

SCHEDULE 2

Regulation 7

PUBLICATION OF INFORMATION RELATING TO ENFORCEMENT ACTION

PART 1

INFORMATION RELATING TO ENFORCEMENT
ACTION WHICH MUST BE PUBLISHED

1. In relation to the cancellation or suspension of a registered person's registration under section 17, 18, 30 or 31 of the Act, the prescribed information, subject to paragraph 5, is—

- (a) a description of the regulated activity to which the cancellation or suspension relates;
- (b) the name of the service provider in respect of that regulated activity;
- (c) where the cancellation or suspension relates to a registered manager, the name of the registered manager;
- (d) an explanation of why the registration has been cancelled or suspended and, where applicable, the period of suspension; and
- (e) the relevant address.

2. In relation to the conviction of any person in respect of an offence under Part 1 of the Act, except an offence under section 76 (disclosure of confidential personal information: offence), the prescribed information, subject to paragraph 6, is—

- (a) a description of the offence;
- (b) a description of the regulated activity that the person so convicted is carrying on, or involved in carrying on;
- (c) the name of the service provider in respect of that regulated activity;
- (d) where the person convicted is the registered manager, the name of the registered manager; and
- (e) the relevant address.

3.—(1) This paragraph applies to a decision under section 12(5) of the Act to vary or remove a condition for the time being in force in relation to a person's registration, or to impose an additional condition, which—

- (a) takes effect from the time when the notice is given in accordance with section 31 of the Act; or
- (b) appears to the Commission to have a material impact on the regulated activity being carried on.

(2) The prescribed information, subject to paragraph 5, in cases to which this paragraph applies is—

- (a) a description of the regulated activity that the variation or removal of a condition, or the imposition of an additional condition, relates to;
- (b) the name of the service provider in respect of that regulated activity;
- (c) where the decision relates to a condition in respect of a registered manager, the name of the registered manager;
- (d) a description of the condition being varied, removed or imposed and, where applicable, the variation or removal;
- (e) an explanation of why the decision was taken; and

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(f) the relevant address.

4. In relation to the payment by any person of a penalty in accordance with a penalty notice issued under section 86 of the Act other than in respect of an offence under section 63(7), 64(4) or 65(4) of that Act, the prescribed information, subject to paragraph 7, is—

- (a) a description of the fixed penalty offence;
- (b) a description of the regulated activity that the person given the penalty notice was carrying on or involved in carrying on;
- (c) the name of the service provider in respect of that regulated activity;
- (d) where the penalty notice is given to a registered manager, the name of the registered manager; and
- (e) the relevant address.

5. Paragraphs 1 and 3 do not apply, and the information prescribed in that paragraph must not be published, where an appeal is brought under section 32 of the Act and the First-tier Tribunal has directed that the Commission's decision is not, or is to cease, to have effect, or the order made by a justice of peace is to cease to have effect.

6. Paragraph 2 does not apply, and the information prescribed in that paragraph must not be published, where an appeal is brought against a conviction for an offence under Part 1 of the Act and the conviction is quashed.

7. Paragraph 4 does not apply, and the information prescribed in that paragraph must not be published, where a penalty notice is withdrawn in accordance with regulations made under section 87(1)(e) of the Act after the penalty has been paid but before publication of the information prescribed in paragraph 4.

8.—(1) The time prescribed for information required to be published under paragraphs 1 and 3 where no appeal is brought under section 32 of the Act is within the period starting immediately after the end of the period of 28 days referred to in section 32(2) of the Act and ending 4 months after service on the person of the notice of the Commission's decision or the date of the order under section 30 of the Act.

(2) The time prescribed for information required to be published under paragraphs 1 and 3 where an appeal is brought under section 32 of the Act is within 3 months of the determination or abandonment of the appeal.

(3) The time prescribed for information required to be published under paragraph 2 where no appeal is brought against a conviction is within the period starting immediately after the end of the period of 28 days after the date of the conviction and ending 4 months after the date of the conviction.

(4) The time prescribed for information required to be published under paragraph 2 where an appeal is brought against a conviction is within 3 months of the determination or abandonment of the appeal.

(5) The time prescribed for information to be published under paragraph 4 is within 3 months of the date of payment of the penalty.

PART 2

INFORMATION RELATING TO ENFORCEMENT ACTION WHICH MAY BE PUBLISHED

9. In relation to a conviction in respect of an offence under Part 1 of the Act, except an offence under section 76, the prescribed information is the penalty imposed.

10. In relation to decisions under section 12(5) of the Act which do not fall within paragraph 3(1), the prescribed information is the information listed in paragraph 3(2)(a) to (f).

11. Where a person who is not a registered person is convicted of an offence under Part 1 of the Act, except an offence under section 76, the prescribed information is the name of, and such other details as the Commission considers relevant about, the individual convicted of the offence.

12. In relation to the payment by any person of a penalty in accordance with a penalty notice issued under section 86 of the Act in respect of an offence under section 63(7), 64(4) or 65(4) of that Act, which is committed in connection with the carrying on of a regulated activity, the prescribed information is the information listed in paragraph 4(a) to (e).

13.—(1) In relation to a warning notice given under section 29 of the Act, the prescribed information is—

- (a) a description of the regulated activity to which the warning notice relates;
- (b) the name of the service provider in respect of that regulated activity;
- (c) where the warning notice is given to a registered manager, the name of the registered manager;
- (d) a description of the conduct which appears to the Commission to constitute a failure to comply with the relevant requirements and a description of the requirements concerned; and
- (e) the relevant address.

(2) Before publishing the information prescribed under sub-paragraph (1), the Commission must—

- (a) provide the person to whom the notice was given an opportunity to make representations to the Commission relating to the matters dealt with in the notice; and
- (b) take any such representations into account when determining whether to publish the prescribed information.