



# 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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.