

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 15 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 15

Sections 230 and 231

PART 7: CONSEQUENTIAL AMENDMENTS AND SAVINGS

PART 1

ABOLITION OF THE GENERAL SOCIAL CARE COUNCIL

Amendments to the Care Standards Act 2000 (c. 14)

1 The Care Standards Act 2000 is amended as follows.

Commencement Information

II Sch. 15 para. 1 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

2 In section 55(3)(g) (power to treat persons on certain social work courses as social care workers)—

- (a) for “a Council” substitute “the Welsh Council”, and
- (b) after “section 63” insert “, or by the Health and Care Professions Council under article 15 of the Health and Social Work Professions Order 2001,”.

Commencement Information

I2 Sch. 15 para. 2 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

3 In section 56 (register of social care workers etc.)—

- (a) in subsection (1), for “Each Council” substitute “The Welsh Council”, and
- (b) in subsection (4), for “the Council” substitute “the Welsh Council”.

Commencement Information

I3 Sch. 15 para. 3 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

4 In section 57 (applications for registration), in subsection (1), for “a Council” substitute “the Welsh Council”.

Commencement Information

I4 Sch. 15 para. 4 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

5 In section 58 (grant or refusal of registration), in subsection (1) for “the Council” substitute “the Welsh Council”.

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Commencement Information

I5 Sch. 15 para. 5 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 6 In section 58A (visiting social workers from relevant European States)—
- (a) in subsections (3) and (7), for “a Council” substitute “the Welsh Council”, and
 - (b) in subsection (6), for “a Council, that” substitute “the Welsh Council, the”.

Commencement Information

I6 Sch. 15 para. 6 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 7 In section 59 (removal etc. from register), in subsection (1), for “Each Council” substitute “The Welsh Council”.

Commencement Information

I7 Sch. 15 para. 7 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 8 In section 60 (rules about registration), for “A Council” substitute “The Welsh Council”.

Commencement Information

I8 Sch. 15 para. 8 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 9 In section 61 (offence relating to use of title “social worker” etc.)—
- (a) in subsection (1), after “a person” insert “in Wales”,
 - (b) in subsection (2)(a), for “a Council” substitute “the Welsh Council”, and
 - (c) in subsection (2)(b), after “the law of” insert “England and Wales so far as applying in relation to England,”.

Commencement Information

I9 Sch. 15 para. 9 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 10 In section 62 (codes of practice)—
- (a) in subsection (1), for “Each Council” substitute “The Welsh Council”,
 - (b) in subsections (3), (4) and (6), for “a Council” substitute “the Council”, and
 - (c) in subsection (5), after “Local authorities” insert “in Wales”.

Commencement Information

I10 Sch. 15 para. 10 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 11 In section 63 (approval of courses etc.)—
- (a) in subsection (1), for “Each Council” substitute “The Welsh Council”, and
 - (b) in subsection (4), for “A Council” substitute “The Council”.

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Commencement Information

I11 Sch. 15 para. 11 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 12 In section 64 (qualifications gained outside Council's area)—
- (a) in subsection (A1), for “a Council” substitute “the Welsh Council”,
 - (b) omit subsection (1), and
 - (c) for the title substitute “Qualifications gained outside the Welsh Council's area”.

Commencement Information

I12 Sch. 15 para. 12 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 13 In section 65(1) (power to make rules requiring registered persons to undertake further training), for “A Council” substitute “The Welsh Council”.

Commencement Information

I13 Sch. 15 para. 13 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 14 In section 66 (visitors for certain social work courses)—
- (a) in subsection (1), for “A Council” substitute “The Welsh Council”, and
 - (b) in subsection (3), for “a Council” substitute “the Council”.

Commencement Information

I14 Sch. 15 para. 14 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 15 In section 67 (functions of the appropriate Minister)—
- (a) in subsection (2), for “a Council” substitute “the Welsh Council”, and
 - (b) in subsection (5), omit paragraph (a) (and the “or” following it).

Commencement Information

I15 Sch. 15 para. 15 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 16 In section 68 (appeals to the Tribunal), in subsections (1) and (1A), for “a Council” substitute “the Welsh Council”.

