



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 2

REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

Regulation, code of practice and guidance

22 [F1Codes of practice: consultation and Parliamentary scrutiny]

- (1) Where the Secretary of State proposes to issue a code of practice under section 21 [F2or 21A], the Secretary of State must—
 - (a) prepare a draft of the code, and
 - (b) consult such persons as the Secretary of State considers appropriate about the draft.
- (2) Where the Secretary of State proposes to issue under section 21 [F3or 21A] a revised code which in the opinion of the Secretary of State would result in a substantial change in the code, the Secretary of State must—
 - (a) prepare a draft of the revised code, and
 - (b) consult such persons as the Secretary of State considers appropriate about the change.
- (3) Where, following consultation under subsection (1) or (2) [F4in relation to a draft of a code or revised code under section 21], the Secretary of State issues the code or revised code (whether in the form of the draft or with such modifications as the Secretary of State thinks fit), it comes into force at the time when it is issued by the Secretary of State.
- (4) Where—

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 22. (See end of Document for details)

- (a) any document by reference to whose provisions the code operates as mentioned in section 21(2)(a) and (b) is a document published by the Secretary of State in connection with the Secretary of State's functions relating to health or social care,
- (b) the Secretary of State proposes to revise the document, and
- (c) in the opinion of the Secretary of State, the revision would result in a substantial change in the code,

the Secretary of State must, before revising the document, consult such persons as the Secretary of State considers appropriate about the change.

(5) Where—

- (a) any document by reference to whose provisions the code operates as mentioned in section 21(2)(a) and (b) is not one to which subsection (4)(a) of this section applies,
- (b) the document is revised, and
- (c) in the opinion of the Secretary of State, the revision results in a substantial change in the code,

the Secretary of State must consult such persons as the Secretary of State considers appropriate about whether the code should be revised in connection with the change.

[^{F5}(5A) Where, following consultation under subsection (1) or (2) in relation to a draft of a code or revised code under section 21A, the Secretary of State decides to proceed with the draft (in its original form or with modifications), the Secretary of State must lay a copy of the draft before Parliament.

(5B) The Secretary of State may not issue the code or revised code if, within the 40-day period, either House of Parliament resolves not to approve it.

(5C) In this section “40-day period” means—

- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
- (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.

(5D) For the purposes of subsection (5C), no account is to be taken of any whole days that fall within a period during which—

- (a) Parliament is dissolved or prorogued, or
- (b) either House of Parliament is adjourned for more than four days.]

(6) Consultation undertaken by the Secretary of State before the commencement of this section is as effective for the purposes of this section as consultation undertaken after that time.

Textual Amendments

- F1** S. 22 heading substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 181(5)(a)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** Words in s. 22(1) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 181(5)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 22(2) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 181(5)(c)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 22. (See end of Document for details)

- F4** Words in s. 22(3) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 181(5)(d)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** S. 22(5A)-(5D) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 181(5)(e)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Modifications etc. (not altering text)

- C1** S. 22(3) modified (12.1.2009) by Health and Social Care Act 2008 (Commencement No.6, Transitory and Transitional Provisions) Order 2008 (S.I. 2008/3168), **art. 4**

Commencement Information

- I1** S. 22 in force at 12.1.2009 for specified purposes by S.I. 2008/3168, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 22.