

2009 No. 3023 (C. 130)

NATIONAL HEALTH SERVICE, ENGLAND

SOCIAL CARE, ENGLAND

**The Health and Social Care Act 2008 (Commencement No. 13,
Transitory and Transitional Provisions and Electronic
Communications) Order 2009**

<i>Made</i> - - - -	<i>12th November 2009</i>
<i>Laid before Parliament</i>	<i>18th November 2009</i>
<i>Coming into force</i> - -	<i>11th December 2009</i>

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 161(3) and (4), 167 and 170(3) and (4) of the Health and Social Care Act 2008(a) and sections 8 and 9 of the Electronic Communications Act 2000(b).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications) Order 2009 and shall come into force on 11th December 2009.

(2) In this Order—

“the Act” means the Health and Social Care Act 2008;

“determination”, in relation to any person, means a decision to give—

- (a) a notice of proposal under section 26(3) of the Act (notice of proposals) to refuse a transitional application; or
- (b) a notice of decision under section 28 of the Act (notice of decisions) in respect of a transitional application,

in relation to one or more regulated activities;

“existing registrant” means a person, other than NHS Blood and Transplant(c), who, on the first appointed date—

- (a) is registered under section 10 of the Act (requirement to register as a service provider) by virtue of carrying on a regulated activity prescribed in regulation 3 of the Regulated Activities Regulations 2009; and
- (b) does not come within article 13(4) or (5);

(a) 2008 c.14. See section 171(2) of that Act for the definition of “appropriate authority”.

(b) 2000 c.7. See section 9(1) of that Act for the definition of “appropriate Minister”.

(c) NHS Blood and Transplant was established as a Special Health Authority in October 2005: see S.I. 2005/2529.

“existing registration” means registration granted under section 12 of the Act (grant or refusal of registration as a service provider) in accordance with the Regulated Activities Regulations 2009;

“first appointed date” means 11th December 2009;

“new English NHS body” means an English NHS body(a) that is established on or after the first appointed date but before 1st May 2010;

“new registration” means registration granted under section 12 of the Act, as modified by this Order, following a transitional application;

“Regulated Activities Regulations 2009” means the Health and Social Care Act 2008 (Registration of Regulated Activities) Regulations 2009(b);

“second appointed date” means 1st April 2010;

“transitional application” means an application made to the Commission(c) under section 11 of the Act (applications for registration as a service provider), as modified by this Order, by—

(a) an existing registrant before the second appointed date, in relation to whom article 14 does not apply;

(b) a new English NHS body; or

(c) a person in relation to whom article 14 applies,

for registration as a service provider in respect of a period commencing on or after the second appointed date.

(3) Any reference in this Order to a transitional application being—

(a) granted or refused means granted or refused in relation to one or more regulated activities; or

(b) made on a particular date means the date on which the application is received by the Commission.

Appointed day for commencement of provisions relating to the functions of the Commission

2. 11th December 2009 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 16 insofar as not already in force;

(b) sections 23 and 24;

(c) section 25 insofar as not already in force;

(d) sections 41 and 42 insofar as not already in force(d);

(e) section 49 insofar as not already in force(e);

(f) section 51 insofar as not already in force; and

(g) section 72 insofar as not already in force.

Transitory provision relating to references to a service provider

3. For the period starting on the first appointed date and ending on 31st March 2010, the reference in section 11 of the Act (applications for registration as a service provider) to a person seeking to be registered as a service provider is to be interpreted as a reference to a person who intends to be carrying on, on or after the second appointed date, one or more activities which the

(a) See section 97(1) of the Health and Social Care Act 2008 (c.14) (“the Act”) for the definition of “English NHS body”.

(b) S.I. 2009/660.

(c) See section 97(1) of the Act for the definition of “Commission”.

(d) Sections 41 and 42 were previously commenced for the purpose of making regulations by section 170(1)(b) of the Act on the day that Act was passed.

(e) Section 49 was previously commenced for the purpose of making regulations by section 170(1)(b) of the Act on the day that Act was passed.

person reasonably expects to be prescribed as a regulated activity under section 8 of the Act (“regulated activity”) from the second appointed date.

Notification to existing registrants of the need to make a transitional application

4.—(1) The Commission must, before 1st January 2010, give notice to each existing registrant of the need to make a transitional application.

(2) A notice sent pursuant to paragraph (1) must specify—

- (a) the form in which the application must be made;
- (b) what information it must contain or be accompanied by; and
- (c) that the transitional application must be made to the Commission on or before 29th January 2010, in the specified form and contain or be accompanied by the specified information, in order for article 16(2) to apply.

Transitory modification relating to section 11(3) of the Act

5. For the purpose of a transitional application, section 11(3) of the Act (applications for registration as a service provider) is modified as if—

- (a) “In such cases as the Commission may determine,” were omitted; and
- (b) for “may” there were substituted “must, unless the person and the Commission agree otherwise in writing.”.

Transitional provisions relating to the grant or refusal of registration

6.—(1) Section 12 of the Act (grant or refusal of registration as a service provider) applies to a transitional application as if modified as set out in paragraph (2).

(2) For subsections (2) and (3) substitute—

“(2) If the Commission is satisfied that the requirements of regulations under section 20 are being and will continue to be complied with (so far as applicable) in relation to the carrying on of the regulated activity, it must grant the application either unconditionally or subject to such conditions as it thinks fit.

(3) If the Commission is not so satisfied then it must—

- (a) grant the application subject to such conditions as it thinks fit; or
- (b) refuse the application.

(3A) The conditions referred to in subsections (2), (3) and (5)(b) may relate to the requirements of any other enactment which appears to the Commission to be relevant.”.

(3) Paragraph (4) applies to a transitional application which is made—

- (a) on or before 29th January 2010; and
- (b) in such form, and containing or accompanied by such information, as the Commission specified pursuant to article 4(2).