Commencement Information

I16 Sch. 15 para. 16 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 17 In section 69 (publication etc. of register), in subsection (1), for “A Council” substitute “The Welsh Council”.

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Commencement Information

I17 Sch. 15 para. 17 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 18 Omit section 70 (abolition of the Central Council for Education and Training in Social Work).

Commencement Information

I18 Sch. 15 para. 18 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 19 In section 71 (rules), in subsections (1), (2), (3A) and (4), for “a Council” substitute “the Welsh Council”.

Commencement Information

I19 Sch. 15 para. 19 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 20 In section 113 (default Ministerial powers), omit subsection (1).

Commencement Information

I20 Sch. 15 para. 20 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 21 In section 114 (schemes for the transfer of staff), in subsection (1), omit “, 70”.

Commencement Information

I21 Sch. 15 para. 21 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 22 In section 118 (orders and regulations), in subsection (4), omit the words from “; and” to the end.

Commencement Information

I22 Sch. 15 para. 22 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 23 In section 121 (13) (index of defined expressions)—
- (a) omit the entry for “CCETSW”,
 - (b) omit the entry for references to the Council, the English Council and the Welsh Council, and
 - (c) at the end insert—

“the Welsh Council

Section 54”.

Commencement Information

I23 Sch. 15 para. 23 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

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24 In section 122 (commencement), omit “section 70(2) to (5) and”.

Commencement Information

I24 Sch. 15 para. 24 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

25 In section 123 (extent), omit subsection (3).

Commencement Information

I25 Sch. 15 para. 25 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

26 Schedule 1 (the Care Councils) is amended as follows.

Commencement Information

I26 Sch. 15 para. 26 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

27 Omit paragraph 1 (introductory).

Commencement Information

I27 Sch. 15 para. 27 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

28 In paragraph 2 (status)—
(a) for “An authority” substitute “The Welsh Council”, and
(b) for “an authority's” substitute “the Council's”.

Commencement Information

I28 Sch. 15 para. 28 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

29 In paragraph 3(1) (general powers), for “the Secretary of State, an authority” substitute “the Welsh Ministers, the Welsh Council”.

Commencement Information

I29 Sch. 15 para. 29 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

30 In paragraph 4 (general duty), for “an authority” substitute “the Welsh Council”.

Commencement Information

I30 Sch. 15 para. 30 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

31 For paragraph 5 (membership)—
(a) for “Each authority” substitute “The Welsh Council”, and
(b) for “the Secretary of State” substitute “the Welsh Ministers”.

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Commencement Information

I31 Sch. 15 para. 31 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 32 In paragraph 6 (appointment, procedure etc.)—
- (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Welsh Council”,
 - (c) in paragraphs (b), (c) and (d), (in the case of paragraph (d), in each place it appears) for “an authority” substitute “the Council”, and
 - (d) in paragraph (c), for “the authority” substitute “the Council”.

Commencement Information

I32 Sch. 15 para. 32 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 33 (1) Paragraph 7 (remuneration and allowances) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “An authority” substitute “The Welsh Council”,
 - (b) for “the authority”, in each place it appears, substitute “the Council”, and
 - (c) for “the Secretary of State” substitute “the Welsh Ministers”.
- (3) In sub-paragraph (2)—
- (a) for “the Secretary of State so determines” substitute “the Welsh Ministers so determine”,
 - (b) for “an authority”, in each place it appears, substitute “the Council”, and
 - (c) for “the Secretary of State” substitute “the Welsh Ministers”.
- (4) In sub-paragraph (3)—
- (a) for “the Secretary of State determines” substitute “the Welsh Ministers determine”,
 - (b) for “an authority” substitute “the Council”,
 - (c) for “the authority” substitute “the Council”, and
 - (d) for “the Secretary of State” substitute “the Welsh Ministers”.

Commencement Information

I33 Sch. 15 para. 33 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 34 (1) Paragraph 8 (chief officer) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “each authority” substitute “the Welsh Council”, and
 - (b) for “the authority”, in each place it appears, substitute “the Council”.
- (3) In sub-paragraph (2), for “the Secretary of State”, in each place it appears, substitute “the Welsh Ministers”.
- (4) In sub-paragraph (3), for “the authority” substitute “the Council”.
- (5) In sub-paragraph (4), for “the Secretary of State” substitute “the Welsh Ministers”.

