

**2010 No. 807 (C. 53)**

**NATIONAL HEALTH SERVICE, ENGLAND  
PUBLIC HEALTH, ENGLAND AND WALES  
SOCIAL CARE, ENGLAND AND WALES**

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

<i>Made</i> - - - -	<i>15th March 2010</i>
<i>Laid before Parliament</i>	<i>17th March 2010</i>
<i>Coming into force</i> <i>for all purposes except</i> <i>article 23 and Schedule 2</i>	<i>6th April 2010</i>
<i>for the purposes of article 23</i> <i>and Schedule 2</i>	<i>1st October 2010</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). The Secretary of State has consulted the Welsh Ministers in accordance with section 172(3) of that Act(b).

**PART 1**

**General**

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Health and Social Care Act 2008 (Commencement No. 16, Transitory and Transitional Provisions) Order 2010 and shall come into force—

- (a) for all purposes except article 23 and Schedule 2, on 6th April 2010;
- (b) for the purposes of article 23 and Schedule 2, on 1st October 2010.

(2) In this Order—

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

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

(b) Section 172(3) of the Health and Social Care Act 2008 (c.14) (“the Act”) requires the Secretary of State to consult the Welsh Ministers before commencing provisions in, or related to, particular paragraphs in Schedule 5 to the Act: the requirement to consult exists because those particular paragraphs relate to amendments to legislation that applies in Wales.

“the 2000 Act” means the Care Standards Act 2000(a);

“application date” means a date specified by the Commission(b) by which a transitional application must be made;

“CSA registrant” means a person—

(a) whose name is included in a register kept by the Commission for the purposes of Part 2 of the 2000 Act(c) (establishments and agencies) on 6th April 2010 by virtue of carrying on an establishment or agency; and

(b) who is carrying on an activity which will be a regulated activity on 1st October 2010, and “CSA registration” is to be construed accordingly;

“determination” means a decision to give, in relation to the carrying on or management of a regulated activity by any person—

(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) or article 7 in respect of a transitional application;

“registered establishment or agency” means an establishment or agency which a person—

(a) is registered to carry on under Part 2 of the 2000 Act; or

(b) was registered to so carry on immediately before—

(i) registration under that Part was cancelled, or

(ii) 1st October 2010;

“registered manager” means a person—

(a) whose name is included in a register kept by the Commission for the purposes of Part 2 of the 2000 Act by virtue of managing a registered establishment or agency; or

(b) whose name was so included immediately before—

(i) registration under that Part was cancelled, or

(ii) 1st October 2010;

“regulated activity” means an activity that is prescribed as being a regulated activity from 1st October 2010 by regulation 3 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010(d);

“Registration Regulations” means the Care Quality Commission (Registration) Regulations 2009(e);

“transitional application” means an application for registration as a service provider or manager in respect of a period commencing on or after 1st October 2010 made to the Commission under section 11 of the Act (applications for registration as a service provider), as modified by this Order, by—

(a) a CSA registrant, or on behalf of a registered manager, in relation to whom article 16(1) or 18(1) does not apply, before 1st October 2010; or

(b) a person, or on behalf of a registered manager, in relation to whom article 16(1) or 18(1) applies.

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

(a) determined, granted or refused means determined, granted or refused in relation to the carrying on or management of a regulated activity; or

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(a) 2000 c.14. Relevant modifications have been made by Schedule 2 to the Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009 (S.I. 2009/462 (C.31)) (“the No. 9 Order”).

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

(c) Section 11 of the Care Standards Act 2000 (c.14) has been modified by paragraph 4(3) of Schedule 2 to the No.9 Order.

(d) S.I. 2010/781.

(e) S.I. 2009/3112.

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

## PART 2

### Commencement

#### **Appointed day for commencement of provisions relating to the Care Quality Commission**

2.—(1) 6th April 2010 is the day appointed for the coming into force of the provisions of the Act listed in Part 1 of Schedule 1.

(2) 1st October 2010 is the day appointed for the coming into force of the provisions of the Act listed in Part 2 of that Schedule.

## PART 3

### Transitional and transitory provisions relating to the Care Quality Commission

#### **Notification to CSA registrants of the need to make a transitional application**

3.—(1) The Commission must give notice of the need to make a transitional application to each CSA registrant, unless that registrant's only CSA registration is one to which paragraph (2) applies.

(2) This paragraph applies to a CSA registration in respect of which at the time the notification would otherwise be given—

- (a) an application has been made for cancellation under section 15(1)(b) of the 2000 Act (applications by registered persons); or
- (b) the CSA registrant comes within article 14(2).

(3) Notification 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;
- (c) the application date; and
- (d) that the transitional application must be made to the Commission on or before the application date, in the specified form and contain or be accompanied by the specified information, in order for article 9(2) to apply.

(4) The application date must be a date that is not less than 28 days after the date on which the notification under paragraph (1) is sent.

#### **Modification of the Act in relation to the making of a transitional application**

4.—(1) Sections 11(3) and 14(1) and (3) of the Act (applications for registration as a service provider or manager) do not apply to a transitional application.

(2) Section 12(2) of the Act (grant or refusal of registration as a service provider) is modified as if “insofar as it relates to the carrying on of the regulated activity” were inserted after “the application”.

(3) Section 14(2) of the Act (applications for registration as a manager) is modified as if for “The application” there were substituted “An application, insofar as it includes an application for a person to be a registered manager,”.

(4) Section 15(1) of the Act (grant or refusal of registration as a manager) is modified as if for “under section 14” to the end there were substituted “includes an application for a person to be a registered manager in relation to a regulated activity”.

### **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.

### **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—

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

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

7.—(1) Paragraph (2) applies 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 decides to grant a transitional application subject to any condition, other than a registered manager condition required by section 13(1) of the Act, which has not been agreed in writing between it and—

- (a) the applicant, where the condition is to be imposed on the applicant; or
- (b) the person to be registered as a manager, where the condition is to be imposed on that person.

(2) Where this paragraph applies—

- (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.

(3) The Commission must give the applicant or person to be registered as a manager notice in writing of its decision under paragraph (1) and of the conditions to which the registration is to be made subject.

(4) A notice under paragraph (3) 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.

(5) In the case of any application which is made on or before the application date by a CSA registrant the Commission must use its best endeavours to give the notice referred to in paragraph (3) before 1st October 2010.

(6) Within 3 months of receipt of representations from an applicant or a person to be registered as a manager pursuant to paragraph (4)(b), the Commission must give notice in writing—

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

(7) Section 32 of the Act (appeals to the Tribunal) applies to the notice referred to in paragraph (6) as it applies to a decision of the Commission under Chapter 2 of Part 1 of the Act.