(4) Where this paragraph applies—

- (a) if registration is to be granted unconditionally, or subject only to conditions agreed between the Commission and the applicant, the Commission must use its best endeavours to give notice of that decision to the applicant before the second appointed date;
- (b) registration, if granted, takes effect from the second appointed date or the date upon which the application is granted, whichever is the later; and
- (c) section 12 of the Act applies to a transitional application from an existing registrant, as if, in addition to the modifications in paragraph (2), for subsection (4) there were substituted—

“(4) Where the application is granted, the Commission must issue a certificate of registration to the applicant within 3 months of the date on which it grants the application.”.

Transitional provisions relating to registration subject to conditions

7.—(1) Where, pursuant to section 12 of the Act (grant or refusal of registration as a service provider) as modified by article 6, the Commission decides to grant a transitional application subject to any condition which has not been agreed in writing between it and the applicant—

- (a) section 26(2) (notice of proposals) and 28(4)(b) (notice of decisions) of the Act do not apply; and
- (b) the Commission must follow the procedure set out in the following paragraphs.

(2) The Commission must 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 29th January 2010, the Commission must use its best endeavours to give the notice referred to in paragraph (2) before the second appointed date.

(5) Within 28 days of the date of receipt of representations from an applicant pursuant to paragraph (3)(b), the Commission must 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) applies 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.

(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 the second appointed date 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) Any removal of a condition set out in a notice under paragraph (5) has effect from the date of that notice.

(9) 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 the 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.

(10) In deciding whether to specify a date other than—

- (a) the second appointed date or, if later, the date of grant of registration, in the case of a notice under paragraph (2); or
- (b) the date of the notice, in the case of a notice under paragraph (5) varying any of the conditions,

the Commission must have regard to the need to strike a balance between the desirability of preserving service continuity and the exposure of any person to the risk of harm.

Transitional provisions relating to refusal of registration

8.—(1) Where, pursuant to section 12 of the Act (grant or refusal of registration as a service provider) as modified by article 6, the Commission proposes to refuse a transitional application it must, in the case of such an application made on or before 29th January 2010, use its best endeavours to give the applicant a notice of proposal pursuant to section 26(3) of the Act (notice of proposal relating to refusal of registration) before the second appointed date.

(2) Any subsequent notice of decision relating to that refusal given under section 28(3) of the Act (notice of decisions) must, in addition to the item listed in section 28(4)(a) of the Act, state that the decision takes effect—

- (a) on the second appointed date in the case of a decision made before that date or immediately in the case of a decision made on or after that date;
- (b) at the end of the period of 28 days referred to in section 32(2) of the Act (appeals to the Tribunal); or
- (c) subject to any decision by the Tribunal, at the end of such further period specified in the notice.

(3) In deciding which of the periods listed in paragraph (2) to state in any particular case, the Commission must have regard to the need to strike a balance between the desirability of preserving service continuity and the need to safeguard persons against serious risks to their life, health or well-being.

Transitional applications where there is an outstanding matter relating to an application by a service provider to vary or remove a condition, or to cancel or vary a period of suspension

9.—(1) This article applies where a condition or period of suspension is in force before the second appointed date in relation to an existing registrant, an application has been made under section 19(1)(a) or (c) of the Act (application by registered persons) in relation to that condition or period of suspension and—

- (a) on a date on which the Commission makes a determination in relation to that registrant, paragraph (2)(a), (b), (c) or (d) applies to that application; or
- (b) at any time after a decision has been made by the Commission to grant a transitional application, paragraph (4)(a), (b) or (c) applies to that application.

(2) This paragraph applies where—

- (a) no notice of decision has been given under section 19(5) or (6) of the Act nor a notice of proposal given under section 26(5) of that Act (notice of proposals);
- (b) a notice of proposal has been given under section 26(5) of the Act, the Commission has not withdrawn that notice of proposal and no notice of decision has been given under section 28(3) of that Act (notice of decisions);
- (c) a notice of decision has been given under section 28(3) of the Act, no notification has been given under section 28(7) of the Act, the time for making an appeal under section 32(2) of the Act (appeals to the Tribunal) has not elapsed and no appeal has been made; or
- (d) an appeal has been made under section 32 of the Act but that appeal has not been determined or withdrawn.

(3) Where, at the time a determination falls to be made by the Commission—

- (a) paragraph (2)(a) applies, the Commission must consider the application under section 19(1)(a) or (c) of the Act in making that determination;
- (b) paragraph (2)(b) applies, the Commission must consider the notice of proposal and any representations received within the time period specified in section 27(1) of the Act (right to make representations) in making that determination;
- (c) paragraph (2)(c) applies, the Commission must consider the notice of decision in making that determination; or

(d) paragraph (2)(d) applies, the Commission must consider the notice of decision and the grounds of appeal in making that determination.

(4) Where, after a decision has been made by the Commission to grant a transitional application, the Commission gives—

- (a) a notice of decision under section 19(5) or (6) of the Act (application by registered persons);
- (b) a notice of proposal under section 26(5) of the Act (notice of proposal); or
- (c) a notice of decision under section 28(3) of the Act (notice of decisions),

the Commission must consider whether it should exercise its powers under section 12(5) (conditions of registration) or 18 (suspension of registration) of the Act in relation to the person's new registration.

(5) Where the Tribunal makes, in respect of an application to which this article applies, a decision pursuant to section 32 of the Act (appeals to the Tribunal), the Commission must, if notice of that decision is sent to it—

- (a) before it makes a determination in respect of the applicant, reflect that decision in making that determination; or
- (b) after it makes a decision to grant a transitional application, consider whether it needs to exercise its powers under section 12(5) or 18 of the Act in order to reflect that decision.

