
STATUTORY INSTRUMENTS

2004 No. 2987

The Health and Social Care (Community Health and Standards) Act 2003 (Commission for Healthcare Audit and Inspection and Commission for Social Care Inspection) (Consequential Provisions) Order 2004

Consequential amendments, repeals and revocations

- 2.—(1) The enactments specified below are amended as there specified—
- (a) in the Audit Commission Act 1998, in section 33(6)(c) (studies for improving economy etc. in services)(1), for “Commission for Health Improvement” substitute “Commission for Healthcare Audit and Inspection”;
 - (b) in the Copyright, Designs and Patents Act 1988, in section 48(6) (material communicated to the Crown in the course of public business)(2)—
 - (i) after “National Health Service Act 1977,” insert “the Commission for Social Care Inspection,”; and
 - (ii) for “Commission for Health Improvement” substitute “Commission for Healthcare Audit and Inspection”;
 - (c) in the National Health Service and Community Care Act 1990, in section 4(2) (ff) (NHS contracts)(3) and section 21(2)(bb) (schemes for meeting losses and liabilities etc. of certain health service bodies)(4), for “Commission for Health Improvement” substitute “Commission for Healthcare Audit and Inspection”;
 - (d) in the National Health Service Reform and Health Care Professions Act 2002, in section 20(7)(b) (the Commission for Patient and Public Involvement in Health)(5), for “Commission for Health Improvement” substitute “Commission for Healthcare Audit and Inspection”;
 - (e) in the Race Relations Act 1976, in Schedule 1A, Part 2 (bodies and other persons subject to general statutory duty)(6), in the appropriate alphabetical order of the entries in that Part,

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- (1) 1998 c. 18; section 33(6)(c) was amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the 2002 Act”), section 12(5). The functions of the Secretary of State under this section, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”), article 2; see the entry in Schedule 1 for the Audit Commission Act 1998.
- (2) 1988 c. 48; section 48(6) was inserted by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 60, Schedule 8, Part 1, paragraph 3, and was amended by S.I. 1991/194, 1999/2795, 2000/90, and by the Act, section 34, Schedule 4, paragraphs 71 and 72 in relation to England and Wales, and from a date to be appointed in relation to Scotland. See also S.I. 2004/664.
- (3) 1990 c. 19; paragraph (ff) was inserted by the Health Act 1999 (c. 8) (“the 1999 Act”), section 65, Schedule 4, paragraphs 74 and 76(a)(ii). The functions of the Secretary of State under this section, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the 1999 Order, article 2; see the entry in Schedule 1 for the 1990 Act.
- (4) Paragraph (bb) was inserted by the 1999 Act, section 65, Schedule 4, paragraphs 74, 81(1) and (2)(b). The functions of the Secretary of State under this section, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the 1999 Order, article 2; see the entry in Schedule 1 for the 1990 Act.
- (5) 2002 c. 17.
- (6) 1976 c. 74; Part 2 of Schedule 1A was inserted by S.I. 2001/3457, to which Part there are amendments not relevant to this Order.

insert entries for the Commission for Healthcare Audit and Inspection and the Commission for Social Care Inspection;

- (f) in the Road Traffic Act 1988, in section 144(2) (exemptions from requirement of third-party insurance or security)(7)—
 - (i) in paragraph (da), for “Commission for Health Improvement” substitute “Commission for Healthcare Audit and Inspection”; and
 - (ii) at the end, add “(g) to a vehicle owned by the Commission for Social Care Inspection, at a time when the vehicle is being driven under the owner’s control”;
 - (g) in the Vehicle Excise and Registration Act 1994, in Schedule 2 (exempt vehicles), in paragraph 7(8)—
 - (i) in sub-paragraph (c), for “Commission for Health Improvement” substitute “Commission for Healthcare Audit and Inspection”; and
 - (ii) after paragraph (e), add
 - “or
 - (f) the Commission for Social Care Inspection”.
- (2) The enactments specified below are repealed or revoked (as the case may be) to the extent specified—
- (a) in the Race Relations Act 1976, in Schedule 1A, Part 2, the reference to the Commission for Health Improvement; and
 - (b) in the Schedule to the Race Relations Act 1976 (General Statutory Duty) Order 2001(9), the reference to the Commission for Health Improvement.

(7) 1988 c. 52; paragraph (da) was inserted by the 1990 Act, section 60, Schedule 8, Part I, paragraph 4; it was amended by S.I. 1999/2795, 2000/90 and by the 2002 Act, section 6(2), Schedule 5, paragraph 29. There are other amendments to subsection (2) that are not relevant to this Order. See also S.I. 2004/664.

(8) 1994 c. 22; paragraph 7 was amended by S.I. 1999/2795 and 2000/90, by the 2002 Act, section 6(2), Schedule 5, paragraph 39, and by the Act, section 34, Schedule 4, paragraphs 95 and 96 in relation to England and Wales, and from a date to be appointed in relation to Scotland. See also S.I. 2004/664.

(9) S.I. 2001/3457.