(8) Notwithstanding the right to make representations under paragraph (4) and the right of appeal to the Tribunal under paragraph (7), any condition set out in a notice under paragraph (3) has effect, unless otherwise specified by the Commission in the notice, from 1st October 2010 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.

(9) Any removal of a condition set out in a notice under paragraph (6) has effect from the date of the notice.

(10) Notwithstanding the right of appeal to the Tribunal under paragraph (7), any varied condition set out in a notice under paragraph (6) has effect, unless otherwise specified by the Commission in the notice, 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.

(11) In deciding whether to specify a date from which a condition has effect other than—

- (a) 1st October 2010 or, if later, the date of grant of registration, in a notice under paragraph (3); or
- (b) the date of the notice, in a notice under paragraph (6) 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 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.

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

**9.**—(1) Paragraph (2) applies where a person who is notified pursuant to article 3(1) makes a transitional application on or before the application date in accordance with article 5, and that application is made in such form, and contains or is accompanied by such information, as the Commission specified pursuant to article 3(3).

(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 a regulated activity for which that person has sought registration in the transitional application, for the period (if any) beginning on 1st October 2010 and ending on the date of service by the Commission under section 28(1) of the Act (notice of decisions) or article 7(3) of a notice of decision in respect of the transitional application.

(3) Paragraph (4) applies where—

- (a) a person, other than a person specified in paragraph (1), has made a transitional application in respect of a regulated activity; and
- (b) the Commission proposes to refuse that application and serves a notice of proposal pursuant to section 26(3) of the Act (notice of proposal relating to refusal of registration).

(4) Section 10(1) of the Act does not apply to the person in respect of the regulated activity 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.

(5) Paragraph (6) applies where—

- (a) a person who is notified pursuant to article 3(1) makes a transitional application on or before the application date in accordance with article 5, and that application is made in such form, and contains or is accompanied by such information, as the Commission specified pursuant to article 3(3);
- (b) the Commission decides to grant registration in respect of the carrying on of a regulated activity;
- (c) that registration is subject to a registered manager condition pursuant to regulation 5 of the Registration Regulations (registered manager condition); and
- (d) the transitional application included an application pursuant to article 5 of this Order, on behalf of a person proposing to manage that regulated activity.

(6) Section 33 of the Act (offence of failure to comply with conditions) does not apply to the person who made the application coming within paragraph (5)(a) in respect of a failure to comply with a registered manager condition in relation to that registration for the period (if any) beginning on 1st October 2010 and ending on the date of service by the Commission under section 28(1) of the Act (notice of decisions) of a notice of decision in respect of that application insofar as made on behalf of a person to be registered as a manager.

### **Transitional applications where there is an outstanding matter relating to an application to vary or remove a condition**

**10.**—(1) Where this article applies, notwithstanding the amendment of sections 1 to 5 of the 2000 Act on 1st October 2010, sections 15, 17 to 19 and 21 of that Act continue to apply to an

application under section 15(1)(a) of that Act (applications by registered persons) until the date specified in paragraph (7).

(2) This article applies where a condition is in force before 1st October 2010 in relation to a CSA registrant or registered manager, an application has been made under section 15(1)(a) of the 2000 Act in relation to that condition and—

- (a) on a date on which the Commission makes a determination in relation to that registrant or manager, paragraph (3)(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, a notice referred to in paragraph (5)(a), (b) or (c) is given.

(3) This paragraph applies where—

- (a) no notice of decision has been given under section 15(4) of the 2000 Act nor a notice of proposal given under section 17(5) of that Act (notice of proposals);
- (b) a notice of proposal has been given under section 17(5) of the 2000 Act, the Commission has not withdrawn that notice of proposal and no notice of decision has been given under section 19 of that Act (notice of decisions);
- (c) a notice of decision has been given in respect of the application under section 19 of the 2000 Act, the time for making an appeal under section 21(2) of that Act (appeals to the Tribunal) has not elapsed and no appeal has been made; or
- (d) an appeal has been made under section 21 of the 2000 Act but that appeal has not been determined or abandoned.

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

- (a) paragraph (3)(a) applies, the Commission must consider the application under section 15(1)(a) of the 2000 Act in making that determination;
- (b) paragraph (3)(b) applies, the Commission must consider the notice of proposal and any representations received within the time period specified in section 18(1) of the 2000 Act in making that determination;
- (c) paragraph (3)(c) applies, the Commission must consider the notice of decision in making that determination; or
- (d) paragraph (3)(d) applies, the Commission must consider the notice of decision and the grounds of appeal in making that determination.

(5) 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 15(4) of the 2000 Act;
- (b) a notice of proposal under section 17(5) of the 2000 Act; or
- (c) a notice of decision under section 19(3) of the 2000 Act,

the Commission must consider whether it should exercise its powers under section 12(5) or 15(5) of the Act (conditions of registration) in relation to the person's registration under the Act.

(6) Where the Tribunal makes, in respect of an application to which this article applies, a decision pursuant to section 21 of the 2000 Act, the Commission must, if notice of that decision is sent to it—

- (a) before it makes a determination to which that decision is relevant, reflect that decision in 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 15(5) of the Act in order to reflect that decision.

(7) The date specified for the purposes of paragraph (1) is the date on which—

- (a) the applicant withdraws the application under section 15(1)(a) of the 2000 Act;
- (b) the applicant gives notice that there is no intention to appeal under section 19(6) of that Act;



- (c) the period referred to in section 21(2) of that Act (appeals to the Tribunal) expires, if no appeal is made during that time period; or
- (d) an appeal made under section 21 of that Act is abandoned or determined.

**Transitional applications where there is an outstanding matter relating to a notice of proposal to vary, remove or impose conditions**

**11.**—(1) Where this article applies, notwithstanding the amendment of sections 1 to 5 of the 2000 Act on 1st October 2010, sections 17 to 19 and 21 of the 2000 Act continue to apply to a notice of proposal under section 17(4)(b) or (c) of that Act (notice of proposals) until the date specified in paragraph (7).

(2) This article applies where—

- (a) a notice of proposal has been given under section 17(4)(b) or (c) of the 2000 Act to—
  - (i) vary or remove a condition of registration, or
  - (ii) impose any additional condition in relation to registration; and
- (b) either—
  - (i) paragraph (3)(a), (b) or (c) applies in respect of that notice of proposal on a date on which the Commission makes a determination to which that notice of proposal is relevant, or
  - (ii) a notice referred to in paragraph (5)(a) or (b) is given at any time after a decision has been made by the Commission to grant a transitional application.