Transitional applications where there is an outstanding matter relating to a notice of proposal to vary or remove a condition, impose an additional condition, suspend registration or extend a period of suspension

10.—(1) This article applies where—

- (a) a notice of proposal has been given to an existing registrant under section 26(4)(b), (c) or (d) of the Act, in relation to an existing registration, to—
 - (i) suspend registration,
 - (ii) extend a period of suspension,
 - (iii) vary or remove a condition, or
 - (iv) impose any additional condition; and
- (b) either—
 - (i) paragraph (2)(a), (b) or (c) applies in respect of that notice of proposal on a date on which the Commission makes a determination in relation to that registrant, or
 - (ii) paragraph (4)(a), (b), (c) or (d) applies at any time after a decision has been made by the Commission to grant a transitional application.

(2) This paragraph applies where—

- (a) the Commission has not withdrawn that proposal and no notice of decision has been given under section 28 of the Act;
- (b) a notice of decision has been given under section 28 of the Act, no notification has been given under section 28(7) of the Act, the time for making an appeal under section 32(2) of the Act has not elapsed and no appeal has been made; or
- (c) an appeal has been made under section 32(2) of the Act but that appeal has not been determined or withdrawn.

(3) Where, at the time a determination falls to be made by the Commission—

- (a) paragraph (2)(a) applies, the Commission must consider the notice of proposal and any representations received within the time period specified in section 27(1) of the Act (right to make representations) in making that determination;
- (b) paragraph (2)(b) applies, the Commission must consider the notice of decision in making that determination; or

(c) paragraph (2)(c) applies, the Commission must consider the notice of decision and the grounds of appeal in making that determination.

(4) Where, after a decision has been made by the Commission to grant a person's transitional application, the Commission gives a notice of decision under section 28 of the Act to—

- (a) suspend registration;
- (b) extend a period of suspension;
- (c) vary or remove a condition; or
- (d) impose any additional condition,

in relation to the existing registration of that person, the Commission must consider whether it should exercise its powers under section 12(5) (conditions of registration) or 18 (suspension of registration) of the Act in relation to the person's new registration.

(5) Where the Tribunal makes, in respect of a notice of decision to which this article applies, a decision pursuant to section 32 of the Act (appeals to the Tribunal), the Commission must, if notice of that decision is sent to it—

- (a) before it makes a determination in respect of the applicant, reflect that decision in that determination; or
- (b) after it has made a decision to grant a transitional application, consider whether it needs to exercise its powers under section 12(5) or 18 of the Act in order to reflect that decision.

Transitional applications where there is an outstanding matter relating to the urgent procedure to vary or remove a condition, impose an additional condition, suspend registration or extend a period of suspension

11.—(1) This article applies where—

- (a) a notice of decision has been given to an existing registrant under section 31 of the Act (urgent procedure for suspension, variation etc.), in relation to an existing registration, to—
 - (i) vary or remove a condition,
 - (ii) impose any additional condition,
 - (iii) suspend registration, or
 - (iv) extend a period of suspension; and
- (b) either—
 - (i) paragraph (2)(a) or (b) applies in respect of that notice on a date on which the Commission makes a determination in relation to that registrant, or
 - (ii) paragraph (4)(a), (b), (c) or (d) applies at any time after a decision has been made by the Commission to grant a transitional application.

(2) This paragraph applies where—

- (a) the time for making an appeal under section 32(2) of the Act has not elapsed and no appeal has been made; or
- (b) an appeal has been made under section 32(2) of the Act but that appeal has not been determined or withdrawn.

(3) Where, at the time a determination falls to be made by the Commission—

- (a) paragraph (2)(a) applies, the Commission must consider the notice of decision in making that determination; or
- (b) paragraph (2)(b) applies, the Commission must consider the notice of decision and the grounds of appeal in making that determination.

(4) Where, after a decision has been made by the Commission to grant a person's transitional application, the Commission gives a notice of decision under section 31 of the Act to—

- (a) vary or remove a condition;

- (b) impose any additional condition;
- (c) suspend registration; or
- (d) extend a period of suspension,

in relation to the existing registration of that person, the Commission must consider whether it should exercise its powers under section 12(5) (conditions of registration) or 18 (suspension of registration) of the Act in relation to the person's new registration.

(5) Where the Tribunal makes, in respect of a notice of decision to which this article applies, a decision pursuant to section 32 of the Act (appeals to the Tribunal), the Commission must, if notice of that decision is sent to it—

- (a) before it makes a determination in respect of the applicant, reflect that decision in that determination; or
- (b) after it has made a decision to grant a transitional application, consider whether it needs to exercise its powers under section 12(5) or 18 of the Act in order to reflect that decision.

Transitory modification of section 12(5) and 18 of the Act

12.—(1) Where article 9(4) or (5)(b), 10(4) or (5)(b) or 11(4) or (5)(b) applies—

- (a) the Commission may exercise its powers under section 12(5) or 18 of the Act in respect of a new registration, notwithstanding that the period of that registration has not commenced; and
- (b) when it does so exercise those powers, sections 12(5) and 18 are modified in accordance with paragraph (2).

(2) The modifications referred to in paragraph (1) are—

- (a) section 12(5) is modified as if “for the time being in force” is omitted; and
- (b) section 18 is modified as if—
 - (i) in subsection (1), at the end there is inserted “commencing on or after 1st April 2010”, and
 - (ii) for subsection (2)(a) there is substituted—
 - “(a) the Commission is no longer satisfied that the regulated activity will be carried on, on or after 1st April 2010, in accordance with the relevant requirements, or”.

Cancellation proceedings under the Act before the determination

13.—(1) The Commission is not required to determine a transitional application made by an existing registrant who, at the time that their transitional application falls to be determined by the Commission, comes within paragraph (4) or (5).