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Commencement Information

I34 Sch. 15 para. 34 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 35 (1) Paragraph 12 (staff) is amended as follows.
- (2) In sub-paragraph (1), for “An authority” substitute “The Welsh Council”.
- (3) In sub-paragraph (2)—
- (a) for “an authority” substitute “the Council”, and
 - (b) for “the authority” substitute “the Council”.
- (4) In sub-paragraph (3), for “an authority” substitute “the Council”.
- (5) In sub-paragraph (4)—
- (a) for “Secretary of State” substitute “Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Council”, and
 - (c) in paragraph (c), for “the authority” substitute “the Council”.

Commencement Information

I35 Sch. 15 para. 35 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 36 (1) Paragraph 13 (delegation of functions) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “An authority” substitute “The Welsh Council”, and
 - (b) for “the authority” substitute “the Council”.
- (3) In sub-paragraph (2)—
- (a) for “An authority” substitute “The Council”, and
 - (b) for “the authority” substitute “the Council”.

Commencement Information

I36 Sch. 15 para. 36 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 37 In paragraph 14 (arrangements for the use of staff)—
- (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Welsh Council”, and
 - (c) in paragraph (b), for “an authority” substitute “the Council”, and for “the authority” substitute “the Council”.

Commencement Information

I37 Sch. 15 para. 37 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 38 In paragraph 16 (payments to authorities)—
- (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) for “an authority” substitute “the Welsh Council”, and
 - (c) for “he considers” substitute “they consider”.

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Commencement Information

I38 Sch. 15 para. 38 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 39 (1) Paragraph 18 (accounts) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “An authority” substitute “The Welsh Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
- (3) In sub-paragraph (2)—
- (a) for “An authority” substitute “The Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
- (4) In sub-paragraph (3)—
- (a) for “An authority” substitute “The Council”,
 - (b) for “the Secretary of State”, in each place it appears, substitute “the Welsh Ministers”, and
 - (c) for “the Comptroller and Auditor General” substitute “the Auditor General for Wales”.
- (5) In sub-paragraph (4)—
- (a) for “The Comptroller and Auditor General” substitute “The Auditor General for Wales”, and
 - (b) for “Parliament” substitute “the Assembly”.
- (6) In sub-paragraph (5)—
- (a) for “an authority” substitute “the Council”, and
 - (b) in paragraph (a), for “the authority” substitute “the Council”.

Commencement Information

I39 Sch. 15 para. 39 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 40 (1) Paragraph 19 (reports etc.) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “an authority” substitute “the Welsh Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
- (3) In sub-paragraph (2)—
- (a) for “An Authority” substitute “The Council”,
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”, and
 - (c) for “he” substitute “they”.
- (4) In sub-paragraph (3), for “the authority” substitute “the Council”.

Commencement Information

I40 Sch. 15 para. 40 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

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- 41 In paragraph 20 (application of seal)—
- (a) for “an authority” substitute “the Welsh Council”, and
 - (b) in paragraphs (a) and (b), for “the authority” substitute “the Council”.

Commencement Information

I41 Sch. 15 para. 41 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 42 In paragraph 21 (evidence), for “an authority” substitute “the Welsh Council”.

Commencement Information

I42 Sch. 15 para. 42 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 43 For the title to Schedule 1 substitute “The Welsh Council”.

Commencement Information

I43 Sch. 15 para. 43 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

Amendments to the Health and Social Care Act 2008 (c. 14)

- 44 The Health and Social Care Act 2008 is amended as follows.

Commencement Information

I44 Sch. 15 para. 44 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 45 (1) In section 124 (regulation of social care workers)—
- (a) in subsection (1), for “appropriate Minister”, in each place it appears, substitute “Welsh Ministers”,
 - (b) in that subsection, for “their regulation” substitute “the regulation of social care workers”, and
 - (c) in subsection (3), omit the definition of “the appropriate Minister”.
- (2) For the title to that section substitute “Regulation of social care workers: Wales”.