(3) This paragraph applies where—

- (a) the Commission has not withdrawn that proposal and no notice of decision has been given under section 19 of the 2000 Act (notice of decisions);
- (b) a notice of decision has been given under section 19 of the 2000 Act, the time for making an appeal under section 21(2) of that Act (appeals to the Tribunal) has not elapsed and no appeal has been made; or
- (c) an appeal has been made in respect of the notice of decision but that appeal has not been determined or abandoned.

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

- (a) paragraph (3)(a) applies, the Commission must consider the notice of proposal and any representations received within the time period specified in section 18(1) of the 2000 Act (right to make representations) in making that determination;
- (b) paragraph (3)(b) applies, the Commission must consider the notice of decision in making that determination; or
- (c) paragraph (3)(c) applies, the Commission must consider the notice of decision and the grounds of appeal in making that determination.

(5) 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 19 of the 2000 Act to—

- (a) vary or remove a condition; or
- (b) impose any additional condition,

in relation to that person's registration under the 2000 Act, the Commission must consider whether it should exercise its powers under section 12(5) or 15(5) of the Act (conditions of registration) to vary or remove conditions or impose any additional conditions in relation to the person's registration under the Act.

(6) Where the Tribunal makes a decision pursuant to section 21 of the 2000 Act (appeals to the Tribunal) in respect of a notice of decision under section 19 of the 2000 Act to vary or remove a condition of registration, or impose any additional condition in relation to registration, the Commission must, if notice of that decision is sent to it—

- (a) before it makes a determination to which that decision is relevant, 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 15(5) of the Act in order to reflect that decision.
- (7) The date specified for the purposes of paragraph (1) is the date on which—
- (a) the Commission decides not to adopt the proposal of which notice was given under section 17(4)(b) or (c) of the 2000 Act;
  - (b) the period referred to in section 21(2) of the 2000 Act expires, if the Commission decides to adopt the proposal and no appeal is made during that time period; or
  - (c) an appeal made under section 21 of the 2000 Act is abandoned or determined.

**Transitional applications where there has been an application for the urgent variation, removal or imposition of conditions**

12.—(1) Where this article applies, notwithstanding the amendment of sections 1 to 5 of the 2000 Act on 1st October 2010, sections 20 (urgent procedure for cancellation etc) and 21 (appeals to the Tribunal) of the 2000 Act continue to apply until the date specified in paragraph (7).

- (2) This article applies where—
- (a) an order has been made under section 20 of the 2000 Act to—
    - (i) vary or remove a condition, or
    - (ii) impose an additional condition; and
  - (b) either—
    - (i) paragraph (3)(a) or (b) applies in respect of that order on a date on which the Commission makes a determination to which that order is relevant, or
    - (ii) an order referred to in paragraph (5)(a) or (b) is made at any time after a decision has been made by the Commission to grant a transitional application.
- (3) This paragraph applies where—
- (a) the time for making an appeal under section 21 of the 2000 Act has not elapsed and no appeal has been made; or
  - (b) an appeal has been made under section 21 of that Act but that appeal has not been determined or abandoned.
- (4) Where, at the time a determination falls to be made by the Commission—
- (a) paragraph (3)(a) applies, the Commission must consider that order in making that determination; or
  - (b) paragraph (3)(b) applies, the Commission must consider the order and the grounds of appeal in making that determination.
- (5) Where, after a decision has been made by the Commission to grant a person’s transitional application, an order is made under section 20 of the 2000 Act to—
- (a) vary or remove a condition; or
  - (b) impose an additional condition,

in relation to that person’s registration under the 2000 Act, the Commission must consider whether it should exercise its powers under section 12(5) or 15(5) of the Act (conditions of registration) to vary or remove conditions or impose any additional conditions in relation to the person’s new registration under the Act.

(6) Where the Tribunal makes, in respect of an order to which this article applies, a decision pursuant to section 21 of the 2000 Act (appeals to the Tribunal), the Commission must, if notice of that decision is sent to it—

- (a) before it makes a determination to which that decision is relevant, 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 15(5) of the Act in order to reflect that decision.
- (7) The date specified for the purposes of paragraph (1) is the date on which—
- (a) the period referred to in section 21(2) of the 2000 Act expires, if no appeal is made during that time period;
  - (b) an appeal made under section 21 of the 2000 Act is abandoned; or
  - (c) an appeal made under section 21 of the 2000 Act is determined.

**Transitory modification of sections 12(5) and 15(5) of the Act**

13. Where a decision has been made by the Commission to grant a transitional application—
- (a) the Commission may exercise its powers under section 12(5) or 15(5) of the Act (conditions of registration) in respect of the registration, notwithstanding that the period of that registration has not commenced; and
  - (b) when it does so exercise those powers, those sections are modified as if “for the time being in force” is omitted.

**Effect on transitional application of cancellation proceedings under the 2000 Act before the determination**

14.—(1) This article applies to a transitional application made by a person, or on behalf of a registered manager, who, at the time that the transitional application falls to be determined by the Commission, comes within paragraph (2) or (3).

(2) A person comes within this paragraph where a notice of proposal to cancel registration has been served on them under section 17(4)(a) of the 2000 Act (notice of proposals) and—

- (a) the Commission has not withdrawn the proposal and no notice of decision has been given under section 19 of the 2000 Act (notice of decisions) in respect of that proposal;
- (b) a notice of decision has been given in respect of that notice of proposal, the time for making an appeal under section 21(2) of the 2000 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 abandoned.

(3) A person comes within this paragraph where an application made to a justice of the peace under section 20 of the 2000 Act (urgent procedure for cancellation etc) to cancel registration has been granted and—

- (a) the time for making an appeal under section 21(2) of the 2000 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 20 of the 2000 Act but that appeal has not been determined or abandoned.

(4) Where a person who comes within paragraph (2) or (3) is the person who proposes to carry on the regulated activity—

- (a) the Commission is not required to determine the transitional application insofar as it relates to the carrying on or management of a regulated activity at the premises of a registered establishment or agency in respect of which the cancellation proceedings have been brought;
- (b) notwithstanding any amendment or repeal, Part 2 of the 2000 Act (establishments and agencies) and the regulations made under it continue to apply on and after 1st October 2010 until the date specified in paragraph (7) insofar as they relate to the carrying on of

that registered establishment or agency and insofar as they relate to any person who is a registered manager in respect of that establishment or agency; and

- (c) the provisions of Part 1 of the Act and the regulations made under it do not apply until the day after the date specified in paragraph (7) insofar as those provisions relate to regulated activities which the person is, or would be but for the cancellation of registration, entitled to carry on or manage at the premises of the registered establishment or agency by virtue of registration under Part 2 of the 2000 Act.