(2) Where paragraph (1) applies—

- (a) the Regulated Activities Regulations 2009 apply to the existing registrant until the date they are revoked or, notwithstanding such revocation, until the date specified in paragraph (6) if later; and
- (b) if the date specified in paragraph (6) is on or after the second appointed date, the provisions of any regulations made under section 8 (regulated activities) or 20 (regulation of regulated activities) of the Act that come into force on the second appointed date do not apply to such a registrant until the day after the date specified in paragraph (6).

(3) Where a person comes within paragraph (4) or (5) on the first appointed date and that person has not made a transitional application—

- (a) the Regulated Activities Regulations 2009 continue to apply to the person until the date they are revoked or, notwithstanding such revocation, the date specified in paragraph (6) if later; and

- (b) the provisions of any regulations made under section 8 or 20 of the Act that come into force on the second appointed date do not apply to such a person until the day after the date specified in paragraph (6).
- (4) A person comes within this paragraph where a notice of proposal to cancel their existing registration has been served on them under section 26(4)(a) of the Act (notice of proposals) and—
- (a) the Commission has not withdrawn that proposal and no notice of decision has been given under section 28 of the Act (notice of decisions) in respect of that proposal;
 - (b) a notice of decision has been given in respect of that notice of proposal, no notification has been given under section 28(7) of the Act, the time for making an appeal under section 32(2) of the Act (appeals to the Tribunal) has not elapsed and no appeal has been made; or
 - (c) an appeal has been made in respect of a notice of decision to cancel registration but that appeal has not been determined or withdrawn.
- (5) A person comes within this paragraph where an application made to a justice of the peace under section 30 of the Act (urgent procedure for cancellation) to cancel registration has been granted and—
- (a) the time for making an appeal under section 32(2) of the Act has not elapsed, and no appeal has been made; or
 - (b) an appeal has been made in respect of an order made under section 30 of the Act, but that appeal has not been determined or withdrawn.
- (6) The date specified for the purposes of paragraphs (2) and (3) is—
- (a) in cases where no appeal is made against the notice of decision to adopt a proposal referred to in paragraph (4) or the order referred to in paragraph (5) during the period referred to in section 32(2) of the Act, the date on which that period expires in relation to that notice or order;
 - (b) in cases where such an appeal is made within that period, the date on which that appeal is—
 - (i) withdrawn, or
 - (ii) determined and the decision of the Commission or the order of the justice of the peace is confirmed by the Tribunal; or
 - (c) in cases where notification of the need to make a transitional application is sent to a person pursuant to article 14(3)—
 - (i) the date specified by the Commission in that notice as the one by which such an application must be made, or
 - (ii) if a transitional application is made by that person on or before that date, the date on which the Commission determines that application.

Transitional applications following cancellation proceedings under the Act

- 14.—**(1) This article applies where the Commission is not required to—
- (a) notify a person of the need to make a transitional application because that person comes with article 13(4) or (5) on the first appointed date; or
 - (b) determine a person’s transitional application pursuant to article 13(1),
- and paragraph (2) applies to that person.
- (2) This paragraph applies where—
- (a) the Commission subsequently decides not to adopt a proposal to cancel the person’s existing registration; or
 - (b) the Tribunal subsequently directs that a decision of the Commission or an order made by a justice of the peace to cancel the person’s registration shall not, or shall cease to, have effect.

(3) As soon as reasonably practicable after the decision or direction referred to in paragraph (2)(a) or (b) has been made or given, the Commission must send notification of the need to make a transitional application, or further transitional application as the case may be, to each person—

- (a) affected by the decision referred to in paragraph (2)(a); or
- (b) who has been the subject of a direction of the Tribunal referred to in paragraph (2)(b).

(4) Notification sent pursuant to paragraph (3) must specify—

- (a) the form in which the application must be made;
- (b) what information it must contain or be accompanied by; and
- (c) the date by which the transitional application must be made to the Commission.

(5) The date specified in accordance with paragraph (4)(c) must be a date that is not less than 28 days after the date on which the notification under paragraph (3) is sent.

Cancellation proceedings under the Act after the determination

15.—(1) Paragraph (2) applies where, on a date after a decision has been made by the Commission to grant a transitional application, paragraph (3) or (4) becomes applicable to the existing registration of the person in respect of whom that decision was made.

(2) Where this paragraph applies—

- (a) the decision to grant the transitional application has no effect from the date on which paragraph (3) or (4) becomes applicable;
- (b) the Regulated Activities Regulations 2009 apply to the existing registrant until the date they are revoked or, notwithstanding such revocation, until the date specified in paragraph (6) if later; and
- (c) if the date specified in paragraph (6) is on or after the second appointed date, the provisions of any regulations made under section 8 (regulated activities) or 20 (regulation of regulated activities) of the Act that come into force on the second appointed date do not apply to such a registrant until the day after the date specified in paragraph (6).

(3) This paragraph applies to an existing registration in relation to which notice of proposal to cancel registration has been served on the existing registrant under section 26(4)(a) of the Act (notice of proposals) and—

- (a) the Commission has not withdrawn that proposal and no notice of decision has been given under section 28 of the Act (notice of decisions) in respect of that notice of proposal;
- (b) a notice of decision has been given in respect of that notice of proposal, no notification has been given under section 28(7) of the Act, the time for making an appeal under section 32(2) of the Act (appeals to the Tribunal) has not elapsed and no appeal has been made; or
- (c) an appeal has been made in respect of a notice of decision to cancel registration but that appeal has not been determined or withdrawn.

(4) This paragraph applies to an existing registration in relation to which an application made to a justice of the peace under section 30 of the Act (urgent procedure for cancellation) to cancel registration has been granted and—

- (a) the time for making an appeal under section 32(2) of the Act has not elapsed, and no appeal has been made; or
- (b) an appeal has been made in respect of an order made under section 30 of the Act, but that appeal has not been determined or withdrawn.

