

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Territorial application: Wales

Part 1 – the Care Quality Commission

Chapter 2 – Registration in Respect of Provision of Health Or Social Care

Introductory

Sections 8 and 9: Introductory

116. **Section 8** enables regulations to be made to define what kind of health and social care activities will trigger the requirement to register with the Commission. These activities are to be known as regulated activities. Anybody who carries on a regulated activity will have to be registered. The Government publication “*The future regulation of health and adult social care in England*” (published November 2006) set out initial proposals for the broad types of activities that will be regulated activities. Subsequent to this, the Government published “*A consultation on the framework for the registration of health and adult social care providers*” (published March 2008), on the types of activities to be regulated, and the registration requirements to be imposed under section 20.
117. **Subsection (2)** of section 8 provides that an activity must involve or be connected with the provision of health or social care in, or in relation to England, in order to be defined in regulations as a ‘regulated activity’. In addition it must not involve the provision of care which is regulated by CIECSS.
118. **Subsection (3)** of section 8 explains further the sorts of activities that are to be considered as being connected with the provision of health or social care. These might include the supply of nursing or care home staff, transport services for elderly or disabled people, and healthcare advice provided by phone.
119. **Section 9** defines the terms ‘health care’ and ‘social care’ for the purposes of Part 1 of the Act. The definition of health care includes provision of cosmetic procedures that are similar to procedures that might be provided in relation to a medical condition. It also includes public health services that provide health care to individuals. For example, this might include smoking cessation clinics, or sexual health clinics.