

## SCHEDULE 5

Article 12

### Minor and Consequential Amendments

#### **The Merchant Shipping (Maintenance of Seamen’s Dependants) Regulations 1972**

1. In the Merchant Shipping (Maintenance of Seamen’s Dependants) Regulations 1972(1), in regulation 4(b) (expenses in respect of which a retention notice may be served), omit “under Part III of the National Assistance Act 1948 or”.

#### **The National Assistance (Assessment of Resources) Regulations 1992**

2. In Schedule 4 to the National Assistance (Assessment of Resources) Regulations 1992(2) (capital to be disregarded), in paragraph 2(2)–

- (a) after “60 or over” in the second place where it appears insert “or”; and
- (b) omit from “is incapacitated” to the end.

#### **The Health Authorities (Membership and Procedure) Regulations 1996**

3. In Schedule 2 to the Health Authorities (Membership and Procedure) Regulations 1996(3) (special health authorities of which the chairman and members are not disqualified under regulation 10(1)(g)) omit “Mental Health Act Commission”.

#### **The National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996**

4. In the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996(4), in regulation 5 (arrangements by Health Authorities and Special Health Authorities for exercise of functions) omit paragraph (6).

#### **The Public Interest Disclosure (Prescribed Persons) Order 1999**

5. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(5) omit the entry for the “Commission for Healthcare Audit and Inspection” and for the entry for the Commission for Social Care Inspection” substitute—

- (a) in the first column of the table (persons and descriptions of people)—  
“Care Quality Commission.”; and
- (b) in the second column of the table (descriptions of matters)—  
“Matters relating to—
  - (a) the registration and provision of a regulated activity as defined in section 8 of the Health and Social Care Act 2008 and the carrying out of any reviews and investigations under Part 1 of that Act; or
  - (b) any activities not covered by (a) in relation to which the Care Quality Commission exercises its functions.”.

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(1) [S.I. 1972/1635](#), to which there are amendments not relevant to this Order.  
(2) [S.I. 1992/2977](#); relevant amending instrument is [S.I. 1993/964](#).  
(3) [S.I. 1996/707](#), to which there are amendments not relevant to this Order.  
(4) [S.I. 1996/708](#); relevant amending instrument is [S.I. 2006/635](#).  
(5) [S.I. 1999/1549](#); relevant amending instrument is [S.I. 2005/2464](#).

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### **The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

6. In Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(6) (employment to which this order applies: employers immediately before the relevant event), in Section 10 (miscellaneous bodies) omit paragraphs 17B and 17C.

### **The Ionising Radiation (Medical Exposure) Regulations 2000**

7. In the Ionising Radiation (Medical Exposure) Regulations 2000(7), in regulation 2 (interpretation), in paragraph (1), in the definition of “appropriate authority” for “Commission for Healthcare, Audit and Inspection established under section 41 of the Health and Social Care (Community Health and Standards) Act 2003” substitute “Care Quality Commission established under section 1 of the Health and Social Care Act 2008”.

### **The Welsh Language Schemes (Public Bodies) Order 2001**

8. In the Schedule to the Welsh Language Schemes (Public Bodies) Order 2001(8) (English name) omit “Commission for Healthcare Audit and Inspection”.

### **The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002**

9. In the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002(9), in regulation 10 (arrangements by Primary Care Trusts for exercise of functions) omit paragraph (3).

### **The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003**

10. In the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003(10), in Part 1 (prescriptions for public authorities in Part 1 of Schedule 1 to the 2000 Act that are relevant public authorities for the purposes of sections 28 and 29 of the 2000 Act), in the last row of the table—

- (a) in column 1 (relevant public authorities in Part 1 of Schedule 1 to the 2000 Act) for “Commission for Healthcare Audit and Inspection” substitute “Care Quality Commission”;
- (b) in column 2 (prescribed offices etc) for “Operations in a region” substitute “Investigation and Enforcement”; and
- (c) in column 3 (urgent cases) for “Area” substitute “Specialist and Statutory Inspection”.