(5) The Commission must, on or before the date specified in paragraph (6), make a new determination of the transitional application referred to in paragraph (1) in accordance with articles 6 to 8—

- (a) taking into account the cancellation proceedings under the Act; and

- (b) in a case where the date in paragraph (6)(c) applies, ensuring that the Tribunal's direction is reflected.
- (6) The date specified for the purposes of paragraph (2) and (5) is—
 - (a) in cases where no appeal is made against the notice of decision to adopt a proposal referred to in paragraph (3) or the order referred to in paragraph (4) during the period referred to in section 32(2) of the Act (appeals to the Tribunal), the date that is the end of a period of 14 days beginning on the date on which the period in section 32(2) of the Act expires in relation to that notice or order;
 - (b) in cases where such an appeal is made within that period, the date that is the end of a period of 14 days beginning on the date on which that appeal is—
 - (i) withdrawn, or
 - (ii) determined and the decision of the Commission or the order of the justice of the peace is confirmed by the Tribunal; or
 - (c) in cases where the Tribunal directs that the notice of decision to adopt a proposal referred to in paragraph (3) or the order referred to in paragraph (4), shall not, or shall cease to, have effect, the date that is the end of a period of 14 days beginning on the day on which the Tribunal makes such a direction.

Suspension of the offence of carrying on a regulated activity while unregistered

16.—(1) Paragraph (2) applies where—

- (a) an existing registrant who is notified pursuant to article 4(1) makes a transitional application on or before 29th January 2010 and that application is made in such form, and contains or is accompanied by such information, as the Commission specified pursuant to article 4(2); or
- (b) a new English NHS body makes a transitional application.

(2) Section 10(1) of the Act (offence of carrying on a regulated activity while unregistered) does not apply to a person mentioned in paragraph (1) in respect of the activities for which that person has sought registration in the transitional application for the period (if any) beginning on the date specified in paragraph (3) and ending on the date of service by the Commission under section 28(1) of the Act (notice of decisions) or article 7(2) of a notice of decision in respect of the transitional application.

(3) The date referred to in paragraph (2) is—

- (a) the second appointed date in the case of a person coming within paragraph (1)(a); or
- (b) the date of making a transitional application in the case of a new English NHS body.

(4) Paragraph (5) applies where—

- (a) a person has made a transitional application; and
- (b) the Commission proposes to refuse the application and serves a notice of proposal pursuant to section 26(3) of the Act (notice of proposal relating to refusal of registration).

(5) Section 10(1) of the Act (offence of carrying on a regulated activity while unregistered) does not apply to the person for the period beginning on the date of service of the notice of proposal and ending on the date of service by the Commission under section 28 of the Act of a notice of decision in respect of the proposal to refuse registration or, if later, the date that the decision takes effect.

NHS Blood and Transplant

17.—(1) Notwithstanding any revocation of the Regulated Activities Regulations 2009, those regulations shall continue to apply in respect of NHS Blood and Transplant^(a) until 30th September 2010.

(2) Articles 1(2) and 4 to 16 apply to NHS Blood and Transplant, as if they were an existing registrant, with the following modifications—

- (a) in article 1(2)—
 - (i) in the definition of “first appointed date” for “11th December 2009” substitute “1st April 2010”, and
 - (ii) in the definition of “second appointed date” for “1st April 2010”, substitute “1st October 2010”;
- (b) in article 4(1), for “1st January 2010” substitute “30th April 2010”;
- (c) in articles 4(2)(c), 6(3)(a), 7(4), 8(1) and 16(1)(a) for “29th January 2010” substitute “31st May 2010”;
- (d) in article 12(2)(b), for “1st April 2010” in each place it appears, substitute “1st October 2010”;
- (e) in article 13—
 - (i) in paragraphs (2)(a) and (3)(a), for “the date they are revoked” substitute “30th September 2010” and omit “, notwithstanding such revocation,”,
 - (ii) in paragraph (2)(b) in the second place where it occurs, for “the second appointed date” substitute “1st April 2010”, and
 - (iii) in paragraph (3)(b), for “the second appointed date” substitute “1st April 2010”; and
- (f) in article 15—
 - (i) in paragraph (2)(b), for “the date they are revoked” substitute “30th September 2010” and omit “, notwithstanding such revocation,”, and
 - (ii) in paragraph (2)(c), for “the second appointed date” in the second place where it occurs substitute “1st April 2010”.

Service of documents and electronic communications

18. Sections 93 (service of documents) and 94 (electronic communications) of the Act apply to a notice given under this Order as they do to a notice given under Part 1 of the Act.

Amendment of the Act

19. In section 93 of the Act (service of documents), after subsection (2) insert—

“(2A) Where a notice is given as mentioned in subsection (1)(c) in accordance with section 94, it is, unless the contrary is proved, to be taken to have been received on the next working day after the day on which it is transmitted; and in this subsection “working day” means any day other than—

- (a) a Saturday or Sunday;
- (b) Christmas Day or Good Friday; or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England.”.

Signed by authority of the Secretary of State for Health

Mike O'Brien

(a) NHS Blood and Transplant was established as a Special Health Authority in October 2005: see S.I. 2005/2529.

12th November 2009

Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 11th December 2009 certain provisions of the Health and Social Care Act 2008 (“the Act”) relating to the functions of the Care Quality Commission (“the Commission”).

Articles 3 to 18 make transitory and transitional provision to deal with applications to the Commission to register as a service provider for regulated activities under Chapter 2 of Part 1 of the Act, such registration to start on or after 1st April 2010. The Order makes provision for applications from persons who are currently registered under the Act (other than NHS Blood and Transplant, a Special Health Authority) because they carry out an activity prescribed in the Health and Social Care Act 2008 (Registration of Regulated Activities) Regulations 2009 (S.I. 2009/660) (“the Regulated Activities Regulations 2009”). Applications for registration with effect from 1st April 2010 from these existing registrants will mainly fall to be dealt with between 11th December 2009 and 31st March 2010.

