
STATUTORY INSTRUMENTS

2010 No. 2484

The Health and Social Care Act 2008 (Primary Dental Services, Private Ambulance Services and Primary Medical Services) (Regulated Activities) (Transitory and Transitional Provisions) Order 2010

PART 1

General

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Primary Dental Services, Private Ambulance Services and Primary Medical Services) (Regulated Activities) (Transitory and Transitional Provisions) Order 2010 and shall come into force on 12th November 2010.

(2) In this Order—

“2012 relevant applicant” means a person who makes a 2012 transitional application or a supplementary 2012 transitional application under section 11 (applications for registration as a service provider) or section 14 (applications for registration as a manager) of the Act in respect of a 2012 relevant regulated activity which is being carried on before 1st April 2012 and which it is intended will be carried on on and after 1st April 2012;

“2012 relevant regulated activity” means an activity that is prescribed as a regulated activity under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010(1) but which, by virtue of the application of the provisions of those Regulations, is only so prescribed with effect from 1st April 2012;

“2012 transitional application” means an application for registration as a service provider or manager in respect of a 2012 relevant regulated activity in relation to any period commencing on 1st April 2012 made to the Commission(2) by a 2012 relevant applicant before 1st April 2012 under section 11 (applications for registration as a service provider) or section 14 (applications for registration as a manager) of the Act as modified by this Order;

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

“application date” means any date specified by the Commission by which a transitional application or 2012 transitional application must be made;

“NHS primary dental services” means dental services provided as primary dental services in pursuance of Part 5 of the National Health Service Act 2006(3), except where those services are provided—

(1) *S.I. 2010/781*. Regulation 3 provides that the activities specified in Schedule 1 of the Regulations, subject to various exemptions set out in Schedule 2, are “regulated activities” for the purposes of the Act. Regulation 3 also provides for certain provisions and exemptions set out in those Schedules to cease to have effect on certain dates, thus bringing activities previously subject to exemption into regulation on those dates.

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

(3) *2006 c.41*.

- (a) by a Primary Care Trust under section 99(2) (primary dental services) of that Act, or
- (b) by an NHS trust or NHS foundation trust;

“NHS primary medical services” means medical services provided as primary medical services—

- (a) under arrangements made pursuant to the following sections of the National Health Service Act 2006—
 - (i) section 3 (Secretary of State’s duty as to provision of certain services),
 - (ii) section 83(2)(b) (primary medical services), or
 - (iii) section 92 (arrangements by Strategic Health Authorities for the provision of primary medical services); or
- (b) under a contract entered into pursuant to section 84 of that Act (general medical services contracts: introductory);

“relevant applicant” means, except in the phrase “2012 relevant applicant”, a person who makes a transitional application or a supplementary transitional application under section 11 (applications for registration as a service provider) or section 14 (applications for registration as a manager) of the Act in respect of a relevant regulated activity which is being carried on before 1st April 2011 and which it is intended will be carried on on and after 1st April 2011;

“relevant regulated activity” means, except in the phrase “2012 relevant regulated activity”, an activity that is prescribed as a regulated activity under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 but which, by virtue of the application of the provisions of those Regulations, is only so prescribed with effect from 1st April 2011;

“supplementary transitional application” means an application for registration as a service provider or manager in respect of a relevant regulated activity in relation to any period commencing on 1st April 2011 made to the Commission under section 11 (applications for registration as a service provider) or section 14 (applications for registration as a manager) of the Act as modified by this Order between 1st April 2011 and 30th June 2011 by a relevant applicant who has previously made a transitional application in respect of another relevant regulated activity;

“supplementary 2012 transitional application” means an application for registration as a service provider or manager in respect of a 2012 relevant regulated activity in relation to any period commencing on 1st April 2012 made to the Commission under section 11 (applications for registration as a service provider) or section 14 (applications for registration as a manager) of the Act as modified by this Order made between 1st April 2012 and 30th June 2012 by a 2012 relevant applicant who has previously made a 2012 transitional application in respect of another 2012 relevant regulated activity;

“transitional application” means, except in the phrase “2012 transitional application”, an application for registration as a service provider or manager in respect of a relevant regulated activity in relation to any period commencing on 1st April 2011 made to the Commission by a relevant applicant before 1st April 2011 under section 11 (applications for registration as a service provider) or section 14 (applications for registration as a manager) of the Act as modified by this Order.