
STATUTORY INSTRUMENTS

2011 No. 2948

The Health and Social Care Act 2008 (Primary Dental Services, Private Ambulance Services and Primary Medical Services) (Regulated Activities) (Transitory and Transitional Provisions) (Amendment) Order 2011

Insertion of new Part 4 into the 2010 Order and amendment of the title of Part 3 of the 2010 Order

4.—(1) After Part 3 (provisions relating to activities which are regulated activities with effect from 1st April 2012) of the 2010 Order, insert—

“PART 4

Provisions relating to activities which are regulated activities in relation to a person for the first time with effect from 1st April 2013

Notification of the need to make an application

20.—(1) The Commission must give notice of the need to make an application under section 11 of the Act (applications for registration as a service provider) to persons to whom paragraph (2) applies.

(2) This paragraph applies to any person—

- (a) who is carrying on an activity consisting of the provision of NHS primary medical services which will be a regulated activity in relation to that person with effect from 1st April 2013; and
- (b) whose name is known to the Commission as someone carrying on such an activity.

(3) Notification sent pursuant to paragraph (1) must specify—

- (a) the form in which the application must be made;
- (b) the information it must contain or be accompanied by;
- (c) the application date; and
- (d) that the application under section 11 of the Act (applications for registration as a service provider) must be made to the Commission on or before the application date, in the specified form and contain or be accompanied by the specified information, in order for article 21 to apply.

(4) The application date in any notification sent pursuant to paragraph (1) must be a date at least 28 days after the date on which the notification is sent.

(5) Where—

- (a) the Commission gives notice in accordance with paragraph (1) of the need to make an application for registration in accordance with section 11; and
- (b) any such registration would be subject to a registered manager condition,

the Commission may, at the same time as giving notice under paragraph (1), give notice to the person to whom that notification is sent of the fact that an application must be made under section 14 of the Act (applications for registration as a manager) by a person proposing to manage the regulated activity.

- (6) Notification sent pursuant to paragraph (5) must specify—
- (a) the form in which the application must be made;
 - (b) the information it must contain or be accompanied by;
 - (c) the application date (which need not be the same as the application date given in accordance with paragraph (3)); and
 - (d) that an application under section 14 of the Act by a person proposing to manage the regulated activity must be made to the Commission on or before the application date given in the notification, in the specified form and contain or be accompanied by the specified information, in order for article 21 to apply.

(7) The application date in any notification sent pursuant to paragraph (5) must be a date at least 28 days after the date on which the notification is sent.

Suspension of the offence of carrying on a regulated activity while unregistered

21.—(1) This article applies where—

- (a) a person—
 - (i) carries on an activity before 1st April 2013, and
 - (ii) intends to carry on that activity on and after 1st April 2013;
- (b) that activity is a 2013 relevant regulated activity; and
- (c) an application is made in respect of that activity under—
 - (i) section 11 of the Act (applications for registration as a service provider), or
 - (ii) section 14 of the Act (applications for registration as a manager), where that activity will be subject to a registered manager condition.

(2) Article 3 applies to an application to which this article applies as if—

- (a) for all references to “1st April 2011” there were substituted “1st April 2013”;
- (b) for all references to “relevant regulated activity” there were substituted “2013 relevant regulated activity”;
- (c) for all references to “31st December 2010” there were substituted “31st December 2012”;
- (d) all references to article 2 and individual paragraphs of that article were interpreted as references to article 20 and its corresponding individual paragraphs;
- (e) all references to “this article” and individual paragraphs of article 3 were interpreted as references to article 3 and those paragraphs as applied by this article; and
- (f) all references to article 5 and individual paragraphs of that article were interpreted as references to that article and those paragraphs as applied by the provisions of article 23.

Transitional provisions relating to the grant or refusal of registration

22.—(1) This article applies where any person makes a 2013 transitional application.

