

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 3. (See end of Document for details)

SCHEDULES

SCHEDULE 5 **E+W**

FURTHER AMENDMENTS RELATING TO PART 1

PART 3 **E+W**

AMENDMENTS OF OTHER ACTS

Prison Act 1952 (c. 52)

- 53 (1) Schedule A1 to the Prison Act 1952 (further provision about Her Majesty's Chief Inspector of Prisons) is amended as follows.
- (2) In paragraph 2(2)—
- (a) omit paragraph (f), and
 - (b) for paragraph (g) substitute—
“(g) the Care Quality Commission.”.
- (3) In paragraph 3(2)—
- (a) omit paragraph (c), and
 - (b) for paragraph (d) substitute—
“(d) the Care Quality Commission;”.

Commencement Information

- I1** Sch. 5 para. 53 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(f)

Public Records Act 1958 (c. 51)

- 54 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3—
- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
 - (b) at the appropriate place insert— “ the Care Quality Commission. ”

Commencement Information

- I2** Sch. 5 para. 54(a) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(u)
I3 Sch. 5 para. 54(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(i)

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Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 55 In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies in England and Wales to which the Act applies)—
- (a) omit paragraphs (bg) and (bh), and
 - (b) after paragraph (bh) insert—
“ (bj) the Care Quality Commission;”.

Commencement Information

I4 Sch. 5 para. 55 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(v)

Parliamentary Commissioner Act 1967 (c. 13)

- 56 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation)—
- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
 - (b) at the appropriate place insert— “ Care Quality Commission. ”

Commencement Information

I5 Sch. 5 para. 56(a) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(w)

I6 Sch. 5 para. 56(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(ii)

House of Commons Disqualification Act 1975 (c. 24)

- 57 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualified for membership) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified)—
- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
 - (b) at the appropriate place insert— “ The Care Quality Commission. ”
- (3) In Part 3 (other disqualifying offices), omit the entry for members of the Mental Health Act Commission in receipt of remuneration.

Commencement Information

I7 Sch. 5 para. 57(1) in force at 1.10.2008 for specified purposes by S.I. 2008/2497, art. 2(q)(iii)

I8 Sch. 5 para. 57(1) 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. 35(w)

I9 Sch. 5 para. 57(2)(a)(3) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(w)

I10 Sch. 5 para. 57(2)(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(vi)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 58 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified)—

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- (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
- (b) at the appropriate place insert— “ The Care Quality Commission. ”

Commencement Information

- I11** Sch. 5 para. 58(a) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(w)**
- I12** Sch. 5 para. 58(b) in force at 1.10.2008 by S.I. 2008/2497, **art. 2(q)(v)**

Race Relations Act 1976 (c. 74)

F159

Textual Amendments

- F1** Sch. 5 para. 59 repealed (4.4.2011) by The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), arts. 1(2), 3(3)(a), **Sch. 3**

Copyright, Designs and Patents Act 1988 (c. 48)

- 60 In section 48(6) of the Copyright, Designs and Patents Act 1988 (“the Crown” includes certain bodies with health-related functions), for “the Commission for Social Care Inspection, the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

Commencement Information

- I13** Sch. 5 para. 60 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(x)**

Road Traffic Act 1988 (c. 52)

- 61 In section 144 of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), in subsection (2)—
- (a) in paragraph (da) for the words from “, by a Local Health Board” to “Inspection” substitute “ or by a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 ”, and
 - (b) in paragraph (g) for “the Commission for Social Care Inspection” substitute “ the Care Quality Commission ”.

Commencement Information

- I14** Sch. 5 para. 61 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), **Sch. 1 para. 35(x)**

Vehicle Excise and Registration Act 1994 (c. 22)

- 62 In paragraph 7 of Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt health service vehicles)—
- (a) omit paragraph (c) (together with the word “or” at the end of it), and

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- (b) for paragraph (f) substitute—
“(f) the Care Quality Commission.”

Commencement Information

I15 Sch. 5 para. 62 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

Police Act 1996 (c. 16)

- 63 (1) Schedule 4A to the Police Act 1996 (further provision about Her Majesty's Inspectors of Constabulary) is amended as follows.
 - (2) In paragraph 2(2)—
 - (a) omit paragraph (f), and
 - (b) for paragraph (g) substitute—
“(g) the Care Quality Commission.”
 - (3) In paragraph 3(2), for paragraph (d) substitute—
“(d) the Care Quality Commission;”.
 - (4) In paragraph 4—
 - (a) omit paragraph (f), and
 - (b) for paragraph (g) substitute—
“(g) the Care Quality Commission;”.

