

---

DRAFT STATUTORY INSTRUMENTS

---

**2010 No.**

**The Health and Social Care Act 2008  
(Regulated Activities) Regulations 2010**

**PART 5**

**COMPLIANCE AND OFFENCES**

**Offences**

- 27.**—(1) A failure to comply with any of the provisions of regulations 9 to 24 shall be an offence.
- (2) The Commission may not bring proceedings in respect of a failure by a registered person to comply with any of those provisions unless—
- (a) the alleged failure is one in respect of which the Commission has given a warning notice to the registered person under section 29 of the Act;
  - (b) that warning notice specified a time within which the registered person must take action to secure compliance pursuant to section 29(2)(c)(ii) of the Act; and
  - (c) the registered person did not secure compliance within the specified time.
- (3) A person guilty of an offence under paragraph (1) is liable, on summary conviction, to a fine not exceeding £50,000.
- (4) In any proceedings for an offence under this regulation, it is a defence for the registered person to prove that they took all reasonable steps or exercised all due diligence to ensure that the provision in question was complied with.