



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 2

#### REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

#### *Miscellaneous*

### **39 Bodies required to be notified of certain matters**

- (1) Where the Commission gives a notice to which this section applies in respect of a regulated activity, it must give a copy of the notice—
  - (a) to such Primary Care Trust or English local authority as may be determined in accordance with regulations,
  - (b) where the person registered as a service provider in respect of the activity is a Primary Care Trust or National Health Service trust, to such Strategic Health Authority as may be so determined,
  - (c) where the person registered as a service provider in respect of the activity is an NHS foundation trust, to the Independent Regulator of NHS Foundation Trusts, and
  - (d) to such other persons as the Commission considers appropriate.
- (2) This section applies to the following notices—
  - (a) a notice under section 26 (notice of proposals),
  - (b) a notice under subsection (1) or (3) of section 28 (notice of decisions),
  - (c) a warning notice under section 29 (warning notice), and
  - (d) a notice under section 31 (urgent procedure for suspension, variation etc.).

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*Status: This is the original version (as it was originally enacted).*

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- (3) The Commission must notify each of the persons mentioned in subsection (1)(a) to (d) of either of the following events in relation to a person registered under this Chapter—
- (a) the payment of a penalty in accordance with a penalty notice issued under section 86, or
  - (b) the commencement of proceedings in respect of a Part 1 offence.
- (4) Regulations may prescribe cases in which subsection (1) or (3) does not apply.

#### **40 Periodic returns**

- (1) Regulations may require the person carrying on a regulated activity to make a return to the Commission at such intervals as may be prescribed.
- (2) Provision may be made by the regulations as to the contents of the return and the period in respect of which and date by which it is to be made.

#### **41 Liquidators etc.**

- (1) Regulations may—
- (a) require any person to whom this section applies to give notice of the person's appointment to the Commission;
  - (b) require any person to whom this section applies to appoint a person to manage the regulated activity in question.
- (2) This section applies to any person appointed as—
- (a) a receiver or manager of the property of a relevant company,
  - (b) the liquidator or provisional liquidator of a relevant company, or
  - (c) the trustee in bankruptcy of a relevant individual.
- (3) In this section—
- “company” includes a partnership;
  - “relevant company” means a company which is registered under this Chapter as a service provider in respect of a regulated activity;
  - “relevant individual” means an individual who is registered under this Chapter as a service provider in respect of a regulated activity.

#### **42 Death of registered person**

- (1) Regulations may—
- (a) provide for the provisions of this Chapter to apply with prescribed modifications in cases where a person who was the only person registered under this Chapter as a service provider in respect of a regulated activity has died;
  - (b) require the personal representatives of a deceased person who was registered as a service provider in respect of a regulated activity to notify the Commission of the person's death.
- (2) Regulations under subsection (1)(a) may in particular—
- (a) provide for the regulated activity to be carried on for a prescribed period by a person who is not registered in respect of it, and

- (b) include provision for the prescribed period to be extended by such further period as the Commission may allow.