STATUTORY INSTRUMENTS

2009 No. 3023

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

Transitional applications following cancellation proceedings under the Act

14.—(1) This article applies where the Commission is not required to—

(a) notify a person of the need to make a transitional application because that person comes with article 13(4) or (5) on the first appointed date; or

(b) determine a person's transitional application pursuant to article 13(1),

and paragraph (2) applies to that person.

(2) This paragraph applies where—

(a) the Commission subsequently decides not to adopt a proposal to cancel the person's existing registration; or

(b) the Tribunal subsequently directs that a decision of the Commission or an order made by a justice of the peace to cancel the person's registration shall not, or shall cease to, have effect.

(3) As soon as reasonably practicable after the decision or direction referred to in paragraph (2)(a) or (b) has been made or given, the Commission must send notification of the need to make a transitional application, or further transitional application as the case may be, to each person—

(a) affected by the decision referred to in paragraph (2)(a); or

(b) who has been the subject of a direction of the Tribunal referred to in paragraph (2)(b).

(4) Notification sent pursuant to paragraph (3) must specify—

(a) the form in which the application must be made;

(b) what information it must contain or be accompanied by; and

(c) the date by which the transitional application must be made to the Commission.

(5) The date specified in accordance with paragraph (4)(c) must be a date that is not less than 28 days after the date on which the notification under paragraph (3) is sent.