

**2017 No. 914**

**NATIONAL HEALTH SERVICE, ENGLAND**

**PUBLIC HEALTH, ENGLAND**

**SOCIAL CARE, ENGLAND**

**The Care Quality Commission (Reviews and Performance Assessments) (Amendment) Regulations 2017**

*Made* - - - - *12th September 2017*

*Laid before Parliament* *13th September 2017*

*Coming into force* - - *31st October 2017*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 46(1) and (2) of the Health and Social Care Act 2008(a).

**Citation and commencement**

**1.** These Regulations may be cited as the Care Quality Commission (Reviews and Performance Assessments) (Amendment) Regulations 2017 and come into force on 31st October 2017.

**Amendment of the Care Quality Commission (Reviews and Performance Assessments) Regulations 2014**

**2.—**(1) The Care Quality Commission (Reviews and Performance Assessments) Regulations 2014(b) are amended as follows.

(2) In regulation 1(2) for the definition of “the 2010 Regulations”, substitute—

““the 2014 Regulations” mean the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014(c);”.

(3) For the table in the Schedule, substitute—

**“Table**

<i>Registered Service Provider</i>	<i>Regulated Activity</i>
An NHS Trust	All regulated activities, except for surgical procedures as referred to in paragraph 6(1) of Schedule 1 to the 2014 Regulations which is carried out in connection with any

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(a) 2008 c.14. Section 46 was substituted by section 91(2) of the Care Act 2014 (c.23).

(b) S.I. 2014/1788.

(c) S.I. 2014/2936, as amended by S.I. 2015/64, 643 and 664 and S.I. 2016/765.

	of the activities listed in Schedule 2 (activities for which licences may be granted) to the Human Fertilisation and Embryology Act 1990 <sup>(a)</sup> and for which a licence has been granted to that person under section 16 (grant of licence) of that Act.
An NHS Foundation Trust	All regulated activities, except for surgical procedures as referred to in paragraph 6(1) of Schedule 1 to the 2014 Regulations which is carried out in connection with any of the activities listed in Schedule 2 (activities for which licences may be granted) to the Human Fertilisation and Embryology Act 1990 and for which a licence has been granted to that person under section 16 (grant of licence) of that Act.
An independent hospital	All regulated activities except for surgical procedures as referred to in paragraph 6(1) of Schedule 1 to the 2014 Regulations which is carried out in connection with any of the activities listed in Schedule 2 (activities for which licences may be granted) to the Human Fertilisation and Embryology Act 1990 and for which a licence has been granted to that person under section 16 (grant of licence) of that Act.
A provider whose sole or main purpose is the provision of primary medical services pursuant to— (a) section 83(2) of the 2006 Act (primary medical services); (b) section 84 of that Act (general medical services contracts); or (c) section 92 of that Act (arrangements by the Board for the provision of primary medical services).	All regulated activities.
Any other service provider	Personal Care as referred to in paragraph 1 of Schedule 1 to the 2014 Regulations. Accommodation for persons who require nursing or personal care as referred to in paragraph 2 of Schedule 1 to the 2014 Regulations.

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(a) 1990 c. 37, to which amendments have been made by sections 11 and 16 of, and Schedule 2 to, the Human Fertilisation and Embryology Act 2008 (c. 22) and by S.I. 2007/1522.

Activity—

(a) within paragraph 3 of Schedule 1 to the 2014 Regulations (accommodation for persons who require treatment for substance misuse);

(b) of treatment for a disease, disorder or injury within paragraph 4 of Schedule 1 to the 2014 Regulations, to the extent that it is for the treatment for drug or alcohol misuse, where that is the main or sole activity carried out by the service provider;

(c) of diagnostic and screening procedures within paragraph 7 of Schedule 1 to the 2014 Regulations, to the extent that it is provided for or in connection with the diagnosis or treatment of drug or alcohol misuse, where that is the main or sole activity carried out by the service provider.

Activity of treatment for a disease, disorder or injury within paragraph 4(1) of Schedule 1 to the 2014 Regulations, to the extent that it is dialysis treatment.

Activity within paragraph 6 of Schedule 1 to the 2014 Regulations, to the extent that the surgery is carried out to the eye to correct refractive error.

Surgical procedures for cosmetic purposes within paragraph 6(1)(c) of Schedule 1 to the 2014 Regulations, where the procedure requires intravenous sedation, general anaesthesia or the insertion of an implant.

Activity—

(a) within paragraph 9(1) of Schedule 1 to the 2014 Regulations (transport services);

(b) of treatment for a disease, disorder or injury within paragraph 4 of Schedule 1 to the 2014 Regulations, to the extent that it is carried out in connection with the regulated activity within paragraph 9(1) of that Schedule;

(c) of surgical procedures within paragraph 6 of Schedule 1 to the 2014 Regulations, to the extent that it is carried out in connection with the regulated activity within paragraph 9(1) of that Schedule.

Termination of pregnancies as referred to in paragraph 11 of Schedule 1 to the 2014 Regulations.

Nursing Care as referred to in paragraph 13 of Schedule 1 to the 2014 Regulations.”

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Signed by authority of the Secretary of State for Health.

12th September 2017

*Philip Dunne*  
Minister of State,  
Department of Health

## EXPLANATORY NOTE

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

Section 46 of the Health and Social Care Act 2008 (“the 2008 Act”) imposes a duty on the Care Quality Commission (“the CQC”) to conduct reviews and performance assessments of the carrying on by prescribed registered service providers of such regulated activities as may be prescribed and to publish reports of such assessments. These Regulations substitute the table in the Schedule to the Care Quality Commission (Reviews and Performance Assessments) Regulations 2014 (S.I. 2014/1788) (which currently relates to NHS Trusts and Foundation Trusts, independent hospitals and providers of personal and nursing care and primary medical services) to expand the scope of the rating regime to include providers undertaking certain regulated activities relating to cosmetic surgery services, transport services, dialysis services, refractive eye surgery services, substance misuse services and termination of pregnancy services. The Regulations also take the opportunity to replace existing cross references to the now revoked Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 (S.I. 2010/781) with references to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS (39 Victoria Street, London SW1H 0EU from 12 November 2017) and is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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