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STATUTORY INSTRUMENTS

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**2008 No. 3168**

**The Health and Social Care Act 2008 (Commencement  
No.6, Transitory and Transitional Provisions) Order 2008**

**Transitional provisions relating to registration subject to conditions**

7.—(1) Where, pursuant to section 12 of the Act as modified by article 6, the Commission decides to grant an application subject to any condition which has not been agreed in writing between it and the applicant, the Commission must follow the procedure set out in the following paragraphs.

(2) The Commission shall give the applicant notice in writing of its decision under paragraph (1) and of the conditions to which the registration is to be made subject.

(3) A notice under paragraph (2) must—

- (a) give the Commission's reasons for its decision; and
- (b) state that within 28 days of service of the notice, the person on whom it was served may make written representations to the Commission concerning any matter which that person wishes to dispute.

(4) In the case of any application which is made on or before 6th February 2009, the notice referred to in paragraph (2) must be given on or before 31st March 2009.

(5) Within 28 days of receipt of representations pursuant to paragraph (3)(b), the Commission shall give notice in writing—

- (a) confirming the original decision; or
- (b) varying or removing any of the conditions.

(6) Section 32 of the Act (appeals to the Tribunal) shall apply to the notice referred to in paragraph (5) as it applies to a decision of the Commission under Chapter 2 of Part 1 of the Act, other than a decision to give a warning notice under section 29.

(7) Notwithstanding the right to make representations under paragraph (3) and the right of appeal to the Tribunal under paragraph (6), any condition set out in a notice under paragraph (2) shall, unless otherwise specified by the Commission in the notice, have effect from 1st April 2009 or, if later, the date of grant of registration, until such date as—

- (a) the registered person is notified in writing by the Commission of its variation or removal;  
or
- (b) the Tribunal directs that it is to cease to have effect.

(8) Notwithstanding the right of appeal to the Tribunal under paragraph (6), any varied condition set out in a notice under paragraph (5) shall, unless otherwise specified by the Commission in the notice, have effect from the date of that notice until such date as—

- (a) the registered person is notified in writing by the Commission of its variation or removal;  
or
- (b) the Tribunal directs that it is to cease to have effect.

(9) In deciding whether to specify a date other than 1st April 2009 or, if later, the date of grant of registration, in a notice under paragraph (2) or (5), the Commission shall have regard to the need to

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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strike a balance between the desirability of preserving service continuity and the need to safeguard patients against serious risks to their life, health or well-being.