(2) Article 4 applies to an application to which this article applies as if—

- (a) for all references to “transitional application” there were substituted “2013 transitional application”;
- (b) all references to individual paragraphs of article 4 were interpreted as references to those paragraphs as applied by this article;
- (c) all references to article 2 were interpreted as references to article 20;
- (d) for “31st December 2010” there were substituted “31st December 2012”;
- (e) for all references to “1st April 2011” there were substituted “1st April 2013”;
- (f) for all references to “30th June 2011” there were substituted “30th June 2013”.

Transitional provisions relating to registration subject to conditions

- 23.**—(1) This article applies where any person makes a 2013 transitional application.
- (2) Article 5 applies to an application to which this article applies as if—
- (a) all references to individual paragraphs of article 5 were interpreted as references to those paragraphs as applied by this article;
 - (b) the reference to article 4 were interpreted as a reference to article 4 as applied by the provisions of article 22;
 - (c) for the reference to “transitional application” there were substituted “2013 transitional application”;
 - (d) all references to article 2 were interpreted as references to article 20;
 - (e) for “31st December 2010” there were substituted “31st December 2012”; and
 - (f) for all references to “1st April 2011” there were substituted “1st April 2013”.

Transitional provisions relating to refusal of registration

- 24.**—(1) This article applies where any person makes a 2013 transitional application.
- (2) Article 6 applies to an application to which this article applies as if—
- (a) the reference to article 4 were interpreted as a reference to article 4 as applied by the provisions of article 22;
 - (b) for all references to “transitional application” there were substituted “2013 transitional application”;
 - (c) all references to article 2 were interpreted as references to article 20;
 - (d) for all references to “1st April 2011” there were substituted “1st April 2013”;
 - (e) for “31st December 2010” there were substituted “31st December 2012”; and
 - (f) any reference to an individual paragraph of article 6 were interpreted as a reference to that paragraph as applied by this article.

Transitory modifications of, and transitional provisions relating to the exercise of powers in, sections 12(5) and 15(5) of the Act

- 25.**—(1) This article applies where any person makes a 2013 transitional application.
- (2) Article 7 applies to an application to which this article applies as if—
- (a) for the reference to “transitional application” there were substituted “2013 transitional application”;
 - (b) for the reference to “1st April 2011” there were substituted “1st April 2013”;

- (c) all references to “this article” and individual paragraphs of article 7 were interpreted as references to article 7 and those paragraphs as applied by this article; and
- (d) all references to article 5 and individual paragraphs of that article were interpreted as references to that article and those paragraphs as applied by the provisions of article 23.

Transitional provisions relating to cancellation of registration

- 26.**—(1) This article applies where any person makes a 2013 transitional application.
- (2) Article 8 applies to an application to which this article applies as if—
- (a) for the reference to “transitional application” there were substituted “2013 transitional application”;
 - (b) for all references to “1st April 2011” there were substituted “1st April 2013”; and
 - (c) all references to individual paragraphs of article 8 were interpreted as references to those paragraphs as applied by this article.

Transitory modification of, and transitional provisions relating to the exercise of powers under, section 19 of the Act

- 27.**—(1) This article applies where any person makes a 2013 transitional application.
- (2) Article 9 applies to an application to which this article applies as if—
- (a) for all references to “transitional application” there were substituted “2013 transitional application”;
 - (b) all references to this article and to individual paragraphs of article 9 were interpreted as references to article 9 and those paragraphs as applied by this article; and
 - (c) all references to article 5 and individual paragraphs of that article were interpreted as references to that article and those paragraphs as applied by the provisions of article 23.

Transitional provisions relating to supplementary 2013 transitional applications

- 28.**—(1) This article applies where any person makes a supplementary 2013 transitional application.
- (2) Article 10 applies to an application to which this article applies as if for all references to “supplementary transitional application” there were substituted “supplementary 2013 transitional application”.
- (2) In relation to the title to Part 3 (provisions relating to activities which are regulated activities with effect from 1st April 2012) of the 2010 Order, after “are regulated activities” insert “in relation to a person”.