(5) Where a person who comes within paragraph (2) or (3) is a registered manager—

- (a) the Commission is not required to determine the transitional application, insofar as it relates to that person managing a regulated activity at the premises of an establishment or agency in respect of which the cancellation proceedings have been brought;
- (b) notwithstanding any amendment or repeal, Part 2 of the 2000 Act (establishments and agencies) and the regulations made under it continue to apply on and after 1st October 2010 until the date specified in paragraph (7) insofar as they relate to the management of that registered establishment or agency; and
- (c) the provisions of Part 1 of the Act and regulations made under it do not apply until the day after the date specified in paragraph (7) insofar as those provisions relate to regulated activities which the person is, or would be but for the cancellation of registration, entitled to manage at the premises of the registered establishment or agency by virtue of registration under Part 2 of the 2000 Act.

(6) Where a person to whom Part 2 of the 2000 Act continues to apply by virtue of paragraph (4)(b)—

- (a) carries on an activity at a registered establishment or agency before 1st October 2010;
- (b) is not required to be registered under section 11 of the 2000 Act because of the carrying on of that activity at that establishment or agency; and
- (c) that activity is a regulated activity,

section 10(1) of the Act (offence of carrying on a regulated activity while unregistered) does not apply to the carrying on of that activity from 1st October 2010 at the premises of that establishment or agency until the date specified in paragraph (7).

(7) The date specified for the purposes of paragraphs (4) and (5) is—

- (a) in cases where no appeal is made against the notice of decision to adopt a proposal referred to in paragraph (2) or the order referred to in paragraph (3) during the period referred to in section 21(2) of the 2000 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) abandoned, or
  - (ii) determined and the decision of the Commission or the order of the justice of the peace is confirmed by the Tribunal;
- (c) in cases where a new determination of a transitional application is made pursuant to article 16(3) the date on which the Commission makes that determination; or
- (d) in cases where notification of the need to make a transitional application is sent to a person pursuant to article 16(4)—
  - (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.

### **Continuation of the 2000 Act where no transitional application is made by persons subject to cancellation proceedings**

15. Where a person comes within article 14(2) or (3) on 6th April 2010 and a transitional application has not been made by or on behalf of that person—

- (a) where the person is, or would be but for the cancellation of registration, entitled to carry on the registered establishment or agency by virtue of registration under Part 2 of the 2000 Act, article 14(4)(b) and (c) apply; and
- (b) where the person is, or would be but for the cancellation of registration, entitled to manage the registered establishment or agency by virtue of registration under Part 2 of the 2000 Act, article 14(5)(b) and (c) apply.

### **Transitional applications following cancellation proceedings under the 2000 Act**

16.—(1) This article applies where—

- (a) the Commission is not required to—
  - (i) notify a person of the need to make a transitional application by virtue of article 3(2)(b), or
  - (ii) determine a transitional application pursuant to article 14(4) or (5); or
- (b) a transitional application did not include an application in respect of a person managing a regulated activity because that person came within article 14(2) or (3) on the date on which that transitional application was sent to the Commission,

and paragraph (2) applies.

(2) This paragraph applies where—

- (a) the Commission subsequently decides not to adopt a proposal to cancel the person's registration under the 2000 Act; or
- (b) the Tribunal directs that a decision of the Commission or an order made by a justice of the peace to cancel that person's registration under the 2000 Act shall cease to have effect.

(3) Where a transitional application has been made by, or on behalf of, a person referred to in paragraph (1), the Commission must, as soon as reasonably practicable after the decision or direction referred to in paragraph (2) has been made or given, make a determination of the transitional application, insofar as that application has not been determined pursuant to article 14(4) or (5), in accordance with articles 6 to 8.

(4) Where no transitional application has yet been made by, or on behalf of, a person referred to in paragraph (1), the Commission must, as soon as reasonably practicable after the decision or direction referred to in paragraph (2) has been made or given, send notification of the need to make a transitional application to each person who—

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

(5) Notification sent pursuant to paragraph (4) 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 application date.

(6) The application date specified must be a date that is not less than 28 days after the date on which the notification under paragraph (5) is sent.

(7) In making a determination pursuant to this article, the Commission must—

- (a) take into account the cancellation proceedings under the 2000 Act; and
- (b) in a case where paragraph (2)(b) applies, ensure that the direction of the Tribunal is reflected.

## **Cancellation proceedings under the 2000 Act after a decision to grant a transitional application**

17.—(1) This article applies where, after a decision has been made by the Commission to grant a transitional application in respect of a person, paragraph (2) or (3) applies to any registration of that person under Part 2 of the 2000 Act (establishments and agencies).

(2) This paragraph applies to a registration in relation to which a notice of proposal to cancel registration has been served under section 17(4)(a) of the 2000 Act (notice of proposals) and—

- (a) the Commission has not withdrawn that proposal and no notice of decision has been given under section 19 of the 2000 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, the time for making an appeal under section 21(2) of the 2000 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 abandoned.

(3) This paragraph applies to a registration in relation to which an application made to a justice of the peace under section 20 of the 2000 Act (urgent procedure for cancellation etc) to cancel registration has been granted and—

- (a) the time for making an appeal under section 21(2) of the 2000 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 20 of the 2000 Act but that appeal has not been determined or abandoned.

(4) Where a person who comes within paragraph (2) or (3) is the person who proposes to carry on the regulated activity—

- (a) the decision to grant the transitional application has no effect insofar as it relates to the carrying on or management of a regulated activity at the premises of a registered establishment or agency in respect of which the cancellation proceedings have been brought;
- (b) notwithstanding any amendment or repeal, Part 2 of the 2000 Act (establishments and agencies) and the regulations made under it continue to apply on and after 1st October 2010 until the date specified in paragraph (7) insofar as they relate to the carrying on of that registered establishment or agency and insofar as they relate to any person who is a registered manager in respect of that establishment or agency; and
- (c) the provisions of Part 1 of the Act and the regulations made under it do not apply until the day after the date specified in paragraph (7) insofar as those provisions relate to regulated activities which the person is, or would be but for the cancellation of registration, entitled to carry on or manage at the premises of the registered establishment or agency by virtue of registration under Part 2 of the 2000 Act.

(5) Where a person who comes within paragraph (2) or (3) is a registered manager—

- (a) the decision to grant the transitional application has no effect insofar as it relates to that person managing a regulated activity at the premises of an establishment or agency in respect of which the cancellation proceedings have been brought;
- (b) notwithstanding any amendment or repeal, Part 2 of the 2000 Act (establishments and agencies) and the regulations made under it continue to apply on and after 1st October 2010 until the date specified in paragraph (7) insofar as they relate to the management of that registered establishment or agency; and
- (c) the provisions of Part 1 of the Act and regulations made under it do not apply until the day after the date specified in paragraph (7) insofar as those provisions relate to regulated activities which the person is, or would be but for the cancellation of registration, entitled to manage at the premises of the registered establishment or agency by virtue of registration under Part 2 of the 2000 Act.

