

**2015 No. 1438 (C. 81)**

**NATIONAL HEALTH SERVICE, ENGLAND**

**SOCIAL CARE, ENGLAND**

**PUBLIC HEALTH, ENGLAND**

The Health and Social Care (Safety and Quality) Act 2015  
(Commencement No. 1 and Transitory Provision) Regulations  
2015

*Made* - - - -

*24th June 2015*

The Secretary of State makes the following Regulations in exercise of the power conferred by section 6(4) and (5) of the Health and Social Care (Safety and Quality) Act 2015(a).

**Citation and interpretation**

1.—(1) These Regulations may be cited as the Health and Social Care (Safety and Quality) Act 2015 (Commencement No. 1 and Transitory Provision) Regulations 2015.

(2) In these Regulations, “the Act” means the Health and Social Care (Safety and Quality) Act 2015.

**Provisions coming into force on the day after the day on which these Regulations are made**

2. The following provisions of the Act come into force on the day after the day on which these Regulations are made—

- (a) section 2 (consistent identifiers);
- (b) section 4 (continuity of information: interpretation).

**Provisions coming into force on 1st October 2015**

3. The following provisions of the Act come into force on 1st October 2015—

- (a) section 1 (reducing harm in care);
- (b) section 3 (duty to share information).

## **Transitory modifications in respect of the commencement of section 4 of the Act**

4. From the coming into force of regulation 2 until section 3 of the Act comes into force, section 251C of the Health and Social Care Act 2012(a) is to be read as if there were omitted–

- (a) in subsection (1), the words “and 251B”, and
- (b) in subsection (6), the words “or s.251B(1)”.

Signed by authority of the Secretary of State for Health.

*George Freeman*  
Parliamentary Under-Secretary of State  
Department of Health

24th June 2015

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations bring into force provisions of the Health and Social Care (Safety and Quality) Act 2015 (“the Act”). It is the first set of regulations to be made under the Act.

Regulation 2 brings into force on the day after the day on which these Regulations are made section 2 of the Act, which inserts new section 251A into the Health and Social Care Act 2012 (“the 2012 Act”). Section 251A imposes a duty on the Secretary of State to make regulations specifying a consistent identifier to be used for the purposes of processing information by a relevant health or adult social care commissioner or provider. Regulation 2 also brings into force at the same time section 4 of the Act, which inserts new section 251C into the 2012 Act to make provision about interpretation of other amendments to the 2012 Act made by the Act.

Regulation 3 brings into force on 1st October 2015, section 1 of the Act. Section 1 amends section 20 of the Health and Social Care Act 2008(b) (regulation of regulated activities) to provide that regulations made under section 20 must impose requirements to secure that health and social care services provided in the course of carrying on regulated activities do not cause avoidable harm.

Regulation 3 also brings into force on 1st October 2015, section 3 of the Act. Section 3 inserts a new section 251B into the 2012 Act, which imposes a new duty on relevant health or adult social care commissioners or providers to share information held about an individual where they consider that the disclosure is likely to facilitate the care provided to the individual and is in their best interests.

Regulation 4 makes transitory modifications to section 251C of the 2012 Act to provide that, until section 3 of the Act is commenced, the references in section 251C to section 251B of the 2012 Act are to be omitted.

A full impact assessment has not been produced for this instrument as the Regulations themselves have no impact on the private sector or civil society organisations. A full impact assessment has been produced in relation to the provisions of the Act, including the provisions that are commenced by these Regulations, and copies are available at <http://www.parliament.uk/documents/impact-assessments/IA14-23.pdf> and from The Department of Health, Richmond House, 79 Whitehall, SW1A 2NS.

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(a) 2012 c. 7. Section 251B is to be inserted into the Health and Social Care Act 2012 by section 3 of the Health and Social Care (Safety and Quality) Act 2015 c. 28.  
(b) 2008 c.14.

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