Article 3 provides for applications to be made by those who intend to be carrying on, on or after 1st April 2010, one or more activities which the person reasonably expects to be prescribed as a regulated activity under section 8 of the Act from 1st April 2010.

Article 4 provides for the Commission to notify each existing registrant of the need to make an application and sets out certain matters that must be included in that notification.

Article 5 modifies section 11 of the Act to ensure that a person making a transitional application makes a single application to the Commission in respect of all the regulated activities that person proposes to carry on, unless the person and the Commission agree otherwise in writing.

Article 6 modifies the test to be applied by the Commission to applications for registration in order to allow applications to be granted subject to conditions in cases where the Commission is not satisfied that the registration requirements are being and will continue to be met. Such conditions can relate to the requirements of other enactments which appear to the Commission to be relevant as well as to the registration requirements. The Commission will have 3 months following a determination to grant an application to issue a certificate of registration.

Article 7 varies the procedure which applies in cases where the Commission intends to grant registration subject to conditions which have not been agreed with the applicant. It provides that such imposed conditions will take effect from 1st April 2010 or such later date as specified by the Commission. It further provides that, subsequent to being notified of such conditions, the applicant may make representations to the Commission about the conditions and, if conditions are still imposed, may appeal to the Tribunal under section 32 of the Act. Paragraph (10) requires the Commission, in deciding the date from which the conditions will take effect, to have regard to the balance between the desirability of preserving service continuity and the exposure of any person to the risk of harm.

Article 8 makes provision for cases where the Commission proposes to refuse an application. It requires the Commission to serve notice of proposal to refuse on the applicant. Where, after having considered any representations, the Commission decides to refuse the application, it provides for the refusal to take effect on 1st April 2010 in the case of a decision made on or before 31st March 2010 or at such later date as the Commission specifies in the notice of refusal. Paragraph (3) requires the Commission, in deciding the date from which the refusal will take effect, to have regard to the balance between the desirability of preserving service continuity and the need to safeguard patients against serious risks to their life, health or well-being.

Articles 9, 10 and 11 make provision for outstanding matters relating to conditions of registration or suspension of registration, in respect of a person’s existing registration under the Act (because

they carried out an activity prescribed in the Regulated Activities Regulations 2009). They make provision as to how such matters should be taken into account in determining a transitional application, or, where relevant, in determining whether to take action in relation to the new registration if the matter arises once a transitional application has been determined.

Article 12 provides for the modification of sections 12 and 18 of the Act in certain circumstances to allow the Commission to exercise powers in respect of conditions of registration and suspension of registration in relation to a person's registration, even if the period of registration has not commenced.

Article 13 provides that the Commission does not have to determine a transitional application from a person if cancellation proceedings are in progress as regards that person's existing registration under the Act, at the time that that transitional application falls to be determined. It provides for the provisions of the Regulated Activities Regulations 2009 to continue to apply to such a person until the conclusion of the cancellation proceedings or, in cases where the cancellation proceedings are discontinued by the Commission or overturned on appeal to the Tribunal, until the subsequent determination of a transitional application from that person.

Article 14 provides for persons who were subject to cancellation proceedings on 11th December 2009 (and therefore were not notified of the need to make a transitional application), and persons against whom cancellation proceedings are subsequently commenced following the making of a transitional application, to be notified of the need to make a transitional application, or another transitional application (as the case may be) if the Commission does not proceed with the cancellation proceedings or if the Tribunal directs, on appeal, that the cancellation of registration is to cease to have effect.

Article 15 provides for the situation where cancellation proceedings are commenced against a person once a transitional application has already been determined. It provides for the determination in relation to that transitional application to have no effect. If the cancellation proceedings are discontinued by the Commission or the Tribunal directs, on appeal, that the cancellation is to cease to have effect, provision is made for a new determination to be made.

Article 16 makes transitional provision to allow the carrying on of a regulated activity to continue without registration for a limited period of time in certain circumstances.

Article 17 provides for the Regulated Activities Regulations 2009 to have effect in respect of NHS Blood and Transplant (a Special Health Authority) until 30th September 2010, notwithstanding their revocation. Provision is also made for articles 1(2) and 4 to 16 of the Order to apply to NHS Blood and Transplant with various modifications: the modifications primarily relate to dates to ensure that NHS Blood and Transplant can make a transitional application at a later date for registration to take effect from 1st October 2010 instead of 1st April 2010.

Article 18 provides for the provisions in the Act relating to service of documents, including provision for electronic communications, to apply to notices required to be given under this Order.

Article 19 facilitates the use of electronic communications for the service of any notice required to be given under Part 1 of the Act by making provision for any notice sent by an electronic communication, in accordance with section 94 of the Act, to be taken to have been received on the next working day after the day on which it is sent.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Health and Social Care Act 2008 have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1)	1st October 2008	2008/2497 (C. 106)
Section 1(2)	1st April 2009	2009/462 (C. 31)

