



Care Act 2014

2014 CHAPTER 23

PART 2

CARE STANDARDS

Care Quality Commission

86 Restriction on applications for variation or removal of conditions

- (1) Section 19 of the Health and Social Care Act 2008 (applications by registered persons to the Care Quality Commission for variation or removal of conditions, etc.) is amended as follows.
- (2) In subsection (1), after “Except in case A or B” insert “and subject to subsections (3A) to (3F)”.
- (3) After subsection (3) insert—
 - “(3A) R may not apply under subsection (1)(a) for the variation of a condition where either subsection (3B) or (3C) applies.
 - (3B) This subsection applies where—
 - (a) the Commission has given R notice under section 26(4)(c) of a proposal to make that variation (or a variation which would have substantially the same effect as that variation), and
 - (b) the Commission has not decided not to take that step.
 - (3C) This subsection applies where—
 - (a) the Commission has given R notice under section 28(3) of its decision to make that variation (or a variation which would have substantially the same effect as that variation), and
 - (b) either the time within which an appeal may be brought has not expired or, if an appeal has been brought, it has not yet been determined.

Status: This is the original version (as it was originally enacted).

- (3D) R may not apply under subsection (1)(a) for the removal of a condition where either subsection (3E) or (3F) applies.
- (3E) This subsection applies where—
- (a) the Commission has given R notice under section 26(4)(c) of a proposal to remove that condition, and
 - (b) the Commission has not decided not to take that step.
- (3F) This subsection applies where—
- (a) the Commission has given R notice under section 28(3) of its decision to remove that condition, and
 - (b) either the time within which an appeal may be brought has not expired or, if an appeal has been brought, it has not yet been determined.”
- (4) The amendments made by this section do not affect any application made under section 19(1)(a) of the Health and Social Care Act 2008 before the day on which those amendments come into force.