(6) The Commission must, on or before the date specified in paragraph (7), make a new determination of the transitional application, insofar as the original decision to grant the application has no effect pursuant to paragraph (4)(a) or (5)(a), in accordance with articles 6 to 8—

- (a) taking into account the cancellation proceedings under the 2000 Act; and
- (b) in a case where the date in paragraph (7)(c) applies, ensuring that the Tribunal's direction is reflected.

(7) The date specified for the purposes of paragraph (4), (5) and (6) is the date on which—

- (a) in cases where no appeal is made against the notice of decision to adopt a proposal referred to in paragraph (2) or the order referred to in paragraph (3) during the period referred to in section 21(2) of the 2000 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 21(2) of the 2000 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) abandoned, 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 (2) or the order referred to in paragraph (3), 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.

#### **Applications made to the Commission under section 12 of the 2000 Act before 1st July 2010 or 1st August 2010**

18.—(1) This article applies where—

- (a) an application is made for registration under section 12 of the 2000 Act (applications for registration) before 6th April 2010 and is not finally determined by that date; or
- (b) an application is made to the Commission for registration under section 12 of that Act on or after 6th April 2010 but before—
  - (i) 1st July 2010 in respect of the carrying on of an establishment or agency, or
  - (ii) 1st August 2010 in respect of the management of an establishment or agency.

(2) In this article, “finally determined” in relation to an application means that it has been granted—

- (a) unconditionally by the Commission;
- (b) subject only to conditions agreed between the Commission and the applicant in writing; or
- (c) subject to conditions that have not been agreed between the Commission and the applicant in writing and—
  - (i) the period referred to in section 21(2) of the 2000 Act (appeals to the Tribunal) has expired and no appeal has been made, or
  - (ii) any appeal made under section 21 of that Act has been determined or abandoned.

(3) As soon as reasonably practicable after an application that comes within paragraph (1) is finally determined, the Commission must send notification of the need to make a transitional application to the person who carries on the registered establishment or agency.

(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;
- (c) the application date; and

(d) that the transitional application must be made to the Commission on or before the application date, in the specified form and contain or be accompanied by the specified information, in order for paragraph (6) to continue to apply.

(5) The application date must be a date that is not less than 28 days after the date on which the notification under paragraph (3) is sent.

(6) Section 10(1) of the Act (offence of carrying on a regulated activity while unregistered) does not apply to a person notified pursuant to paragraph (3), to the extent specified in paragraph (7), for the period (if any) beginning on 1st October 2010 and—

- (a) where the condition in paragraph (8) is not met, ending on the application date; or
- (b) where the condition in paragraph (8) is met, ending on the date of service by the Commission under section 28(1) of the Act (notice of decisions) or article 7(3) of a notice of decision in respect of the transitional application.

(7) Section 10(1) of the Act does not apply in respect of the regulated activities for which that person—

- (a) is entitled to seek registration in a transitional application during the period specified in paragraph (6); and
- (b) has sought registration in the transitional application during the time period specified in paragraph (6)(b).

(8) The condition referred to in paragraph (6)(b) is that a transitional application has been made to the Commission, in the form specified by the Commission and containing or accompanied by such information as the Commission specified, on or before the application date.

#### **Applications made to the Commission under section 12 of the 2000 Act on or after 1st July 2010 or 1st August 2010**

19.—(1) This article applies where an application is made to the Commission under section 12 of the 2000 Act (applications for registration) before 1st October 2010 but on or after—

- (a) 1st July 2010 in respect of the carrying on of an establishment or agency; or
- (b) 1st August 2010 in respect of the management of an establishment or agency.

(2) The Commission must as soon as reasonably practicable after receipt of an application to which this article applies notify in writing a person who has made such an application—

- (a) that the application will not be determined under the 2000 Act; and
- (b) of the need to make a new application under section 11 or 14 (applications for registration as a service provider or manager) of the Act (as the case may be).

(3) Where notification is sent under paragraph (2), the Commission must return any fee paid in respect of the application under the 2000 Act.

(4) Notification sent pursuant to paragraph (2) must specify—

- (a) the form in which the application under section 11 or 14 of the Act must be made; and
- (b) what information it must contain or be accompanied by.

(5) The Commission must determine as soon as reasonably practicable an application made under section 11 or 14 of the Act by a person who had made an application to which this article applies.

#### **Applications in respect of activities not regulated under the 2000 Act**

20.—(1) Subject to paragraph (2), this article applies where—

- (a) a person—
  - (i) carries on an activity before 1st October 2010,
  - (ii) is not required to be registered under section 11 of the 2000 Act (requirement to register) because of the carrying on of that activity, and



- (iii) intends to carry on that activity on and after 1st October 2010;
- (b) that activity is prescribed as a regulated activity under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010<sup>(a)</sup>; and
- (c) an application is made in respect of that activity under—
  - (i) section 11 of the Act (applications for registration as a service provider), or
  - (ii) section 14 of the Act (applications for registration as a manager), where that activity will be subject to a registered manager condition pursuant to regulation 5 of the Registration Regulations (registered manager condition).

(2) This article does not apply where the carrying on or management of a regulated activity is the subject of a transitional application in accordance with article 5(2).

(3) Articles 6(1), (2) and (5), 7(1) to (4) and (6) to (11) and 8 apply to an application to which this article applies as if for “a transitional application” there were substituted “an application to which article 20 applies”.

(4) If a person makes an application to the Commission under section 11 of the Act before 1st August 2010, and that application is one to which this article applies, section 10(1) of the Act (offence of carrying on a regulated activity while unregistered) does not apply to the applicant in respect of that activity for the period (if any) beginning on 1st October 2010 and ending on the date of service by the Commission under section 28(1) of the Act (notice of decisions) of a notice of decision in respect of the application.

(5) Where—

- (a) paragraph (4) applies;
- (b) the Commission decides to grant registration;
- (c) that registration is subject to a registered manager condition pursuant to regulation 5 of the Registration Regulations (registered manager condition); and
- (d) an application is made to the Commission under section 14 of the Act (applications for registration as a manager) before 1st August 2010 by a person who is proposing to manage the regulated activity,

section 33 of the Act (offence of failure to comply with conditions) does not apply to the person who made the application coming within paragraph (4) in respect of a failure to comply with a registered manager condition in relation to that registration for the period (if any) beginning on 1st October 2010 and ending on the date of service by the Commission under section 28(1) of the Act (notice of decisions) of a notice of decision in respect of the application under section 14 of the Act.

