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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 refusal of registration**

**8.**—(1) Where, pursuant to section 12 or 15 of the Act (grant or refusal of registration as a service provider or manager) as modified by article 6, the Commission proposes to refuse a transitional application, and it must therefore give a notice of proposal pursuant to section 26(3) of the Act (notice of proposal relating to refusal of registration), it must use its best endeavours to give such a notice to the applicant or person to be registered as a manager (as the case may be)—

- (a) in the case of such an application made by a CSA registrant on or before the application date, before 1st October 2010; and
- (b) in the case of any other such application, as soon as reasonably practicable after the decision to propose refusal is made.

(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 1st October 2010 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 of 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.