



# Care Act 2014

## 2014 CHAPTER 23

### PART 2

#### CARE STANDARDS

##### *Increasing the independence of the Care Quality Commission*

## 89 Chief Inspectors

After paragraph 3 of Schedule 1 to the Health and Social Care Act 2008 insert—

### “Chief Inspectors

- 3A (1) The non-executive members must—
- (a) appoint an executive member to be the Chief Inspector of Hospitals,
  - (b) appoint an executive member to be the Chief Inspector of Adult Social Care, and
  - (c) appoint an executive member to be the Chief Inspector of General Practice.
- (2) Each of those executive members is to exercise such functions of the Commission on its behalf as it determines.
- (3) When exercising functions under sub-paragraph (2), an executive member must have regard to the importance of safeguarding and promoting the Commission's independence from the Secretary of State.”

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#### Commencement Information

**II** S. 89 in force at 1.10.2014 by S.I. 2014/2473, art. 3(d)

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**Changes to legislation:** Care Act 2014, Cross Heading: Increasing the independence of the Care Quality Commission 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](#)

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## 90 Independence of the Care Quality Commission

- (1) Part 1 of the Health and Social Care Act 2008 (the Care Quality Commission) is amended as follows.
- (2) In section 48 (special reviews or investigations), omit subsection (7) (Secretary of State's power to make regulations as to procedure for representations before publication of report).
- (3) In section 54 (studies as to economy, efficiency etc), in subsections (1) and (3), omit “, with the approval of the Secretary of State,”.
- (4) After subsection (2) of that section, insert—
  - “(2A) The Commission may not exercise the power under subsection (1)(a), so far as it relates to the activity mentioned in subsection (2)(d), without the approval of the Secretary of State.”
- (5) In section 55 (publication of results of studies under section 54), omit subsection (2) (Secretary of State's power to make regulations as to procedure for representations before publication of report).
- (6) In section 57 (reviews of data, studies and research), in subsection (1), omit “, with the approval of the Secretary of State,”.
- (7) In section 61 (inspections carried out for registration purposes), omit—
  - (a) subsection (1) (Secretary of State's power to make regulations specifying frequency etc. of inspections), and
  - (b) subsection (4) (Secretary of State's power to make regulations as to procedure for representations before publication of report).
- (8) In section 83 (annual reports), omit subsection (3) (Secretary of State's power to direct preparation of separate reports).
- (9) In paragraph 5 of Schedule 4 (inspection programmes etc.), omit—
  - (a) in sub-paragraph (1) (preparation of programme etc.), “, or at such times as the Secretary of State may specify by order,”, and
  - (b) sub-paragraph (3) (Secretary of State's power to specify form of programme etc.).
- (10) In consequence of subsections (3) and (6), omit section 293(3) and (4) of the Health and Social Care Act 2012.

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### Commencement Information

**I2** S. 90 in force at 1.10.2014 by [S.I. 2014/2473](#), [art. 3\(e\)](#)

**Changes to legislation:**

Care Act 2014, Cross Heading: Increasing the independence of the Care Quality Commission 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 the whole Act associated Parts and Chapters:**

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

- s. 15(2)-(3B) substituted for s. 15(2)(3) by [2022 c. 31 s. 166\(2\)](#)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by [2022 c. 31 s. 166\(4\)](#)