Commencement Information

I45 Sch. 15 para. 45 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 46 Section 125 (standard of proof in proceedings relating to registration of social care worker)—
- (a) in subsection (2), for “a committee of a Council, a Council itself or any officer of a Council” substitute “the Care Council for Wales, a committee of the Council or any officer of the Council”, and
 - (b) in subsection (3), omit paragraph (a).

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Commencement Information

I46 Sch. 15 para. 46 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 47 (1) Section 126 (education and training of approved mental health professionals) is amended as follows.
- (2) In subsection (1)—
- (a) for “appropriate Minister” substitute “Welsh Ministers”, and
 - (b) omit “the General Social Care Council or”.
- (3) In subsection (4), omit the definition of “the appropriate Minister”.
- (4) For the title to section 126 substitute “Education and training of approved mental health professionals: Wales”.

Commencement Information

I47 Sch. 15 para. 47 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 48 In section 171(4) (provisions which Welsh Ministers have power to commence), before paragraph (a) insert—
- “(za) sections 124 and 125 and Schedule 9 (regulation of social care workers: Wales) and section 126 (education and training of approved mental health professionals: Wales),”.

Commencement Information

I48 Sch. 15 para. 48 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 49 (1) Schedule 9 (regulation of social care workers) is amended as follows.
- (2) In paragraph 1 (interpretation), for the definition of “the appropriate Council” substitute—
- ““the Council” means the Care Council for Wales.”
- (3) In paragraph 2 (matters generally within the scope of regulations), in paragraphs (a) and (h), for “the appropriate Council” substitute “the Council”.
- (4) In paragraph 5 (payments), in paragraph (b), for “the appropriate Council” substitute “the Council”.
- (5) In paragraph 6 (sub-delegation), in paragraph (a), omit the words from “Ministers of the Crown” to “Welsh Ministers, on”.
- (6) In paragraph 8 (matters outside the scope of regulations)—
- (a) in sub-paragraph (1), omit “the General Social Care Council or”,
 - (b) in sub-paragraph (2), for “either of those Councils” substitute “the Council”, and
 - (c) in that sub-paragraph, for “that Council” substitute “the Council”.
- (7) Omit paragraph 9 (preliminary procedure for making regulations: England).

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(8) For the title to that Schedule substitute “Regulation of social care workers: Wales”.

Commencement Information

I49 Sch. 15 para. 49 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

Amendments to other Acts

- 50 In the following provisions, omit the entry for the General Social Care Council—
- (a) the Schedule to the Public Bodies (Admission to Meetings) Act 1960,
 - (b) Schedule 2 to the Parliamentary Commissioner Act 1967,
 - (c) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
 - (d) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, and
 - (e) Part 6 of Schedule 1 to the Freedom of Information Act 2000.

Commencement Information

I50 Sch. 15 para. 50 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 51 In section 343 of the Income Tax (Earning and Pensions) Act 2003 (deductions for professional membership fees), in paragraph 1 of the Table in subsection (2), omit sub-paragraph (o).

Commencement Information

I51 Sch. 15 para. 51 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 52 In section 41 of the Safeguarding Vulnerable Groups Act 2006 (registers: duty to refer), in entry number 8 in the table in subsection (7)—
- (a) in the first column, after “social care workers” insert “in Wales”, and
 - (b) in the second column, for the words from “General” to the end substitute “Care Council for Wales”.

Commencement Information

I52 Sch. 15 para. 52 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

PART 2

THE HEALTH AND CARE PROFESSIONS COUNCIL

- 53 (1) A reference in any instrument or document to the Health Professions Council is to be read, in relation to any time after the commencement of section 214(1), as a reference to the Health and Care Professions Council.
- (2) A reference in this Act or any other enactment, or in any other instrument or document, to the Health and Care Professions Council is to be read, in relation to

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any time before the commencement of section 214(1), as a reference to the Health Professions Council.

- (3) In sub-paragraph (2), “enactment” means an enactment contained in, or in an instrument made under—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of the National Assembly for Wales, or
 - (d) Northern Ireland legislation.

