

**2011 No. 2547**

**NATIONAL HEALTH SERVICE, ENGLAND**

**SOCIAL CARE, ENGLAND**

**PUBLIC HEALTH, ENGLAND**

**The Care Quality Commission (Membership) (Amendment)  
Regulations 2011**

*Made* - - - - - *25th October 2011*

*Laid before Parliament* *28th October 2011*

*Coming into force* - - *28th November 2011*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by section 161(3) and (4) of, and paragraph 3(4) of Schedule 1 to, the Health and Social Care Act 2008(a).

**Citation and commencement**

1. These Regulations may be cited as the Care Quality Commission (Membership) (Amendment) Regulations 2011 and shall come into force on 28th November 2011.

**Amendment of the Care Quality Commission (Membership) Regulations 2008**

2.—(1) The Care Quality Commission (Membership) Regulations 2008(b) are amended as follows.

(2) In regulation 2 (members), for “six” substitute “not less than six and not more than ten”.

(3) In regulation 5 (cessation of disqualification), in paragraph (3)—

(a) for “19” substitute “19A”; and

(b) after “cessation of” insert “or removal”.

(4) In the Schedule (grounds for disqualification)—

(a) after paragraph 19 insert—

“19A. The person has been removed from office as a member of Social Care and Social Work Improvement Scotland established under section 44 of the Public Services Reform (Scotland) Act 2010(c) (Social Care and Social Work Improvement Scotland) pursuant to paragraph 5 of Schedule 11 to that Act (removal of members).”;

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(a) 2008 c.14. See the definitions of “prescribed” and “regulations” in section 97(1) of that Act.

(b) S.I. 2008/2252.

(c) 2010 asp 8.

- (b) in paragraph 23(a) for “Tribunal” substitute “First-tier Tribunal”;
- (c) after paragraph 23 insert—

“23A. The person’s registration under Part 1 of the Health and Social Care Act 2008 has been cancelled by an order of a justice of the peace under section 30 of that Act (urgent procedure for cancellation) except where that order has been subject to a direction by the First-tier Tribunal given under section 32 of that Act that it ceases to have effect.”; and
- (d) in paragraph 24 for “22 or 23” substitute “22, 23 or 23A”.

Signed by authority of the Secretary of State for Health.

*Simon Burns*  
Minister of State for Health,  
Department of Health

25th October 2011

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Care Quality Commission (Membership) Regulations 2008 which make provision concerning membership of the Care Quality Commission established by section 1 of the Health and Social Care Act 2008 (“the 2008 Act”).

Regulation 2(2) makes a change to the number of members.

Regulation 2(3) and (4) adds to the grounds for disqualification for appointment or from holding office as a member and makes certain amendments consequential on this and on a previous amendment to section 32 of the 2008 Act.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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