or refused means granted or refused in relation to one or more regulated activities; or
- (b) made on a particular date means the date on which the application is received by the Commission.

(4) See section 97(1) of the Act for the definition of “Commission”.