



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 6

MISCELLANEOUS AND GENERAL

Interaction with other authorities

68 Avoidance of unreasonable burdens in exercise of regulatory powers

- (1) The Secretary of State may publish guidance about steps which regulatory authorities may take in exercising relevant powers with a view to avoiding the imposition of unreasonable burdens on those in respect of whom the powers are exercisable.
- (2) “Regulatory authorities” means—
 - (a) the Commission, and
 - (b) such other bodies as may be prescribed.
- (3) A body may not be prescribed under subsection (2)(b) unless it has functions relating to the provision of health or social care.
- (4) “Relevant powers” means powers conferred by or under an enactment to—
 - (a) carry out inspections, or
 - (b) require the provision of information,but, in relation to a body prescribed under subsection (2)(b), such powers are “relevant powers” only so far as they are exercisable in respect of a person in respect of whom the Commission has relevant powers.
- (5) The steps mentioned in subsection (1) might include for example—

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 68. (See end of Document for details)

- (a) co-operating with other regulatory authorities and co-ordinating the exercise of relevant powers,
 - (b) sharing information or the results of inspections, and
 - (c) seeking to obtain information from other sources before exercising a relevant power to require the provision of that information.
- (6) In exercising relevant powers, regulatory authorities must have regard to any guidance published under subsection (1).
- (7) Nothing in this section is intended to limit the scope of a relevant power or affect a person's obligation to comply with a requirement imposed in the exercise of such a power.
- (8) In this section—
- (a) “inspections” includes inspections of persons, premises or the carrying on of activities,
 - (b) a reference to a power to carry out inspections includes a reference to any power which is ancillary to that power (such as a power to enter premises or to require assistance), and
 - (c) a reference to a power to require the provision of information includes a reference to a power to require the production of documents, records or other items, a power to require the making of reports and a power to require explanations.

Commencement Information

11 S. 68 partly in force; S. 68 in force for specified purposes at Royal Assent, see s. 170

12 S. 68 in force at 1.4.2009 in so far as not already in force by [S.I. 2009/462](#), art. 2(1), [Sch. 1 para. 22](#)

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