### **Transitional provision relating to death of a service provider**

**21.**—(1) Paragraph (2) applies where—

- (a) a person registered under Part 2 of the 2000 Act (establishments and agencies) in respect of the carrying on of an establishment or agency (“registered provider”) has died before 1st October 2010 or the determination date (as the case may be);
- (b) the Commission has been notified in writing of that death; and
- (c) immediately before 1st October 2010 or the determination date, a personal representative is carrying on the establishment or agency without being registered in respect of it in accordance with—
  - (i) regulation 32(3) of the Private and Voluntary Health Care (England) Regulations 2001 (death of registered person)<sup>(b)</sup>,

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<sup>(a)</sup> S.I. 2010/781.

<sup>(b)</sup> S.I. 2001/3968. There are amending instruments but none are relevant.

- (ii) regulation 42(3) of the Care Homes Regulations 2001 (death of registered person) **(a)**,
  - (iii) regulation 25(3) of the Nurses Agencies Regulations 2002 (death of registered person) **(b)**,
  - (iv) regulation 27(3) of the Domiciliary Care Agencies Regulations 2002 (death of registered person)**(c)**, or
  - (v) regulation 37(3) of the Adult Placement Schemes (England) Regulations 2004**(d)**.
- (2) Where this paragraph applies—
- (a) the personal representative is entitled to carry on a regulated activity, without being registered in respect of it, insofar as the registered provider, immediately before his death, was entitled to carry on that activity at a registered establishment or agency by virtue of registration under Part 2 of the 2000 Act; and
  - (b) the personal representative is so entitled for the period specified in paragraph (3).
- (3) The period of time referred to in paragraph (2) is—
- (a) subject to paragraph (4), where before 1st October 2010, or the determination date, the personal representative has carried on the establishment or agency for less than 28 days and no extension to that period has been granted by the Commission under the regulations specified in paragraph (1)(c), the remainder of the 28 day period starting from the date on which they took over the carrying on of the establishment or agency; or
  - (b) where, before 1st October 2010 or the determination date, the personal representative has been granted an extension under the regulations specified in paragraph (1)(c) the period ending on the date on which that extension expires.
- (4) The Commission may extend the period specified in paragraph (3) by such further period, not exceeding one year, as the Commission determines, and must notify any such determination to the personal representative in writing.
- (5) The personal representative of the deceased registered provider must ensure a person is appointed to take full-time day to day charge of the carrying on of the regulated activity during any period in which, in accordance with this article, they are carrying on the regulated activity without being registered in respect of it.
- (6) In this article, “determination date” means the date in article 14(7) or 17(7), or the date on which a transitional application is determined pursuant to article 16 (as the case may be).

### **Service of notices**

**22.** 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.

## **PART 4**

### **Revocations**

### **Revocations**

**23.** The instruments listed in Schedule 2 are revoked to the extent there specified.

Signed by authority of the Secretary of State for Health.

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(a) S.I. 2001/3965. There are amending instruments but none are relevant.  
 (b) S.I. 2002/3212. There are amending instruments but none are relevant.  
 (c) S.I. 2002/3214. There are amending instruments but none are relevant.  
 (d) S.I. 2004/2071. There are amending instruments but none are relevant.

15th March 2010

*Mike O'Brien*  
Minister of State,  
Department of Health

## SCHEDULE 1

Article 2

### PART 1

Provisions of the Act coming into force on 6th April 2010

1. Section 2(2)(a) insofar as not already in force.
2. Section 8 insofar as not already in force.
3. Section 12(6).
4. Sections 13 to 15.
5. Section 20 insofar as not already in force.
6. Section 26 insofar as not already in force.
7. Section 27 insofar as not already in force.
8. Section 28(1) to (4) insofar as not already in force.
9. Section 28(5) to (7).
10. Sections 32 and 37 insofar as not already in force.
11. Section 43.
12. Section 44 insofar as not already in force.
13. Sections 60 to 65 insofar as not already in force.
14. Sections 90, 93 and 94 insofar as not already in force.
15. Section 95 insofar as it relates to the paragraphs of Schedule 5 listed in paragraph 17.
16. Section 166 insofar as it relates to the repeals and revocations in Schedule 15 commenced by paragraph 18.
17. The following paragraphs of Schedule 5 insofar as not already in force—
  - (a) paragraphs 40 and 41; and
  - (b) paragraph 47.
18. Part 1 of Schedule 15, insofar as not already in force, except for repeals relating to section 11 of the 2000 Act.

### PART 2

Provisions of the Act coming into force on 1st October 2010

19. Section 17 insofar as not already in force.
20. Section 18 insofar as not already in force.
21. Section 19 insofar as not already in force.
22. Sections 29 to 31 insofar as not already in force.

23. Section 33 insofar as not already in force.
24. Section 34(2) to (4), and 34(5) insofar as not already in force.
25. Sections 38 and 39 insofar as not already in force.
26. Section 66 insofar as not already in force.
27. Section 95 insofar as not already in force.
28. Section 166 insofar as it relates to the repeals and revocations in Part 1 of Schedule 15, insofar as not already in force.
29. Schedule 4 insofar as not already in force.
30. Schedule 5 insofar as not already in force.
31. Part 1 of Schedule 15 insofar as not already in force.

## SCHEDULE 2

Article 23

### Revocations on 1st October 2010

<i>(1)</i> <i>Instrument revoked</i>	<i>(2)</i> <i>References</i>	<i>(3)</i> <i>Extent of revocation</i>
The Care Homes Regulations 2001	S.I. 2001/3965	The whole Regulations
The Private and Voluntary Health Care (England) Regulations 2001	S.I. 2001/3968	The whole Regulations
The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2002	S.I. 2002/865	Regulations 2 and 3
The Domiciliary Care Agencies Regulations 2002	S.I. 2002/3214	The whole Regulations
The Nurses Agencies Regulations 2002	S.I. 2002/3212	The whole Regulations
The Care Homes (Amendment) Regulations 2003	S.I. 2003/534	The whole Regulations
The Care Homes (Amendment No. 2) Regulations 2003	S.I. 2003/1703	The whole Regulations
The Care Homes (Adult Placements) (Amendment) Regulations 2003	S.I. 2003/1845	The whole Regulations
The Care Standards Act 2000 (Domiciliary Care Agencies and Nurses Agencies) (Amendment) (England) Regulations 2003	S.I. 2003/2323	Regulations 2 and 3
The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004	S.I. 2004/865	Paragraphs 28, 30, 43 and 44 of Schedule 1 and article 119 insofar as it relates to those paragraphs
The Medicines for Human Use (Clinical Trials) Regulations 2004	S.I. 2004/1031	Paragraph 15 of Schedule 10 and regulation 54 insofar as it relates to that paragraph
The Nurses Agencies (Amendment) Regulations 2004	S.I. 2004/1269	The whole Regulations
The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2004	S.I. 2004/1770	The whole Regulations

