



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 5

FURTHER FUNCTIONS

Modifications etc. (not altering text)

C1 Pt. 1 Ch. 5 modified by 2004 c. 17, s. 10(1) (as substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), [art. 15](#)reg. 1(1))

53 Information and advice

- (1) The Commission must keep the Secretary of State informed about the following matters—
 - (a) the provision of NHS care;
 - (b) the provision of adult social services;
 - (c) the carrying on of regulated activities.
- (2) The Commission may at any time give the Secretary of State advice on anything connected with those matters.
- (3) Advice under subsection (2) may in particular include advice on any changes that the Commission thinks should be made to—
 - (a) regulations under section 20 (regulation of regulated activities), [^{F1}or]
 - (b) a code of practice under section 21 (code of practice relating to health care associated infections), or
 - ^{F2}(c)

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- (4) When requested to do so by the Secretary of State, the Commission must give the Secretary of State such advice or information in connection with a matter mentioned in subsection (1) as may be specified in the request.
- (5) The Commission may give advice—
- (a) to the Secretary of State or an English NHS body about the establishment or conduct of any inquiry held, or to be held, by the Secretary of State or NHS body in relation to the provision of health care by or pursuant to arrangements made by that body;
 - (b) to the Secretary of State or an English local authority about the establishment or conduct of any inquiry held, or to be held, by the Secretary of State or local authority in relation to the provision of adult social services by or pursuant to arrangements made by that authority.

Textual Amendments

- F1** Word in s. 53(3)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 17 para. 12\(3\)\(a\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F2** S. 53(3)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 17 para. 12\(3\)\(b\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

Commencement Information

- I1** S. 53 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 20](#)

54 Studies as to economy, efficiency etc.

- (1) The Commission may ^{F3}...undertake or promote comparative or other studies designed to enable it to make recommendations—
- (a) for improving economy, efficiency and effectiveness in any activity mentioned in subsection (2),
 - (b) for improving the management, other than the financial management, of an English NHS body, or
 - (c) for improving the management of an English local authority in its provision of adult social services.

- (2) Those activities are—

- (a) the provision of health care by an English NHS provider,
- ^{F4}(b)
- (c) the provision of adult social services by an English local authority, and
- (d) the making of arrangements by an English local authority for the provision of adult social services.

[^{F5}(2A) The Commission may not exercise the power under subsection (1)(a), so far as it relates to the activity mentioned in subsection (2)(d), without the approval of the Secretary of State.]

- (3) The Commission may ^{F3}... also undertake or promote studies designed to enable it to prepare reports as to the impact of—
- (a) the operation of any particular statutory provisions, or
 - (b) any directions or guidance given by a Minister of the Crown (whether pursuant to any such provisions or otherwise),

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on economy, efficiency and effectiveness in an activity mentioned in subsection (2) (c) or (d).

(4) The Commission must undertake or promote a study falling within subsection (1) or (3) if the Secretary of State so requests.

(5) The reference in subsection (1) to an English NHS body does not include a reference to [^{F6}NHS England], [^{F7}an integrated care board or] a Special Health Authority.

Textual Amendments

- F3** Words in s. 54(1)(3) omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), **ss. 90(3)**, 127(1); S.I. 2014/2473, art. 3(e)
- F4** S. 54(2)(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 160(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** S. 54(2A) inserted (1.10.2014) by Care Act 2014 (c. 23), **ss. 90(4)**, 127(1); S.I. 2014/2473, art. 3(e)
- F6** Words in s. 54 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** Words in s. 54(5) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 164**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Modifications etc. (not altering text)

- C2** S. 54 excluded by 2004 c. 17, s. 10(3) (as substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **arts. 1(1), 15**

Commencement Information

- I2** S. 54 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 20**

55 Publication of results of studies under s. 54

- (1) The Commission must publish—
- (a) any recommendations made by it under subsection (1) of section 54, and
 - (b) the result of any studies undertaken or promoted under that section.

^{F8}(2)

Textual Amendments

- F8** S. 55(2) omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), **ss. 90(5)**, 127(1); S.I. 2014/2473, art. 3(e)

Commencement Information

- I3** S. 55 partly in force; S. 55 in force for specified purposes at Royal Assent, see s. 170
- I4** S. 55 in force at 1.4.2009 in so far as not already in force by S.I. 2009/462, art. 2(1), **Sch. 1 para. 20**

^{F9}56 Role of Audit Commission

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Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Chapter 5. (See end of Document for details)

Textual Amendments

- F9** S. 56 omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 87](#); [S.I. 2015/841](#), art. 3(x)

57 Reviews of data, studies and research

- (1) The Commission may ^{F10}... review—
- (a) studies and research undertaken by others, or the quality of data obtained by others, in relation to the provision of NHS care or adult social services or the carrying on of regulated activities,
 - (b) the methods used in undertaking such studies and research or in collecting and analysing such data, and
 - (c) the validity of conclusions drawn from such studies and research or from such data.
- (2) The Commission must conduct a review under subsection (1) if the Secretary of State so requests.
- (3) If the Commission conducts a review under this section it must publish a report.

Textual Amendments

- F10** Words in s. 57(1) omitted (1.10.2014) by virtue of [Care Act 2014 \(c. 23\)](#), [ss. 90\(6\)](#), [127\(1\)](#); [S.I. 2014/2473](#), art. 3(e)

Commencement Information

- I5** S. 57 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 20](#)

58 Publication of information

- (1) The Commission may make available to the public information relating to—
- (a) the provision of NHS care;
 - (b) the provision of adult social services;
 - (c) the carrying on of regulated activities.
- (2) Subsection (1) is subject to sections 76 and 79(2).

Commencement Information

- I6** S. 58 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 20](#)

59 Additional functions

- (1) The Secretary of State may by regulations provide that the Commission is to have such additional functions as may be specified in the regulations in relation to any of the following—
- (a) the provision of NHS care;

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- (b) the exercise in respect of England of functions by cross-border Special Health Authorities;
- (c) the improvement of—
 - (i) economy, efficiency and effectiveness in the exercise of the functions of English NHS bodies, and
 - (ii) the financial or other management, or operations, of English NHS bodies;
- (d) the provision of adult social services;
- (e) the carrying on of regulated activities;
- (f) the exercise of powers or the discharge of duties conferred or imposed by the Mental Health Act 1983 (c. 20) as mentioned in section 120(1) of that Act.

[^{F11}(2) The Secretary of State must consult [^{F12}NHS England] before making provision under subsection (1) in relation to persons who hold licences under Chapter 3 of Part 3 of the Health and Social Care Act 2012.]

[^{F13}(3) The references in subsection (1) to English NHS bodies do not include references to [^{F14}NHS England] or [^{F15}integrated care boards].]

Textual Amendments

- F11** S. 59(2) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 13 para. 17**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F12** Words in s. 59(2) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 5 para. 39**; [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)
- F13** S. 59(3) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 161**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F14** Words in s. 59 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)
- F15** Words in s. 59(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 165**; [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

Commencement Information

- I7** S. 59 partly in force; S. 59 in force for specified purposes at Royal Assent, see s. 170
- I8** S. 59 in force at 1.4.2009 in so far as not already in force by [S.I. 2009/462](#), art. 2(1), **Sch. 1 para. 20**

Changes to legislation:

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