



# Care Act 2014

## 2014 CHAPTER 23

### PART 2

#### CARE STANDARDS

##### *False or misleading information*

#### 92 Offence

- (1) A care provider of a specified description commits an offence if—
  - (a) it supplies, publishes or otherwise makes available information of a specified description,
  - (b) the supply, publication or making available by other means of information of that description is required under an enactment or other legal obligation, and
  - (c) the information is false or misleading in a material respect.
- (2) But it is a defence for a care provider to prove that it took all reasonable steps and exercised all due diligence to prevent the provision of false or misleading information as mentioned in subsection (1).
- (3) “Care provider” means—
  - (a) a public body which provides health services or adult social care in England,
  - (b) a person who provides health services or adult social care in England pursuant to arrangements made with a public body exercising functions in connection with the provision of such services or care, or
  - (c) a person who provides health services or adult social care in England all or part of the cost of which is paid for by means of a direct payment under section 12A of the National Health Service Act 2006 or under Part 1 of this Act.
- (4) “Health services” means services which must or may be provided as part of the health service.
- (5) “Adult social care”—

*Status: Point in time view as at 06/04/2016. This version of this provision has been superseded.*

*Changes to legislation: Care Act 2014, Section 92 is up to date with all changes known to be in force on or before 25 July 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)*

- (a) includes all forms of personal care and other practical assistance for individuals who, by reason of age, illness, disability, pregnancy, childbirth, dependence on alcohol or drugs, or any other similar circumstances, are in need of such care or other assistance, but
  - (b) does not include anything provided by an establishment or agency for which Her Majesty's Chief Inspector of Education, Children's Services and Skills is the registration authority under section 5 of the Care Standards Act 2000.
- (6) “Specified” means specified in regulations.
- (7) If a care provider commits an offence under either of the provisions mentioned in subsection (8) in respect of the provision of information, the provision of that information by that provider does not also constitute an offence under subsection (1).
- (8) The provisions referred to in subsection (7) are—
- (a) section 44 of the Competition Act 1998 (provision of false or misleading information) as applied by section 72 of the Health and Social Care Act 2012 (functions of the OFT under Part 1 of the Competition Act 1998 to be concurrent functions of Monitor), and
  - (b) section 117 of the Enterprise Act 2002 (provision of false or misleading information) as applied by section 73 of the Health and Social Care Act 2012 (functions of the OFT under Part 4 of the Enterprise Act 2002 to be concurrent functions of Monitor).
- (9) If a care provider commits an offence under subsection (1) in respect of the provision of information, the provision of that information by that provider does not also constitute an offence under section 64 of the Health and Social Care Act 2008 (failure to comply with request to provide information).

#### **Commencement Information**

- I1** S. 92(1)(3)-(6) in force at 15.7.2014 for specified purposes by [S.I. 2014/1714, art. 3\(3\)\(a\)](#)
- I2** S. 92(1)(3)-(6) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/993, art. 2\(w\)](#)
- I3** S. 92(2)(7)-(9) in force at 1.4.2015 by [S.I. 2015/993, art. 2\(w\)](#)

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