The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004	S.I. 2004/1771	Paragraphs 20, 25 and 36 of Part 2 of the Schedule and article 3 insofar as it relates to those paragraphs
The Care Standards Act 2000 (Extension of the Application of Part 2 to Adult Placement Schemes) (England) Regulations 2004	S.I. 2004/1972	The whole Regulations
The Adult Placement Schemes (England) Regulations 2004	S.I. 2004/2071	The whole Regulations
The Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004	S.I. 2004/3168	Articles 58 and 60
Regulatory Reform (Fire Safety) Order 2005	S.I. 2005/1541	Paragraphs 8 and 10 of Schedule 3 and article 53(1) insofar as it relates to those paragraphs
Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005	S.I. 2005/2114	Paragraphs 1, 2 and 4 of Schedule 4 and article 2(4) insofar as it relates to those paragraphs
The Private and Voluntary Health Care (England) (Amendment) Regulations 2006	S.I. 2006/539	The whole Regulations
The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2006	S.I. 2006/1493	The whole Regulations
The Private and Voluntary Health Care (England) (Amendment No. 2) Regulations 2006	S.I. 2006/1734	The whole Regulations
The Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2007	S.I. 2007/556	The whole Regulations
The Mental Capacity Act 2005 (Transitional and Consequential Provisions) Order 2007	S.I. 2007/1898	Paragraphs 28 to 30 and 36 of Schedule 1 and article 6 insofar as it relates to those paragraphs
The Private and Voluntary Health Care (England) Amendment Regulations 2008	S.I. 2008/2352	The whole Regulations

### EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of, and Schedule 1 to, this Order bring into force on 6th April 2010 and 1st October 2010 certain provisions of the Health and Social Care Act 2008 (“the Act”) which relate to the functions of the Care Quality Commission (“the Commission”), and which also amend the Care Standards Act 2000 (“the 2000 Act”) in relation to England and Wales.

Articles 3 to 22 make transitory and transitional provision to deal with applications to the Commission to register in relation to carrying on or managing regulated activities under Chapter 2 of Part 1 of the Act, such registration to start on or after 1st October 2010. Regulated activities are defined by section 8 of the Act as being “an activity of a prescribed kind” and these activities are prescribed in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 (S.I. 2010/781). The Order makes provision for applications (“transitional applications”) from persons who are currently registered under the 2000 Act in respect of the carrying on of an establishment or agency (“CSA registrant”); it also makes provision for such applications to include an application on behalf of a person who is currently registered under the 2000 Act in respect of

managing such an establishment or agency (“registered manager”). Transitional applications for registration with effect from 1st October 2010 will mainly fall to be dealt with between 6th April 2010 and 30th September 2010. Provision is also made for applications made under the 2000 Act not determined before 6th April 2010.

Article 3 provides for the Commission to notify each CSA registrant under the 2000 Act of the need to make a transitional application and sets out certain matters that must be included in that notification.

Article 4 modifies sections 11, 14 and 15 of the Act in relation to transitional applications to enable a single transitional application to be made by a person proposing to carry on a regulated activity and on behalf of a manager in relation to any such activity.

Article 5 sets out the activities to be covered by a single transitional application made by or on behalf of those proposing to provide or manage regulated activities on or after 1st October 2010. Paragraph (5) provides that a transitional application may only include an application on behalf of a person proposing to manage a regulated activity where that person has given their written consent to that application being made on their behalf.

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. If the Commission grants registration, it will have until 1st January 2011 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 or registered manager. It provides that such imposed conditions will take effect from 1st October 2010 or such later date as specified by the Commission. It further provides that, subsequent to being notified of such conditions, the applicant or registered manager 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 or registered manager. Where, after having considered any representations, the Commission decides to refuse the application, it provides for the refusal to take effect on 1st October 2010 in the case of a decision made on or before 30th September 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.

Article 9 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.

Articles 10 to 12 deal with the effect on transitional applications and determinations of outstanding matters relating to conditions of registration in respect of a person’s registration under the 2000 Act. 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 13 provides for the modification of sections 12 and 15 of the Act to allow the Commission to exercise powers to vary, remove or impose additional conditions, even if the period of registration has not commenced.

Article 14 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 2000 Act, at the time that that transitional application falls to be determined: the application does not have to be determined insofar as it relates to activities to be carried on or managed at the premises of an establishment or agency that is the subject of those cancellation proceedings, or insofar as it relates to a manager who is the subject of such cancellation proceedings. It provides for the relevant provisions of the 2000 Act to continue to apply 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: article 15 makes equivalent provision for persons who were subject to cancellation proceedings on 6th April 2010 (and therefore were not notified of the need to make a transitional application).

Article 16 provides for persons who were subject to cancellation proceedings on 6th April 2010 (and therefore were not notified of the need to make a transitional application) to be notified of the need to make a transitional application 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. It also provides for a determination to be made of the relevant parts of a transitional application in respect of any person against whom cancellation proceedings are commenced following the making of a transitional application, 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 17 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 and for the relevant provisions of the 2000 Act to continue to apply 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 a new determination of the transitional application.

Article 18 makes provision for applications that are made to the Commission under Part 2 of the 2000 Act before 1st July 2010 (in respect of the carrying on of an establishment or agency) or before 1st August 2010 (in respect of the management of an establishment or agency). Where a person is granted registration under Part 2 of the 2000 Act on or after 6th April 2010, provision is made for the Commission to notify the person who carries on the establishment or agency of the need to make a transitional application.

Article 19 makes provision for applications that are made to the Commission under the 2000 Act on or after 1st July 2010 (in respect of the carrying on of an establishment or agency) or on or after 1st August 2010 (in respect of the management of an establishment or agency). The Commission is required to notify in writing a person who has made such an application of the need to make a new application under section 11 or 15 of the Act (as the Commission will not determine any applications under the 2000 Act made on or after those dates) and return any fee paid in respect of the application. Where the Commission subsequently receives an application under the Act, it is required to determine it as soon as reasonably practicable.

Article 20 makes transitional provision about applications for registration under the Act in respect of the carrying on of activities which are regulated activities, the carrying on of which did not require registration under the 2000 Act: it makes provision for articles 6 to 8 to apply to such applications. It also allows the carrying on of such a regulated activity to continue without registration for a limited period of time in certain circumstances and also suspends the offence of failure to comply with a condition of registration requiring a registered manager in respect of such an activity in certain circumstances.

Article 21 makes transitional provision where a person who was registered to carry on an establishment or agency under Part 2 of the 2000 Act has died and a personal representative is carrying on that establishment or agency.