Commencement Information

I16 Sch. 5 para. 63 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

Audit Commission Act 1998 (c. 18)

F264

Textual Amendments

F2 Sch. 5 paras. 64-69 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 1 Pt. 2; S.I. 2015/841, art. 3(a) (with arts. 5-8Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F265

Textual Amendments

F2 Sch. 5 paras. 64-69 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 1 Pt. 2; S.I. 2015/841, art. 3(a) (with arts. 5-8Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F266

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Textual Amendments

F2 Sch. 5 paras. 64–69 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5–8Sch.) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

F267

Textual Amendments

F2 Sch. 5 paras. 64–69 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5–8Sch.) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

F268

Textual Amendments

F2 Sch. 5 paras. 64–69 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5–8Sch.) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

F269

Textual Amendments

F2 Sch. 5 paras. 64–69 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5–8Sch.) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

Local Government Act 1999 (c. 27)

70 In section 25 of the Local Government Act 1999 (co-ordination of inspections etc.), in subsection (2)(e), for “Commission for Social Care Inspection” substitute “Care Quality Commission”.

Commencement Information

I17 Sch. 5 para. 70 in force at 1.4.2009 by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 35\(x\)](#)

Crown Prosecution Service Inspectorate Act 2000 (c. 10)

71 (1) The Schedule to the Crown Prosecution Service Inspectorate Act 2000 (further provision about Her Majesty's Chief Inspector of the Crown Prosecution Service) is amended as follows.

(2) In paragraph 2(2)—

- (a) omit paragraph (f), and
- (b) for paragraph (g) substitute—
“(g) the Care Quality Commission.”.

(3) In paragraph 4—

- (a) omit paragraph (f), and

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- (b) for paragraph (g) substitute—
 “(g) the Care Quality Commission.”

Commencement Information

I18 Sch. 5 para. 71 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

Regulation of Investigatory Powers Act 2000 (c. 23)

- 72 In Schedule 1 to the Regulation of Investigatory Powers Act 2000 (surveillance authorisation: relevant authorities), for paragraph 20F substitute—
 “20F The Care Quality Commission.”

Commencement Information

I19 Sch. 5 para. 72 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

Freedom of Information Act 2000 (c. 36)

- 73 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 6 (other public bodies and offices: general)—
 (a) omit the entry for the Commission for Healthcare Audit and Inspection and the entry for the Commission for Social Care Inspection, and
 (b) at the appropriate place insert— “ The Care Quality Commission. ”

Commencement Information

I20 Sch. 5 para. 73(a) in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(y)

I21 Sch. 5 para. 73(b) in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(viii)

Criminal Justice and Court Services Act 2000 (c. 43)

- 74 (1) Schedule 1A to the Criminal Justice and Court Services Act 2000 (further provision about the Inspectorate) is amended as follows.
- (2) In paragraph 2(2)—
 (a) omit paragraph (f), and
 (b) for paragraph (g) substitute—
 “(g) the Care Quality Commission.”
- (3) In paragraph 3(2)—
 (a) omit paragraph (c), and
 (b) for paragraph (d) substitute—
 “(d) the Care Quality Commission.”
- (4) In paragraph 4—
 (a) omit paragraph (f), and
 (b) for paragraph (g) substitute—
 “(g) the Care Quality Commission.”

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Commencement Information

I22 Sch. 5 para. 74 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)

Courts Act 2003 (c. 39)

F375

Textual Amendments

F3 Sch. 5 para. 75 repealed (18.9.2012) by The Public Bodies (Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board) Order 2012 (S.I. 2012/2401), art. 1(2)(3), Sch. 1 para. 32 (with art. 2)

Public Audit (Wales) Act 2004 (c. 23)

76 In section 62 of the Public Audit (Wales) Act 2004 (co-operation), for paragraph (c) substitute—
“(c) the Care Quality Commission,”.

Commencement Information

I23 Sch. 5 para. 76 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)

77 In section 64 of the Public Audit (Wales) Act 2004 (provision of information by CHAI)—
(a) in subsection (1), for “The Commission for Healthcare Audit and Inspection” substitute “The Care Quality Commission”,
(b) in subsection (2), for the words from “section 136” to the end substitute “section 76 of the Health and Social Care Act 2008 (disclosure of confidential personal information: offence).”, and
(c) for subsection (3) substitute—
“(3) In this section—
“English NHS body” has the meaning given by subsection (1) of section 97 of that Act; and
“cross-border SHA” means a cross-border Special Health Authority as defined by that subsection.”

Commencement Information

I24 Sch. 5 para. 77 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)

Children Act 2004 (c. 31)

78 In section 20 of the Children Act 2004 (joint area reviews), in subsection (4), for paragraph (d) substitute—
“(d) the Care Quality Commission;”.

