



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Market oversight*

#### **53 Specifying criteria for application of market oversight regime**

- (1) Regulations must specify criteria for determining whether (subject to regulations under subsection (4)) section 55 (financial sustainability assessment) applies to a registered care provider who is registered in respect of the carrying on of a regulated activity relating to the provision of social care for adults.
- (2) In specifying the criteria, the Secretary of State must have regard to the following in particular—
  - (a) the amount of social care provided by a registered care provider,
  - (b) the geographical concentration of a registered care provider's business,
  - (c) the extent to which a registered care provider specialises in the provision of particular types of care.
- (3) The Secretary of State must—
  - (a) at such times as the Secretary of State considers appropriate, review the criteria for the time being specified in the regulations, and
  - (b) publish information about how the matters mentioned in subsection (2), and any other matters to which the Secretary of State has regard in specifying the criteria, are to be measured.
- (4) Regulations may provide that section 55 does not apply, or applies only to the extent specified, to a specified registered care provider or to a registered care provider of a specified description, regardless of whether that provider or a provider of that description would satisfy the criteria.

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*Status: Point in time view as at 11/04/2018.*

*Changes to legislation: Care Act 2014, Section 53 is up to date with all changes known to be in force on or before 19 May 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)*

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- (5) Regulations may provide that section 55 applies, or applies to the extent specified, to a specified registered care provider or to a registered care provider of a specified description, regardless of whether that provider or a provider of that description would satisfy the criteria.
- (6) The circumstances in which regulations may be made under subsection (4) include those in which the Secretary of State is satisfied that certain registered care providers are already subject to a regulatory regime comparable to that provided for by sections 55 and 56; and regulations made in such circumstances may, for example, make provision requiring specified persons to co-operate or to share information of a specified description.
- (7) “Social care” has the same meaning as in Part 1 of the Health and Social Care Act 2008.

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**Commencement Information**

- I1** S. 53(1)(2)(7) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 2\(1\)\(p\)](#)
- I2** S. 53(1)(2)(7) in force at 6.4.2015 in so far as not already in force by [S.I. 2015/993](#), [art. 4](#) (with transitional provisions in S.I. 2015/995)
- I3** S. 53(3)-(6) in force at 6.4.2015 by [S.I. 2015/993](#), [art. 4](#) (with transitional provisions in S.I. 2015/995)

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