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STATUTORY INSTRUMENTS

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**2009 No. 3023**

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

**Transitional provisions relating to the grant or refusal of registration**

6.—(1) Section 12 of the Act (grant or refusal of registration as a service provider) applies to a transitional application as if modified as set out in paragraph (2).

(2) For subsections (2) and (3) substitute—

“(2) If the Commission is satisfied that the requirements of regulations under section 20 are being and will continue to be complied with (so far as applicable) in relation to the carrying on of the regulated activity, it must grant the application either unconditionally or subject to such conditions as it thinks fit.

(3) If the Commission is not so satisfied then it must—

- (a) grant the application subject to such conditions as it thinks fit; or
- (b) refuse the application.

(3A) The conditions referred to in subsections (2), (3) and (5)(b) may relate to the requirements of any other enactment which appears to the Commission to be relevant.”.

(3) Paragraph (4) applies to a transitional application which is made—

- (a) on or before 29th January 2010; and
- (b) in such form, and containing or accompanied by such information, as the Commission specified pursuant to article 4(2).

(4) Where this paragraph applies—

- (a) if registration is to be granted unconditionally, or subject only to conditions agreed between the Commission and the applicant, the Commission must use its best endeavours to give notice of that decision to the applicant before the second appointed date;
- (b) registration, if granted, takes effect from the second appointed date or the date upon which the application is granted, whichever is the later; and
- (c) section 12 of the Act applies to a transitional application from an existing registrant, as if, in addition to the modifications in paragraph (2), for subsection (4) there were substituted—

“(4) Where the application is granted, the Commission must issue a certificate of registration to the applicant within 3 months of the date on which it grants the application.”.