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Commencement Information

I25 Sch. 5 para. 78 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(z)

F4
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Textual Amendments

F4 Sch. 5 paras. 79, 80 and crossheading omitted (31.10.2012) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 20 para. 7(b); S.I. 2012/1831, art. 2(3)

F⁴79

F⁴80

Education and Inspections Act 2006 (c. 40)

- 81 (1) Paragraph 1 of Schedule 13 to the Education and Inspections Act 2006 (interaction with other authorities) is amended as follows.
- (2) In sub-paragraph (2)—
 - (a) omit paragraph (f), and
 - (b) for paragraph (g) substitute—
 - “(g) the Care Quality Commission, and”.
- (3) In sub-paragraph (3)(f), for “(2)(f) to (h)” substitute “ (2)(g) and (h) ”.

Commencement Information

I26 Sch. 5 para. 81 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

National Health Service Act 2006 (c. 41)

- 82 In section 9 of the National Health Service Act 2006 (NHS contracts), in subsection (4), for paragraph (k) substitute—
 - “(k) the Care Quality Commission,”.

Commencement Information

I27 Sch. 5 para. 82 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 83 In section 35 of the National Health Service Act 2006 (authorisation of NHS foundation trusts), in subsection (3)(a), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

Commencement Information

I28 Sch. 5 para. 83 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

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- 84 In section 56 of the National Health Service Act 2006 (mergers), in subsection (6) (a), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

Commencement Information

I29 Sch. 5 para. 84 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 85 In section 71 of the National Health Service Act 2006 (schemes for meeting losses and liabilities etc of certain health service bodies), in subsection (2)(f), for “the Commission for Healthcare Audit and Inspection” substitute “ the Care Quality Commission ”.

Commencement Information

I30 Sch. 5 para. 85 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 86 In Schedule 10 to the National Health Service Act 2006 (audit of accounts of NHS foundation trusts), in paragraph 8(1)(e), for the words from “the Commission” to the end substitute “the Care Quality Commission”.

Commencement Information

I31 Sch. 5 para. 86 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

National Health Service (Wales) Act 2006 (c. 42)

- 87 In section 7 of the National Health Service (Wales) Act 2006 (NHS contracts), in subsection (4), for paragraph (k) substitute—
“(k) the Care Quality Commission,”.

Commencement Information

I32 Sch. 5 para. 87 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 88 In section 30 of the National Health Service (Wales) Act 2006 (schemes for meeting losses and liabilities etc of certain health service bodies), in subsection (2)—
(a) at the end of paragraph (c) insert “ and ”, and
(b) omit paragraph (d) (together with the word “and” at the end of it).

Commencement Information

I33 Sch. 5 para. 88 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

NHS Redress Act 2006 (c. 44)

- 89 In section 5 of the NHS Redress Act 2006 (duty to consider potential application of scheme), in subsection (2), for paragraph (b) substitute—
“(b) the Care Quality Commission.”

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Commencement Information

I34 Sch. 5 para. 89 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

- 90 In section 13 of the NHS Redress Act 2006 (duties of co-operation), in subsection (1), for “the Commission for Healthcare Audit and Inspection” substitute “the Care Quality Commission”.

Commencement Information

I35 Sch. 5 para. 90 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 91 In section 45 of the Safeguarding Vulnerable Groups Act 2006 (supervisory authorities: duty to refer), in subsection (7)—
- (a) for paragraph (c) substitute—
 - “(c) the Care Quality Commission in respect of its functions under Part 1 of the Health and Social Care Act 2008;”,
 - (b) omit paragraph (d), and
 - (c) in paragraph (e), for “that Act” substitute “the Health and Social Care (Community Health and Standards) Act 2003”.

Commencement Information

I36 Sch. 5 para. 91 in force at 1.4.2009 by S.I. 2009/462, art. 2(1), Sch. 1 para. 35(bb)

F⁵92

Textual Amendments

F5 Sch. 5 paras. 92, 93 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 10 Pt. 5 (with s. 97); S.I. 2012/2234, art. 2(bb)

F⁵93

Textual Amendments

F5 Sch. 5 paras. 92, 93 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 10 Pt. 5 (with s. 97); S.I. 2012/2234, art. 2(bb)

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 94 In section 227 of the Local Government and Public Involvement in Health Act 2007 (local involvement networks: annual reports), in subsection (4), after paragraph (c) insert—
- “(ca) the Care Quality Commission;”.

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Commencement Information

I37 Sch. 5 para. 94 in force at 1.10.2008 by S.I. 2008/2497, art. 2(q)(x)

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Part 3.