
STATUTORY INSTRUMENTS

2010 No. 807

The Health and Social Care Act 2008 (Commencement No.16, 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 (Commencement No. 16, Transitory and Transitional Provisions) Order 2010 and shall come into force—

- (a) for all purposes except article 23 and Schedule 2, on 6th April 2010;
- (b) for the purposes of article 23 and Schedule 2, on 1st October 2010.

(2) In this Order—

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

“the 2000 Act” means the Care Standards Act 2000(1);

“application date” means a date specified by the Commission(2) by which a transitional application must be made;

“CSA registrant” means a person—

- (a) whose name is included in a register kept by the Commission for the purposes of Part 2 of the 2000 Act(3) (establishments and agencies) on 6th April 2010 by virtue of carrying on an establishment or agency; and
- (b) who is carrying on an activity which will be a regulated activity on 1st October 2010, and “CSA registration” is to be construed accordingly;

“determination” means a decision to give, in relation to the carrying on or management of a regulated activity by any person—

- (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) or article 7 in respect of a transitional application;

“registered establishment or agency” means an establishment or agency which a person—

- (a) is registered to carry on under Part 2 of the 2000 Act; or
- (b) was registered to so carry on immediately before—

(1) 2000 c.14. Relevant modifications have been made by Schedule 2 to the Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009 (S.I. 2009/462 (C.31)) (“the No. 9 Order”).

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

(3) Section 11 of the Care Standards Act 2000 (c.14) has been modified by paragraph 4(3) of Schedule 2 to the No.9 Order.

- (i) registration under that Part was cancelled, or
- (ii) 1st October 2010;

“registered manager” means a person—

- (a) whose name is included in a register kept by the Commission for the purposes of Part 2 of the 2000 Act by virtue of managing a registered establishment or agency; or
- (b) whose name was so included immediately before—
 - (i) registration under that Part was cancelled, or
 - (ii) 1st October 2010;

“regulated activity” means an activity that is prescribed as being a regulated activity from 1st October 2010 by regulation 3 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010⁽⁴⁾;

“Registration Regulations” means the Care Quality Commission (Registration) Regulations 2009⁽⁵⁾;

“transitional application” means an application for registration as a service provider or manager in respect of a period commencing on or after 1st October 2010 made to the Commission under section 11 of the Act (applications for registration as a service provider), as modified by this Order, by—

- (a) a CSA registrant, or on behalf of a registered manager, in relation to whom article 16(1) or 18(1) does not apply, before 1st October 2010; or
- (b) a person, or on behalf of a registered manager, in relation to whom article 16(1) or 18(1) applies.

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

- (a) determined, granted or refused means determined, granted or refused in relation to the carrying on or management of a regulated activity; or
- (b) made on a particular date means the date on which that application is received by the Commission.

(4) S.I. 2010/781.
(5) S.I. 2009/3112.