

2014 No. 2822

SOCIAL CARE, ENGLAND

**The Care and Support (Market Oversight Information)
Regulations 2014**

Made - - - - *6th October 2014*

Laid before Parliament *24th October 2014*

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 55(5), 125(7) and (8) of the Care Act 2014(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Care and Support (Market Oversight Information) Regulations 2014 and come into force immediately after section 55(5) of the Care Act 2014 comes fully into force(b).

(2) In these Regulations—

“the Act” means the Care Act 2014;

“the Commission” means the Care Quality Commission(c);

“group undertaking” has the meaning given by section 1161(5) of the Companies Act 2006(d) and “undertaking” (except in the case of an information undertaking) has the meaning given by section 1161(1) of that Act;

“information” means any information, documents, records or other material;

“information undertaking” is to be construed in accordance with regulation 2.

Undertaking to provide information

2.—(1) This regulation applies where a registered care provider(e) to whom section 55 of the Act applies is an undertaking.

(2) The Commission may require the registered care provider to obtain from a group undertaking of the provider an “information undertaking” to provide the Commission with such information as the Commission requests.

(3) An information undertaking must be in a form which is legally enforceable by the registered care provider.

(a) 2014 c. 23 (“the Act”). The powers to make regulations are exercisable by the Secretary of State. *See* section 125(1) of the Act.

(b) Section 55(5) was commenced for the purpose of making regulations by S.I. 2014/2473.

(c) Established by section 1(1) of the Health and Social Care Act 2008 (c. 14).

(d) 2006 c.46. *See* S.I. 2008/1911 as to the application of section 1161(5) with modifications to limited liability partnerships.

(e) *See* section 48(1) of the Act for the meaning of “registered care provider”.

Form of the information undertaking

3. The Commission may specify the form of an information undertaking and may provide in particular that—

- (a) information must be provided at such times and such places as may be specified by the Commission;
- (b) an explanation of any information must be provided at such times and such places as may be specified by the Commission;
- (c) information and explanations must be provided in such manner or format as may be specified by the Commission;
- (d) the group undertaking must co-operate with the Commission in connection with providing information and explanations; and
- (e) information and explanations must be complete and accurate.

Time for provision of information undertaking, etc.

4.—(1) The registered care provider must obtain the information undertaking within such period as the Commission specifies.

(2) The registered care provider must send to the Commission a copy of the information undertaking within such period as the Commission specifies.

(3) The information undertaking must remain in force for as long as—

- (a) the person required to provide information remains a group undertaking of the registered care provider; and
- (b) section 55 of the Act continues to apply to the registered care provider.

Breach, etc.

5.—(1) The registered care provider must inform the Commission immediately in writing if it becomes aware that—

- (a) the information undertaking has ceased to be in force;
- (b) the information undertaking has ceased to be legally enforceable; or
- (c) any terms of the information undertaking have been breached.

(2) The registered care provider must comply with any request made by the Commission to enforce the information undertaking.

Signed by authority of the Secretary of State for Health.

Dan Poulter
Parliamentary Under-Secretary of State,
Department of Health

6th October 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 55(1) of the Care Act 2014 (c.23) imposes a duty on the Care Quality Commission to assess the financial sustainability of a registered care provider subject to the market oversight regime. These Regulations make provision for the Commission to obtain information from persons other than the registered care provider to assist it in making this assessment.

Regulation 2 provides that the Commission may require a registered care provider to obtain from a group undertaking, a legally enforceable undertaking to provide information. Regulations 3 to 5 make further provision in relation to the information undertaking.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment can be requested via careactconsultation@dh.gsi.gov.uk or the Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS and is available online at <https://www.gov.uk/government/organisations/department-of-health>.

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