### **The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

11. In Schedule 6 to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(11) (other contractual terms)—

- (a) in Part 5 (records, information, notifications and rights of entry), for paragraph 89 and the heading preceding it substitute—

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(6) [S.I. 1999/2277](#); relevant amending instrument is [S.I. 2004/664](#).  
(7) [S.I. 2000/1059](#); relevant amending instrument is [S.I. 2006/2523](#).  
(8) [S.I. 2001/2550](#); relevant amending instrument is [S.I. 2004/664](#).  
(9) [S.I. 2002/2375](#); relevant amending instrument is [S.I. 2006/635](#).  
(10) [S.I. 2003/3171](#); relevant amending instrument is [S.I. 2006/1874](#).  
(11) [S.I. 2004/478](#); relevant amending instrument is [S.I. 2006/358](#).

#### **“Entry and inspection by the Welsh Ministers**

89. The contractor shall allow persons authorised by the Welsh Ministers to exercise their functions in accordance with sections 72 and 73 of the Health and Social Care (Community Health and Standards) Act 2003 (rights of entry).”; and

- (b) in Part 6 (complaints), in paragraph 95 (co-operation with investigations) omit sub-paragraph (1)(a)(ii).

#### **The Race Relations Act 1976 (Statutory Duties) Order 2004**

12. In its application to the Care Quality Commission, the Race Relations Act 1976 (Statutory Duties) Order 2004(12) shall have effect as if for “31st May 2005” (in each place it occurs in articles 2 and 3 and Schedule 1) there was substituted “1st October 2009”.

13. In Schedule 1 to that Order (bodies and other persons required to publish race equality schemes by 31st May 2005) omit “The Commission for Social Care Inspection” and for “Commission for Healthcare Audit and Inspection” substitute “Care Quality Commission”.

#### **The Health and Social Care Information Centre Regulations 2005**

14. In regulation 1 of the Health and Social Care Information Centre Regulations 2005(13) (citation, commencement, application and interpretation), in paragraph (3), in the definition of “health service body”—

- (a) omit paragraphs (d) and (e);
- (b) at the end of paragraph (l) omit “and”; and
- (c) after paragraph (m) add—
  - “and
  - (n) the Care Quality Commission;”.

#### **The Children Act 2004 (Joint Area Reviews) Regulations 2005**

15. In the Schedule to the Children Act 2004 (Joint Area Reviews) Regulations 2005(14) (provisions for the purposes of reviews)—

- (a) in paragraph 1—
  - (i) omit the entry for “the 2003 Act” and for “the CSCF”, and
  - (ii) after the entry for “the 2006 Act” insert—
    - ““the 2008 Act” means the Health and Social Care Act 2008;”; and
- (b) for paragraph 7 and the heading preceding it substitute—

#### **“Care Quality Commission**

7.—(1) This paragraph applies where the Care Quality Commission conducts a review of children’s services in so far as those services relate to the provision of health care within the meaning in section 9(2) of the 2008 Act.

(2) A review of children’s services referred to in sub-paragraph (1) may include an inspection of those services and sections 62 and 63 of the 2008 Act (entry and inspection)

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(12) [S.I. 2004/3125](#).

(13) [S.I. 2005/500](#), to which there are amendments not relevant to this Order.

(14) [S.I. 2005/1973](#); relevant amending instrument is [S.I. 2007/603](#).

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apply to such an inspection as they apply for the purposes of an inspection under Chapter 6 of Part 1 of the 2008 Act.”.

### **The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005**

16. In Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005(15), in Part 1 omit the entries for “The Commission for Healthcare Audit and Inspection” and “The Commission for Social Care Inspection” and after “The British Waterways Board” insert—

“The Care Quality Commission”.

