



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 2

REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

Offences

33 Failure to comply with conditions

A person who—

- (a) is registered under this Chapter in respect of a regulated activity (whether as a service provider or manager), and
- (b) fails, without reasonable excuse, to comply with any condition for the time being in force by virtue of this Chapter in relation to the registration,

is guilty of an offence and liable on summary conviction to [^{F1}a fine].

Textual Amendments

- F1** Words in s. 33 substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 40\(3\)](#) (with reg. 5(1))

Modifications etc. (not altering text)

- C1** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), [17\(4\)\(c\)\(5\)\(b\)](#)
- C2** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), [14\(4\)\(c\)](#)

Status: Point in time view as at 12/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Offences. (See end of Document for details)

- C3** S. 33 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **9(5)(6)**

Commencement Information

- I1** S. 33 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, **Sch. 1 para. 12**
- I2** S. 33 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(2), **Sch. 1 para. 23** (with Pt. 3)

34 Offences relating to suspension or cancellation of registration

- (1) If a person (“S”) who is registered under this Chapter as a service provider in respect of a regulated activity carries on that activity while S's registration is suspended, S is guilty of an offence.
- (2) A person (“M”) whose registration under this Chapter as a manager in respect of a regulated activity is suspended is guilty of an offence if, during the period of suspension, M manages that activity at a time when no one else has been registered under this Chapter as a manager in respect of the activity since the suspension of M's registration.
- (3) A person (“M”) whose registration under this Chapter as a manager in respect of a regulated activity has been cancelled is guilty of an offence if M manages that activity at a time when—
 - (a) a person (“S”) remains registered under this Chapter as a service provider in respect of the activity,
 - (b) S's registration remains subject to a registered manager condition, and
 - (c) no-one has been registered under this Chapter as a manager in respect of the activity since the cancellation of M's registration.
- (4) If a person (“M”) who is registered under this Chapter as a manager in respect of a regulated activity manages that activity while the registration of the person registered under this Chapter as a service provider in respect of the activity is suspended, M is guilty of an offence if M knows or could reasonably be expected to know of the suspension.
- (5) A person guilty of an offence under this section is liable on summary conviction to [^{F2}a fine].

Textual Amendments

- F2** Words in s. 34(5) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 40(4)** (with reg. 5(1))

Commencement Information

- I3** S. 34(1)(5) in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, **Sch. 1 para. 13**
- I4** S. 34(2)-(4) in force at 1.10.2010 by [S.I. 2010/807](#), art. 2(2), **Sch. 1 para. 24** (with Pt. 3)
- I5** S. 34(5) in force at 1.10.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(2), **Sch. 1 para. 24** (with Pt. 3)

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35 Contravention of regulations

Regulations under this Chapter may provide that a contravention of or failure to comply with any specified provision of the regulations is to be an offence, but may not provide for an offence to be triable on indictment or to be punishable with imprisonment [^{F3}or, except in the case of regulations under section 20, with a fine exceeding level 4 on the standard scale.]

Textual Amendments

- F3** Words in s. 35 substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 91](#) (with reg. 5(2))

Commencement Information

- I6** S. 35 partly in force; S. 35 in force for specified purposes at Royal Assent, see s. 170
I7 S. 35 in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), [art. 2](#)

36 False description of concerns, premises etc.

- (1) Any person who, with intent to deceive any person—
- applies any name to any concern carried on in England or to any premises in England, or
 - in any way describes such a concern or such premises or holds such a concern or such premises out,
- so as to indicate, or reasonably be understood to indicate, that the carrying on of the concern is a regulated activity or that the premises are used for the carrying on of a regulated activity is guilty of an offence unless the conditions in subsection (2) are met.
- (2) Those conditions are—
- that a person is registered under this Chapter as a service provider in respect of the regulated activity in question, and
 - that the registration has not been suspended.
- (3) Any person who, with intent to deceive any person, in any way describes or holds out any person registered under this Chapter as a service provider in respect of a regulated activity as able to provide a service or do any thing the provision or doing of which would contravene a condition for the time being in force by virtue of this Chapter in relation to the regulated activity is guilty of an offence.
- (4) A person guilty of an offence under subsection (1) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) In this section “concern” includes any organisation.

Commencement Information

- I8** S. 36 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 14](#)

Status: Point in time view as at 12/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Offences. (See end of Document for details)

37 False statements in applications

- (1) Subsection (2) applies to any application under this Chapter by a person (“A”)—
 - (a) for registration,
 - (b) for the variation or removal of any condition in force in relation to A's registration,
 - (c) for the variation or cancellation of any suspension of A's registration, or
 - (d) for the cancellation of A's registration.
- (2) If, in an application to which this subsection applies, A knowingly makes a statement which is false or misleading in a material respect, A is guilty of an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

- I9** S. 37 in force at 12.1.2009 for specified purposes by [S.I. 2008/3168, art. 2](#)
- I10** S. 37 in force at 6.4.2010 in so far as not already in force by [S.I. 2010/807, art. 2\(1\)](#), [Sch. 1 para. 10](#) (with [Pt. 3](#))

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There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Offences.