Article 22 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 23 of, and Schedule 2 to, this Order provide for the revocation of secondary legislation on 1st October 2010 in the light of the amendments of the 2000 Act by the Act.

An impact assessment of the effect that the new system of regulation of health and social care will have on the costs and benefits to service providers, together with an Equality Screening Assessment, is available on the Department of Health website at <http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/index.htm> and is annexed to the Explanatory Memorandum of S.I. 2010/781, which is available on the OPSI website. No additional impact assessment has been produced in respect of this instrument as no additional impact on the private or voluntary sectors is foreseen.

### **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) (fully)	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 (partially)	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 (fully)	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 16 (fully)	11th December 2009	2009/3023 (C. 130)
Section 17(1), (3) and (4)	1st April 2009	2009/462 (C. 31)
Sections 18 and 19 (partially)	1st April 2009	2009/462 (C. 31)
Section 20 (partially)	12th January 2009	2008/3168 (C. 143)
Sections 21 and 22	12th January 2009	2008/3168 (C. 143)
Sections 23 and 24	11th December 2009	2009/3023 (C. 130)
Section 25 (partially)	12th January 2009	2008/3168 (C. 143)
Section 25 (fully)	11th December 2009	2009/3023 (C. 130)
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 (partially)	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) (partially)	1st April 2009	2009/462 (C. 31)
Sections 29 to 31 (partially)	1st April 2009	2009/462 (C. 31)
Section 32 (partially)	12th January 2009	2008/3168 (C. 143)
Section 33 (partially)	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 (partially)	12th January 2009	2008/3168 (C. 143)
Sections 38 and 39 (partially)	1st April 2009	2009/462 (C. 31)



Section 40	1st April 2009	2009/462 (C. 31)
Sections 41 and 42	11th December 2009	2009/3023 (C. 130)
Section 44 (partially)	12th January 2009	2008/3168 (C. 143)
Section 45	1st April 2010	2010/708 (C. 46)
Section 46(4) to (8)	1st October 2008	2008/2497 (C. 106)
Section 46 (fully)	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 49 (fully)	11th December 2009	2009/3023 (C. 130)
Section 50	1st April 2009	2009/462 (C. 31)
Section 51 (partially)	1st April 2009	2009/462 (C. 31)
Section 51 (fully)	11th December 2009	2009/3023 (C. 130)
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)
Section 72 (fully)	11th December 2009	2009/3023 (C. 130)
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 (partially)	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 95 (partially)	1st April 2010	2010/708 (C. 46)
Section 96	1st April 2009	2009/462 (C. 31)
Section 97	1st October 2008	2008/2497 (C. 106)
Section 98(1)	25th January 2010	2010/23 (C. 3)
Section 98(3) (partially)	28th September 2009	2009/2567 (C. 109)
Section 98(3) (partially)	25th January 2010	2010/23 (C. 3)
Section 107(1)	25th January 2010	2010/23 (C. 3)
Section 107(4) (partially)	25th January 2010	2010/23 (C. 3)
Section 108	25th January 2010	2010/23 (C. 3)
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 (fully)	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 119 (partially)	1st April 2010	2010/708 (C. 46)
Section 120 (partially)	1st April 2010	2010/708 (C. 46)
Section 121	1st April 2010	2010/708 (C. 46)
Section 122 (partially)	1st April 2010	2010/708 (C. 46)
Section 123(1)	1st August 2010	2010/708 (C. 46)
Section 123(2) (partially)	1st April 2010	2010/708 (C. 46)
Section 123(2) (fully)	1st August 2010	2010/708 (C. 46)

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 127 (partially)	25th January 2010	2010/23 (C. 3)
Section 129 (partially)	1st April 2009	2009/462 (C. 31)
Section 129 (fully)	6th April 2010	2010/708 (C. 46)
Section 130(1) (partially)	6th April 2010	2010/708 (C. 46)
Section 130(2)	6th April 2010	2010/708 (C. 46)
Sections 131 to 138	1st January 2009	2008/3137 (C. 136)
Section 139	1st April 2010	2010/708 (C. 46)
Section 140 (partially)	1st April 2010	2010/708 (C. 46)
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)
Section 148	19th April 2010	2010/708 (C. 46)
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 (fully)	1st April 2009	2008/2994 (C. 129)
Section 157(1) (partially)	1st October 2008	2008/2497 (C. 106)
Section 157 (fully)	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 (fully)	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)
Section 166 (partially)	1st April 2010	2010/708 (C. 46)
Section 166 (partially)	6th April 2010	2010/708 (C. 46)
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 (fully)	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 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 15 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)
Paragraphs 37 and 38 of Schedule 5	1st April 2010	2010/708 (C. 46)
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 (fully)	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 (fully)	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 (fully)	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 (fully)	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 1 to 3 of Schedule 6	25th January 2010	2010/23 (C. 3)
Paragraphs 4 to 10 of Schedule 6	28th September 2009	2009/2567 (C. 109)
Paragraphs 11 to 14 of Schedule 6	25th January 2010	2010/23 (C. 3)
Paragraphs 17 to 23 of Schedule 6	25th January 2010	2010/23 (C. 3)
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 2(b) of Schedule 10	25th January 2010	2010/23 (C. 3)
Paragraph 3 of Schedule 10 (partially)	1st January 2009	2008/3244 (C. 148)
Paragraph 3 of Schedule 10 (fully)	25th January 2010	2010/23 (C. 3)
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(a) of Schedule 10	25th January 2010	2010/23 (C. 3)
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 13(b) of Schedule 10	25th January 2010	2010/23 (C. 3)
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 (partially)	25th August 2008	2008/2214 (C. 100)
Paragraph 21 of Schedule 10	4th June 2009	2009/1310 (C. 71)
Paragraph 22 of Schedule 10	25th January 2010	2010/23 (C. 3)
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)
Schedule 11	6th April 2010	2010/708 (C. 46)
Part 1 of Schedule 12	1st April 2010	2010/708 (C. 46)
Schedule 13	6th April 2009	2009/462 (C. 31)
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 1 of Schedule 15 (partially)	1st April 2010	2010/708 (C. 46)
Part 2 of Schedule 15 (partially)	1st January 2009	2008/3244 (C. 148)
Part 2 of Schedule 15 (partially)	1st April 2010	2010/708 (C. 46)
Part 2 of Schedule 15 (partially)	1st August 2010	2010/708 (C. 46)
Part 3 of Schedule 15 (partially)	6th April 2010	2010/708 (C. 46)
Part 4 of Schedule 15 (partially)	1st April 2010	2010/708 (C. 46)
Part 5 of Schedule 15	6th April 2009	2009/462 (C. 31)
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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