### **The National Health Service (General Dental Services Contracts) Regulations 2005**

17. In Schedule 3 to the National Health Service (General Dental Services Contracts) Regulations 2005(16) (other contractual terms), in Part 5 (records, information, notifications and rights of entry) —

- (a) in paragraph 44 (entry and inspection by the Primary Care Trust), in sub-paragraph (3) (a) for “Commission for Healthcare Audit and Inspection” substitute “Care Quality Commission”; and
- (b) for paragraph 46 and the heading preceding it substitute —

#### **“Entry and inspection by the Care Quality Commission**

46. Subject to paragraph 44(3), the contractor shall allow persons authorised by the Care Quality Commission to enter and inspect premises in accordance with section 66 of the Health and Social Care (Community Health and Standards) Act 2003 (right of entry)(17).”.

### **The National Health Service (Personal Dental Services Agreements) Regulations 2005**

18. In Schedule 3 to the National Health Service (Personal Dental Services Agreements) Regulations 2005(18) (other contractual terms), in Part 5 (records, information, notifications and rights of entry)—

- (a) in paragraph 44 (entry and inspection by the relevant body), in sub-paragraph (3) (a), for “Commission for Healthcare Audit and Inspection” substitute “Care Quality Commission”; and
- (b) for paragraph 46 and the heading preceding it substitute —

#### **“Entry and inspection by the Care Quality Commission**

46. Subject to paragraph 44(3), the contractor shall allow persons authorised by the Care Quality Commission to enter and inspect premises in accordance with section 66 of the Health and Social Care (Community Health and Standards) Act 2003 (right of entry)(19).”.

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(15) S.I. 2005/2966; relevant amending instrument is S.I. 2008/641.

(16) S.I. 2005/3361; relevant amending instrument is S.I. 2008/528.

(17) Section 66 of the Health and Social Care (Community Health and Standards) Act 2003 is amended by paragraph 15 of Schedule 3 to this Order.

(18) S.I. 2005/3373; relevant amending instrument is S.I. 2008/528.

(19) Section 66 of the Health and Social Care (Community Health and Standards) Act 2003 is amended by paragraph 15 of Schedule 3 to this Order.

## **The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006**

**19.** In Schedule 3 to the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006<sup>(20)</sup> (other contractual terms)—

- (a) in Part 5 (records, information, notifications and rights of entry)—
  - (i) in paragraph 44 (entry and inspection by the relevant body), in sub-paragraph (3)(a) omit “, the Commission for Healthcare Audit and Inspection”, and
  - (ii) for paragraph 46 and the heading preceding it substitute—

### **“Entry and inspection by the Welsh Ministers**

**46.** Subject to paragraph 44(3), the contractor will allow persons authorised by the Welsh Ministers to enter and inspect premises in accordance with section 72 of the Health and Social Care (Community Health and Standards) Act 2003 (right of entry).”; and

- (b) in Part 6 (complaints), in paragraph 51 (co-operation with investigations) omit sub-paragraph (1)(a)(ii).

## **The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006**

**20.** In Schedule 3 to the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006<sup>(21)</sup> (other contractual terms)—

- (a) in Part 5 (records, information, notifications and rights of entry)—
  - (i) in paragraph 44 (entry and inspection by the Local Health Board), in sub-paragraph (3)(a) for “Commission for Healthcare Audit and Inspection or the Assembly (as the case may be)” substitute “Welsh Ministers”, and
  - (ii) for paragraph 46 and the heading preceding it substitute—

### **“Entry and inspection by the Welsh Ministers**

**46.** Subject to paragraph 44(3), the contractor will allow persons authorised by the Welsh Ministers to enter and inspect premises in accordance with section 72 of the Health and Social Care (Community Health and Standards) Act 2003 (right of entry).”; and

- (b) in Part 6 (complaints), in paragraph 51 (co-operation with investigations) omit sub-paragraph (1)(a)(ii).

