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STATUTORY INSTRUMENTS

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**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—

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(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<sup>(4)</sup>;

“Registration Regulations” means the Care Quality Commission (Registration) Regulations 2009<sup>(5)</sup>;

“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.

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