Commencement Information

I53 Sch. 15 para. 53 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 54 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975, at the appropriate place insert— “ The Health and Care Professions Council ”.

Commencement Information

I54 Sch. 15 para. 54 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 55 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, at the appropriate place insert— “ The Health and Care Professions Council ”.

Commencement Information

I55 Sch. 15 para. 55 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 56 In the following provisions, for “the Health Professions Council” substitute “the Health and Care Professions Council”—
- (a) Part 6 of Schedule 1 to the Freedom of Information Act 2000,
 - (b) section 25(3)(gb) of the National Health Service Reform and Health Care Professions Act 2002,
 - (c) section 4(4)(a) of the Health (Wales) Act 2003,
 - (d) paragraph 1(f) of the Table in section 343(2) of the Income Tax (Earning and Pensions) Act 2003,
 - (e) paragraph 16 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006, and
 - (f) sections 17(5)(c)(viii) and 30A(5) of the Protection of Vulnerable Groups (Scotland) Act 2007.

Commencement Information

I56 Sch. 15 para. 56 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

- 57 In section 257(3) of the Armed Forces Act 2006 (definition of “registered social worker”), for paragraph (a) substitute—
- “(a) the Health and Care Professions Council;”.

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Commencement Information

I57 Sch. 15 para. 57 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

58 After section 30A(5) of the Protection of Vulnerable Groups (Scotland) Act 2007, insert—

“(6) The reference in subsection (5) to the Health and Care Professions Council does not include a reference to that body in so far as it has functions relating to the social work profession in England or social care workers in England (each of those expressions having the same meaning as in section 60 of the Health Act 1999).”

Commencement Information

I58 Sch. 15 para. 58 in force at 1.8.2012 by S.I. 2012/1319, art. 2(4)

PART 3

THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE

General

- 59 (1) A reference in any instrument or document to the Council for Healthcare Regulatory Excellence is to be read, in relation to any time after the commencement of section 222(1), as a reference to the Professional Standards Authority for Health and Social Care.
- (2) A reference in this Act or any other enactment, or in any other instrument or document, to the Professional Standards Authority for Health and Social Care is to be read, in relation to any time before the commencement of section 222(1), as a reference to the Council for Healthcare Regulatory Excellence.
- (3) In sub-paragraph (2), “enactment” means an enactment contained in, or in an instrument made under—
- an Act of Parliament,
 - an Act of the Scottish Parliament,
 - an Act or Measure of the National Assembly for Wales, or
 - Northern Ireland legislation.

Commencement Information

I59 Sch. 15 para. 59 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

Health Act 1999 (c. 8)

- 60 In section 60(1) of the Health Act 1999—
- in paragraph (c), for “the Council for Healthcare Regulatory Excellence” substitute “the Professional Standards Authority for Health and Social Care”, and

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(b) in each of paragraphs (d) and (e), for “Council” substitute “Authority”.

Commencement Information

I60 Sch. 15 para. 60 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

61 In paragraph 7(4) of Schedule 3 to that Act, for “the Council for Healthcare Regulatory Excellence” substitute “the Professional Standards Authority for Health and Social Care”.

Commencement Information

I61 Sch. 15 para. 61 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

62 In each of the following provisions of the National Health Service Reform and Health Care Professions Act 2002, for “Council” substitute “Authority”—

- (a) section 25(2), (2A) and (4),
- (b) section 26(1), (2), (3) and (4),
- (c) section 26A(1) (in each place it appears) and (2),
- (d) section 26B(1) and (4) (in each case, in each place it appears),
- (e) section 27(1), (2), (4), (10) and (14),
- (f) section 28(1), (2)(b), (e), (f), (g), (h) and (j), (3)(a), (b) and (d) and (4),
- (g) section 29(4) and (7) (in each case, in each place it appears),
- (h) in Schedule 7, paragraphs 2, 6(a), (b) and (c) (in each place it appears), 7, 8, 9(1) and (2), 10(1) and (2) (in each case, in each place it appears), 11(1) (in each place it appears), (2), (3) and (4), 12(1) (in each place it appears) and (2), 13, 14(1), (2), (3), (4), (7), (8) and (9), 15(1), (2), (3), (4) and (7) (a), 16(1), (1A)(a) and (b), (2), (3) and (4), 17 (in each place it appears), 18 and 19(1) and (2)(a) and (b),
- (i) the title of each of sections 26, 27 and 29, and
- (j) the cross-heading preceding each of paragraphs 14 and 19 of Schedule 7.