## **The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006**

**21.** In its application to the Care Quality Commission, article 2(1) of the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006<sup>(22)</sup> shall have effect as if for “30th April 2007” there was substituted “1st October 2009”.

**22.** In the Schedule to that Order omit “The Commission for Healthcare Audit and Inspection” and “The Commission for Social Care Inspection” and after “The British Waterways Board” insert—  
“The Care Quality Commission”.

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<sup>(20)</sup> [S.I. 2006/489](#), to which there are amendments not relevant to this Order.

<sup>(21)</sup> [S.I. 2006/490](#), to which there are amendments not relevant to this Order.

<sup>(22)</sup> [S.I. 2006/2930](#); relevant amending instrument is [S.I. 2008/2250](#).

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### **The Controlled Drugs (Supervision of Management and Use) Regulations 2006**

**23.** The Controlled Drugs (Supervision of Management and Use) Regulations 2006(23) are amended as follows—

- (a) in regulation 2 (interpretation), in paragraph (1) omit the entry for “Healthcare Commission” and for the entry for “Commission for Social Care Inspection” substitute—  
““Care Quality Commission” means the Care Quality Commission established under section 1 of the Health and Social Care Act 2008;”;
- (b) in regulation 4 (appointment of accountable officers and national lists)—
  - (i) in paragraph (2) for “Head of Operations of the Healthcare Commission” substitute “Director of Operations of the Care Quality Commission”, and
  - (ii) in paragraph (3) for “Healthcare Commission” substitute “Care Quality Commission”;
- (c) in regulation 12 (powers to require self-declarations and self-assessments, as part of accountable officers’ monitoring and auditing arrangements or otherwise) omit paragraph (2) and for paragraph (3) substitute—  
“The Care Quality Commission may request an appropriate periodic declaration and an appropriate self-assessment from any registered person that provides health care or from a registered provider that carries on an English care home.”;
- (d) in regulation 16 (accountable officers to assess and investigate concerns), in paragraph (3) (b), for “Healthcare Commission” substitute “Care Quality Commission” and omit sub-paragraph (d);
- (e) in regulation 18 (accountable officers to establish arrangements for sharing information), in paragraph (3), in sub-paragraph (a)(v), for “Healthcare Commission,” substitute “Care Quality Commission, and” and omit sub-paragraph (a)(vi);
- (f) in regulation 19 (accountable officers to carry out periodic inspections), in paragraph (1), in sub-paragraph (b)(i), for “Healthcare Commission,” substitute “Care Quality Commission, or” and omit sub-paragraph (b)(ii);
- (g) in regulation 21 (inspections of private dwellings not requiring the presence of a constable), in paragraph (a) for “Commission for Social Care Inspection” substitute “Care Quality Commission”; and
- (h) in regulation 22 (responsible bodies for the purposes of this Part), in paragraph (1) for sub-paragraph (g) substitute “the Care Quality Commission” and omit sub-paragraph (h).

### **The National Assembly for Wales (Disqualification) Order 2006**

**24.** In the Schedule to the National Assembly for Wales (Disqualification) Order 2006(24) (offices disqualifying holders from membership of the National Assembly), in Part 1 (bodies of which all members are disqualified), omit “Commission for Healthcare Audit and Inspection;”.

### **The Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008**

**25.** The Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008(25) are amended as follows—

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(23) [S.I. 2006/3148](#), to which there is an amendment not relevant to this Order.

(24) [S.I. 2006/3335](#), to which there are amendments not relevant to this Order.

(25) [S.I. 2008/1184](#), to which there are amendments not relevant to this Order.

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- (a) in regulation 2(1) (interpretation), in the definition of “the Commission” for “Mental Health Act Commission referred to in section 121” substitute “Care Quality Commission” ; and
- (b) in regulation 30(1) (review of decisions to withhold postal packets), for “section 121(7) (review of any decision to withhold a postal packet, or anything contained in it, under section 134)” substitute “section 134A(1) (review of decisions to withhold correspondence)”.