
STATUTORY INSTRUMENTS

2010 No. 807

**The Health and Social Care Act 2008 (Commencement
No.16, Transitory and Transitional Provisions) Order 2010**

PART 3

Transitional and transitory provisions relating to the Care Quality Commission

Activities to be covered by a transitional application

5.—(1) Subject to paragraph (3), a CSA registrant who wishes to carry on one or more regulated activities on or after 1st October 2010 must make a single transitional application covering both the carrying on, and the management of, all activities—

(a) that—

- (i) the CSA registrant making that application is entitled to carry on, or
- (ii) a registered manager is entitled to manage,

at the premises of a registered establishment or agency by virtue of registration under Part 2 of the 2000 Act on the date on which the transitional application is sent to the Commission;

(b) that are regulated activities; and

(c) that the CSA registrant intends to carry on at the premises of that registered establishment or agency on or after 1st October 2010.

(2) Subject to paragraph (3), the single transitional application must also cover both the carrying on, and the management of, all activities that—

(a) do not require registration of the establishment or agency at which they are carried on under section 11 of the 2000 Act;

(b) the applicant carries on at a registered establishment or agency on the date on which the transitional application is sent to the Commission;

(c) the applicant intends to carry on at the premises of that establishment or agency on or after 1st October 2010; and

(d) are regulated activities.

(3) A transitional application must not include an application for registration to—

(a) carry on or manage a regulated activity where, and insofar as, that activity is to be carried on at the premises of a registered establishment or agency in respect of which a CSA registrant comes within article 14(2) on the date on which that application is sent to the Commission;

(b) manage a regulated activity if the registered manager comes within article 14(2) on the date on which that application is sent to the Commission where, and insofar as, that activity is to be managed at the premises of a registered establishment or agency in respect of which the registered manager comes within article 14(2) on the date on which that application is sent to the Commission; or

- (c) manage a regulated activity unless that activity will be subject to a registered manager condition pursuant to regulation 5 of the Registration Regulations (registered manager condition).
- (4) Where a transitional application is made pursuant to notification by the Commission under article 16(4) or 18(3), this article shall apply to such an applicant as if they were a CSA registrant but subject to paragraph (1) being modified as if at the end of sub-paragraph (a) there were inserted “or would have been so entitled immediately before 1st October 2010 had the registration not been cancelled”.
- (5) A transitional application may include an application in respect of one or more persons to be registered as a manager only where each such person has, in that application, given their written consent to that application being made on their behalf.