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STATUTORY INSTRUMENTS

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**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

**Transitional provisions relating to the grant or refusal of registration**

6.—(1) Sections 12 and 15 of the Act (grant or refusal of registration as a service provider or manager) apply to a transitional application as if modified as set out in paragraph (2).

(2) For subsections (2) and (3) of sections 12 and 15 of the Act 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 the application date; and
- (b) in such form, and containing or accompanied by such information, as the Commission specified pursuant to article 3(3).

(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 or the person to be registered as a manager, the Commission must use its best endeavours to give notice of that decision to that applicant or manager before 1st October 2010; and
- (b) registration, if granted, takes effect from 1st October 2010 or the date upon which the application is granted, whichever is the later.

(5) Where registration is granted as a result of a transitional application—

- (a) section 12 of the Act applies 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 before 1st January 2011.”; and

- (b) section 15 of the Act applies as if, in addition to the modifications in paragraph (2), for subsection (4) there were substituted—

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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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“(4) Where the application is granted, the Commission must issue a certificate of registration to the registered manager before 1st January 2011.”.