Section 1(3) (partially)	1st October 2008	2008/2497 (C. 106)
Section 1(3), insofar as not already in force	1st April 2009	2009/462 (C. 31)
Section 2(1)	1st October 2008	2008/2497 (C. 106)
Section 2(2)(a) (partially)	12th January 2009	2008/3168 (C. 143)
Section 2(2)(b) and (c)	1st April 2009	2009/462 (C. 31)
Sections 3 to 7	1st October 2008	2008/2497 (C. 106)
Section 8	12th January 2009	2008/3168 (C. 143)
Section 9	1st October 2008	2008/2497 (C. 106)
Section 10(3)	12th January 2009	2008/3168 (C. 143)
Section 10, insofar as not already in force	1st April 2009	2009/462 (C. 31)
Section 11	12th January 2009	2008/3168 (C. 143)
Section 12(1) to (5)	12th January 2009	2008/3168 (C. 143)
Section 16 (partially)	1st April 2009	2009/462 (C. 31)
Section 17(1), (3) and (4)	1st April 2009	2009/462 (C. 31)
Sections 18 and 19	1st April 2009	2009/462 (C. 31)
Section 20 (partially)	12th January 2009	2008/3168 (C. 143)
Section 21 and 22	12th January 2009	2008/3168 (C. 143)
Section 25 (partially)	12th January 2009	2008/3168 (C. 143)
Section 26(1), (3) and (6) (partially)	12th January 2009	2008/3168 (C. 143)
Section 26(4) and (5)	1st April 2009	2009/462 (C. 31)
Section 27	12th January 2009	2008/3168 (C. 143)
Section 28(1) to (4)(a) (partially)	12th January 2009	2008/3168 (C. 143)
Section 28(4)(c) and (d)	1st April 2009	2009/462 (C. 31)
Sections 29 to 31	1st April 2009	2009/462 (C. 31)
Section 32	12th January 2009	2008/3168 (C. 143)
Section 33	1st April 2009	2009/462 (C. 31)
Section 34(1) and (5)	1st April 2009	2009/462 (C. 31)
Section 35	12th January 2009	2008/3168 (C. 143)
Section 36	1st April 2009	2009/462 (C. 31)
Section 37	12th January 2009	2008/3168 (C. 143)
Sections 38 to 40	1st April 2009	2009/462 (C. 31)
Section 44 (partially)	12th January 2009	2008/3168 (C. 143)
Section 46(4) to (8)	1st October 2008	2008/2497 (C. 106)
Section 46, insofar as not already in force	1st April 2009	2009/462 (C. 31)
Section 47	1st October 2008	2008/2497 (C. 106)
Section 48	1st April 2009	2009/462 (C. 31)
Section 50	1st April 2009	2009/462 (C. 31)
Section 51 (partially)	1st April 2009	2009/462 (C. 31)
Sections 52 to 59	1st April 2009	2009/462 (C. 31)
Sections 60 to 65 (partially)	12th January 2009	2008/3168 (C. 143)
Section 66 (partially)	1st October 2008	2008/2497 (C. 106)
Section 66 (partially)	1st April 2009	2009/462 (C. 31)
Sections 67 to 71	1st April 2009	2009/462 (C. 31)
Section 72 (partially)	1st April 2009	2009/462 (C. 31)
Sections 73 to 75	1st April 2009	2009/462 (C. 31)
Sections 76 to 83	1st October 2008	2008/2497 (C. 106)
Section 84	1st April 2009	2009/462 (C. 31)
Section 85	1st October 2008	2008/2497 (C. 106)
Sections 86 and 87	1st April 2009	2009/462 (C. 31)
Section 88	1st October 2008	2008/2497 (C. 106)
Section 89	1st April 2009	2009/462 (C. 31)
Sections 90 to 94	12th January 2009	2008/3168 (C. 143)

Section 95 (partially)	1st October 2008	2008/2497 (C. 106)
Section 95 (partially)	1st April 2009	2009/462 (C. 31)
Section 95 (partially)	2nd November 2009	2009/2862 (C. 126)
Section 96	1st April 2009	2009/462 (C. 31)
Section 97	1st October 2008	2008/2497 (C. 106)
Section 98(3) (partially)	28th September 2009	2009/2567 (C. 109)
Section 111 (partially)	1st October 2008	2008/2497 (C. 106)
Section 111 (partially)	1st January 2009	2008/3244 (C. 148)
Section 112 (partially)	3rd November 2008	2008/2717 (C. 120)
Section 113	1st January 2009	2008/3244 (C. 148)
Section 114 insofar as not already in force	1st January 2009	2008/3244 (C. 148)
Sections 115 to 117	1st January 2009	2008/3244 (C. 148)
Section 118 (partially)	1st January 2009	2008/3244 (C. 148)
Section 123(3) to (6)	1st October 2008	2008/2497 (C. 106)
Section 127 (partially)	25th August 2008	2008/2214 (C. 100)
Section 127 (partially)	1st January 2009	2008/3244 (C. 148)
Section 127 (partially)	4th June 2009	2009/1310 (C. 71)
Section 127 (partially)	28th September 2009	2009/2567 (C. 109)
Section 129 (partially)	1st April 2009	2009/462 (C. 31)
Sections 131 to 138	1st January 2009	2008/3137 (C. 136)
Section 142	1st October 2008	2008/2497 (C. 106)
Section 143	1st October 2008	2008/2497 (C. 106)
Section 145 (partially)	1st December 2008	2008/2994 (C. 129)
Section 146 (partially)	9th November 2009	2009/2567 (C. 109)
Section 147	6th April 2009	2009/462 (C. 31) and 2009/631 (W.57) (C.43)
Sections 149 to 154	1st April 2009	2008/2994 (C. 129)
Section 155	1st December 2008	2008/2994 (C. 129)
Section 156 (partially)	1st December 2008	2008/2994 (C. 129)
Section 156 insofar as not already in force	1st April 2009	2008/2994 (C. 129)
Section 157(1) (partially)	1st October 2008	2008/2497 (C. 106)
Section 157 insofar as not already in force	1st January 2009	2008/2497 (C. 106)
Section 158	1st January 2009	2008/2497 (C. 106)
Section 159(5)	1st March 2009	2009/270 (C. 12)
Section 159 insofar as not already in force	1st April 2009	2009/270 (C. 12)
Section 160 (partially)	1st October 2008	2008/2497 (C. 106)
Section 160 (partially)	1st January 2009	2008/2497 (C. 106)
Section 166 (partially)	1st January 2009	2008/2497 (C. 106) and 2008/3244 (C. 148)
Section 166 (partially)	1st April 2009	2009/270 (C. 12)
Section 166 (partially)	6th April 2009	2009/462 (C. 31)
Paragraphs 1 to 5 of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 6(3) of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 6(4) of Schedule 1 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 6(6) to 6(8) of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 7 of Schedule 1 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraphs 8 to 12 of Schedule 1	1st October 2008	2008/2497 (C. 106)
Schedule 1, insofar as not already in force	1st April 2009	2009/462 (C. 31)
Schedule 2	1st October 2008	2008/2497 (C. 106)
Schedule 3	1st April 2009	2009/462 (C. 31)
Paragraph 1 of Schedule 4	1st October 2008	2008/2497 (C. 106)