Commencement Information

I62 Sch. 15 para. 62 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

63 In sections 26(6), 27(3) and 29(6) of, and paragraphs 1 and 4 of Schedule 7 to, that Act for “The Council” substitute “The Authority”.

Commencement Information

I63 Sch. 15 para. 63 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

64 Omit section 26(12) of that Act.

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Commencement Information

I64 Sch. 15 para. 64 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

- 65 In section 26A(2) of, and paragraph 1 of Schedule 7 to, that Act for “Council's” substitute “Authority's”.

Commencement Information

I65 Sch. 15 para. 65 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

- 66 For the title to Schedule 7 substitute “The Professional Standards Authority for Health and Social Care”.

Commencement Information

I66 Sch. 15 para. 66 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

Other Acts, etc.

- 67 In section 36A(1)(b) of the Dentists Act 1984 (professions complementary to dentistry), for “regulated by the Council for Healthcare Regulatory Excellence under section 25” substitute “listed in section 25(3)”.

Commencement Information

I67 Sch. 15 para. 67 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

- 68 In each of the following provisions, for “the Council for Healthcare Regulatory Excellence” substitute “the Professional Standards Authority for Health and Social Care”—
- (a) paragraphs 1(bca) and 2(ca) of the Schedule to the Public Bodies (Admission to Meetings) Act 1960,
 - (b) paragraph (b) of the definition of “relevant disciplinary proceedings” in section 201(4) of the National Health Service Act 2006, and
 - (c) paragraph (b) of the definition of “relevant disciplinary proceedings” in section 149(4) of the National Health Service (Wales) Act 2006.

Commencement Information

I68 Sch. 15 para. 68 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

- 69 (1) In each of the following provisions, omit the entry for “The Council for Healthcare Regulatory Excellence”—
- (a) Schedule 1 to the Public Records Act 1958,
 - (b) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
 - (c) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, and
 - (d) Part 6 of Schedule 1 to the Freedom of Information Act 2000.

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 15 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) In each of the provisions listed in sub-paragraph (1), at the appropriate place insert — “ The Professional Standards Authority for Health and Social Care ”.
- (3) Omit paragraph 26(a) of Schedule 10 to the Health and Social Care Act 2008 (which provides for the inclusion of a reference to the Council for Healthcare Regulatory Excellence in the National Assembly for Wales (Disqualification) Order 2006, which has itself been revoked).

Commencement Information

I69 Sch. 15 para. 69 in force at 1.12.2012 by S.I. 2012/2657, art. 2(3)

PART 4

THE OFFICE OF THE HEALTH PROFESSIONS ADJUDICATOR

Miscellaneous amendments

- 70 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, omit paragraphs 1(bcb) and 2(cb).

Commencement Information

I70 Sch. 15 para. 70 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

- 71 (1) Omit the entry for the Office of the Health Professions Adjudicator in each of the following—
- (a) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
 - (b) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975,
 - (c) Part 6 of Schedule 1 to the Freedom of Information Act 2000, and
 - (d) the table in Article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 (S.I. 2007/2951).
- (2) In consequence of those repeals, omit paragraphs 4(b), 5(b) and 13(b) of Schedule 10 to the Health and Social Care Act 2008 and the preceding “and” in each case.
 - (3) Omit paragraph 26(b) of Schedule 10 to the Health and Social Care Act 2008 (which inserts a reference to the OHPA in the National Assembly for Wales (Disqualification) Order 2006, which has itself been revoked).
 - (4) Omit paragraph 27 of that Schedule (which inserts a reference to the OHPA in the Pharmacists and Pharmacy Technicians Order 2007, which has itself been revoked).

