Draft Order laid before Parliament under section 195(5) of the Health and Social Care (Community Health and Standards) Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

CHILDREN AND YOUNG PERSONS
NATIONAL HEALTH SERVICE, ENGLAND AND WALES
PUBLIC HEALTH
SOCIAL CARE

The Health and Social Care (Community Health and Standards) Act 2003 (Commission for Healthcare Audit and Inspection and Commission for Social Care Inspection) (Consequential Provisions) Order 2004

Made - - - -	*[ ]*
Coming into force - -	*[ ]*

Whereas a draft of this instrument was laid before Parliament in accordance with section 195(5) of the Health and Social Care (Community Health and Standards) Act 2003(**1**) and approved by a resolution of each House of Parliament.

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 201(1) of the Health and Social Care (Community Health and Standards) Act 2003 and of all other powers enabling him in that behalf, and after consulting, where appropriate, the National Assembly for Wales, hereby makes the following Order:—

(**1**) 2003 c. 43 ("the Act"); by virtue of section 200(2) of the Act, the powers are exercised by the "appropriate authority" who is defined in section 199(2)(b)(i) as the Secretary of State in relation to section 42 (the Commission for Social Care Inspection), and in section 199(2)(b)(iv) as the Secretary of State after consulting the Assembly in relation to section 41 (the Commission for Healthcare Audit and Inspection) and section 44 (abolition of former regulatory bodies). *See* section 202 of the Act regarding the extent of the Secretary of State's powers relating to this instrument.

Citation, commencement and extent

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 (Commission for Healthcare Audit and Inspection and Commission for Social Care Inspection) (Consequential Provisions) Order 2004 and shall come into force on the day after the day on which it is made.

(2) The amendment, repeal or revocation of any provision by this Order has the same extent as the provision being amended, repealed or revoked.

Consequential amendments, repeals and revocations

2.—(1) The enactments specified below are amended as there specified—

(a) in the Audit Commission Act 1998, in section 33(6)(c) (studies for improving economy etc. in services)(**2**), for "Commission for Health Improvement" substitute "Commission for Healthcare Audit and Inspection";

(b) in the Copyright, Designs and Patents Act 1988, in section 48(6) (material communicated to the Crown in the course of public business)(**3**)—

(i) after "National Health Service Act 1977," insert "the Commission for Social Care Inspection,"; and

(ii) for "Commission for Health Improvement" substitute "Commission for Healthcare Audit and Inspection";

(c) in the National Health Service and Community Care Act 1990, in section 4(2) (ff) (NHS contracts)(**4**) and section 21(2)(bb) (schemes for meeting losses and liabilities etc. of certain health service bodies)(**5**), for "Commission for Health Improvement" substitute "Commission for Healthcare Audit and Inspection";

(d) in the National Health Service Reform and Health Care Professions Act 2002, in section 20(7)(b) (the Commission for Patient and Public Involvement in Health)(**6**), for "Commission for Health Improvement" substitute "Commission for Healthcare Audit and Inspection";

(e) in the Race Relations Act 1976, in Schedule 1A, Part 2 (bodies and other persons subject to general statutory duty)(**7**), in the appropriate alphabetical order of the entries in that Part, insert entries for the Commission for Healthcare Audit and Inspection and the Commission for Social Care Inspection;

(**2**) 1998 c. 18; section 33(6)(c) was amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) ("the 2002 Act"), section 12(5). The functions of the Secretary of State under this section, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) ("the 1999 Order"), article 2; *see* the entry in Schedule 1 for the Audit Commission Act 1998.

(**3**) 1988 c. 48; section 48(6) was inserted by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 60, Schedule 8, Part 1, paragraph 3, and was amended by S.I. 1991/194, 1999/2795, 2000/90, and by the Act, section 34, Schedule 4, paragraphs 71 and 72 in relation to England and Wales, and from a date to be appointed in relation to Scotland. *See* also S.I. 2004/664.

(**4**) 1990 c. 19; paragraph (ff) was inserted by the Health Act 1999 (c. 8) ("the 1999 Act"), section 65, Schedule 4, paragraphs 74 and 76(a)(ii). The functions of the Secretary of State under this section, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the 1999 Order, article 2; *see* the entry in Schedule 1 for the 1990 Act.

(**5**) Paragraph (bb) was inserted by the 1999 Act, section 65, Schedule 4, paragraphs 74, 81(1) and (2)(b). The functions of the Secretary of State under this section, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the 1999 Order, article 2; *see* the entry in Schedule 1 for the 1990 Act.

(**6**) 2002 c. 17.

(**7**) 1976 c. 74; Part 2 of Schedule 1A was inserted by S.I. 2001/3457, to which Part there are amendments not relevant to this Order.