Paragraph 2 of Schedule 4	1st April 2009	2009/462 (C. 31)
Paragraph 3 of Schedule 4	1st October 2008	2008/2497 (C. 106)
Paragraph 4 of Schedule 4	1st April 2009	2009/462 (C. 31)
Paragraph 5 of Schedule 4 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 6 of Schedule 4	1st April 2009	2009/462 (C. 31)
Paragraphs 7 and 8 of Schedule 4	1st October 2008	2008/2497 (C. 106)
Paragraphs 9 and 10 of Schedule 4	1st April 2009	2009/462 (C. 31)
Paragraph 1 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraphs 7 to 9 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 11 of Schedule 5 (partially)	2nd November 2009	2009/2862 (C. 126)
Paragraph 13 of Schedule 5 (partially)	1st April 2009	2009/462 (C. 31)
Paragraph 15 of Schedule 5 (partially)	2nd November 2009	2009/2862 (C. 126)
Paragraph 14(a), (b)(i) and (c) of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 14(b)(ii) of Schedule 5 (partially)	2nd November 2009	2009/2862 (C. 126)
Paragraph 16(b) and (c) of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 17 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 20 of Schedule 5 (partially)	1st April 2009	2009/462 (C. 31)
Paragraphs 22 and 23 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 24(b) and (c) of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 25 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraphs 29 and 30 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraphs 32 to 36 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 39 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraphs 40 and 41 of Schedule 5 (partially)	1st April 2009	2009/462 (C. 31)
Paragraphs 42 to 46 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 47 of Schedule 5 (partially)	1st April 2009	2009/462 (C. 31)
Paragraphs 48 to 53 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 54(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 54 of Schedule 5, insofar as not already in force	1st April 2009	2009/462 (C. 31)
Paragraph 55 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 56(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 57(1) of Schedule 5 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 57(2)(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 58(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 59(1) of Schedule 5 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 59(2)(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraphs 56 to 59 of Schedule 5, insofar as not already in force	1st April 2009	2009/462 (C. 31)
Paragraphs 60 to 72 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 73(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 73 of Schedule 5, insofar as not already in force	1st April 2009	2009/462 (C. 31)
Paragraphs 74 to 79 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 80(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 80 of Schedule 5, insofar as not already in force	1st April 2009	2009/462 (C. 31)
Paragraphs 81 to 93 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 94 of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraphs 4 to 10 of Schedule 6	28th September 2009	2009/2567 (C. 109)

Paragraphs 1 and 2 of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 3 of Schedule 8 (partially)	1st October 2008 and 1st January 2009	2008/2497 (C. 106) and 2008/3244 (C. 148)
Paragraph 4 of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 5(1) to (3) of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 5(4) of Schedule 8	1st October 2008	2008/2497 (C. 106)
Paragraphs 6 and 7 of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 8(a) of Schedule 8	1st October 2008	2008/2497 (C. 106)
Paragraph 8(b) of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 9 of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 1 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 2(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 3 of Schedule 10 (partially)	1st January 2009	2008/3244 (C. 148)
Paragraph 4(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 4(b) of Schedule 10	28th September 2009	2009/2567 (C. 109)
Paragraph 5(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 5(b) of Schedule 10	28th September 2009	2009/2567 (C. 109)
Paragraph 6(b) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 8 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraphs 10 to 12 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 13(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 16 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 17 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 19 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 20 of Schedule 10	25th August 2008	2008/2214 (C. 100)
Paragraph 21 of Schedule 10	4th June 2009	2009/1310 (C. 71)
Paragraphs 23 to 25 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 26(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 26(b) of Schedule 10	28th September 2009	2009/2567 (C. 109)
Paragraph 21 of Schedule 10 (partially)	25th August 2008	2008/2214 (C. 100)
Schedule 13	6th April 2009	2009/462 (C. 31) and 2009/631 (W.57) (C.43)
Paragraphs 2 to 4 of Schedule 14	1st October 2008	2008/2497 (C. 106)
Paragraph 5 of Schedule 14	1st January 2009	2008/2497 (C. 106)
Paragraph 6 and 7 of Schedule 14	1st April 2009	2009/462 (C. 31)
Part 1 of Schedule 15 (partially)	1st April 2009	2009/462 (C. 31)
Part 2 of Schedule 15 (partially)	1st January 2009	2008/3244 (C. 148)
Part 5 of Schedule 15	6th April 2009	2009/462 (C. 31) and 2009/631 (W.57) (C.43)
Part 6 of Schedule 15	1st January 2009	2008/2497 (C. 106)
Part 7 of Schedule 15	1st April 2009	2009/270 (C.12)

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STATUTORY INSTRUMENTS

2009 No. 3023 (C. 130)

NATIONAL HEALTH SERVICE, ENGLAND

SOCIAL CARE, ENGLAND

The Health and Social Care Act 2008 (Commencement No. 13,
Transitory and Transitional Provisions and Electronic
Communications) Order 2009

£5.50