Commencement Information

I71 Sch. 15 para. 71 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 15 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Amendments to the Health Act 1999 (c. 8)

- 72 (1) The Health Act 1999 is amended as follows.
- (2) Omit section 60(1)(f) (power to modify constitution or functions of OHPA).
- (3) In consequence of that repeal, omit paragraph 1(2) of Schedule 8 to the Health and Social Care Act 2008.
- (4) In paragraph 8(2A) of Schedule 3 (provision under section 60 as to functions relating to unfitness to practise must provide for functions to be exercised by relevant regulatory body or OHPA), omit “or the Office of the Health Professions Adjudicator”.
- (5) In section 60A(2) (standard of proof in fitness to practise proceedings before OHPA or regulatory bodies), omit paragraph (a) and the “or” following it.

Commencement Information

I72 Sch. 15 para. 72 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

*Amendments to the National Health Service Reform
and Health Care Professions Act 2002 (c. 17)*

- 73 (1) In section 29 of the National Health Service Reform and Health Care Professions Act 2002 (reference of disciplinary cases by the Council for Healthcare Regulatory Excellence to the court), in subsection (1)—
- (a) in paragraph (c), omit “otherwise than by reason of his physical or mental health”, and
- (b) in paragraph (f), omit the words from “, other than a direction” to the end.
- (2) In consequence of those repeals, omit section 118(2)(b) and (d), (5) and (6) of the Health and Social Care Act 2008.

Commencement Information

I73 Sch. 15 para. 73 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

Amendments to the Health Act 2006 (c. 28)

- 74 (1) Omit section 60(3)(b) of the Health Act 2006 (Appointments Commission to exercise functions of Privy Council relating to appointment of members of OHPA) and the “or” immediately preceding it.
- (2) Omit section 63(6A) and (6B) of that Act (Appointments Commission to assist OHPA with exercise of appointment functions).
- (3) In consequence of those repeals, omit paragraph 22 of Schedule 10 to the Health and Social Care Act 2008.

Commencement Information

I74 Sch. 15 para. 74 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 15 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Amendments to the Health and Social Care Act 2008 (c. 14)

- 75 (1) The Health and Social Care Act 2008 is amended as follows.
- (2) In section 128 (interpretation), omit the definition of “the OHPA”.
- (3) In section 162 (orders and regulations), omit subsections (1)(b) and (c) and (4).
- (4) In Schedule 10 (amendments relating to Part 2 of that Act), omit paragraphs 7, 9, 14, 15 and 18.

Commencement Information

I75 Sch. 15 para. 75 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

Savings

- 76 (1) If abolition is to occur at a time other than immediately after the end of a financial year within the meaning of paragraphs 19 and 20 of Schedule 6 to the Health and Social Care Act 2008 (annual reports), the period that begins with the 1 April before abolition and ends with abolition is to be treated as a financial year for the purposes of those paragraphs.
- (2) Despite section 231(2), paragraphs 19 and 20 of that Schedule are to continue to have effect for the purpose of imposing the duties under paragraphs 19(2), (3)(b) and (4) to (6) and 20(1), (2)(b) and (3) and for the purpose of conferring the power under paragraph 20(4); and for those purposes—
- (a) the duties under paragraphs 19(2) and 20(1), in so far as they have not been discharged by the OHPA, must be discharged by the Secretary of State,
- (b) the duties under paragraphs 19(3)(b) and (4) and 20(2)(b) must be discharged by the Secretary of State, and
- (c) the power conferred by paragraph 20(4) may be exercised by giving directions of the description in question to the Secretary of State.
- (3) Subject to that, anything which the OHPA is required to do under an enactment before abolition may, in so far as it has not been done by the OHPA, be done by the Secretary of State after abolition.

Commencement Information

I76 Sch. 15 para. 76 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

- 77 A reference in any document to the OHPA is, so far as necessary or appropriate in consequence of section 231(1), to be read after abolition as a reference to the Secretary of State.

Commencement Information

I77 Sch. 15 para. 77 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

- 78 In paragraphs 76 and 77—
“abolition” means the commencement of section 231(1);

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“enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978);

“the OHPA” means the Office of the Health Professions Adjudicator.

Commencement Information

I78 Sch. 15 para. 78 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

Changes to legislation:

Health and Social Care Act 2012, SCHEDULE 15 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)