



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 1

INTRODUCTORY

4 Matters to which the Commission must have regard

- (1) In performing its functions the Commission must have regard to—
- (a) views expressed by or on behalf of members of the public about health and social care services,
 - (b) experiences of people who use health and social care services and their families and friends,
 - (c) views expressed by [^{F1}Local Healthwatch organisations or Local Healthwatch contractors] about the provision of health and social care services ^{F2}...,
 - (d) the need to protect and promote the rights of people who use health and social care services (including, in particular, the rights of children, of persons detained under the Mental Health Act 1983, of persons who are deprived of their liberty in accordance with the Mental Capacity Act 2005 (c. 9), and of other vulnerable adults),
 - (e) the need to ensure that action by the Commission in relation to health and social care services is proportionate to the risks against which it would afford safeguards and is targeted only where it is needed,
 - (f) any developments in approaches to regulatory action, and
 - (g) best practice among persons performing functions comparable to those of the Commission (including the principles under which regulatory action should be transparent, accountable and consistent).

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 4. (See end of Document for details)

(2) In performing its functions the Commission must also have regard to such aspects of government policy as the Secretary of State may direct.

[^{F3}(3) In subsection (1)(c), “Local Healthwatch contractor” has the meaning given by section 223 of the Local Government and Public Involvement in Health Act 2007.]

Textual Amendments

- F1** Words in s. 4(1)(c) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 189\(6\)\(a\)\(i\), 306\(4\); S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F2** Words in s. 4(1)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), ss. 189\(6\)\(a\)\(ii\), 306\(4\); S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F3** S. 4(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 189\(6\)\(b\), 306\(4\); S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
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Commencement Information

- I1** S. 4 in force at 1.10.2008 by [S.I. 2008/2497, art. 2\(d\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 4.