



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 6

#### MISCELLANEOUS AND GENERAL

#### *Enforcement*

#### **88 Guidance by the Commission in relation to enforcement action**

- (1) The Commission must issue guidance about how it will exercise its functions under any of the following provisions of this Part—
  - (a) section 12(5) (variation, removal or imposition of condition in relation to registration as a service provider),
  - (b) section 15(5) (variation, removal or imposition of condition in relation to registration as a manager),
  - (c) sections 17 and 18 (cancellation or suspension of registration),
  - (d) [F1 sections 29 and 29A ] (warning notice),
  - (e) section 86 (penalty notices), and
  - (f) section 89 (publication of information).
- (2) The guidance may also include guidance, in relation to any Part 1 offence, as to the circumstances in which the Commission is likely to take criminal proceedings for the offence.
- (3) The Commission may from time to time revise guidance published by it under this section and issue the revised guidance.
- (4) Before issuing any guidance or revised guidance under this section, the Commission must consult—

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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 88. (See end of Document for details)

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- (a) such persons as may be prescribed, and
- (b) such other persons as the Commission considers appropriate.

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**Textual Amendments**

- F1** Words in s. 88(1)(d) substituted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), **ss. 82(5)**, 127(1); [S.I. 2015/993](#), **art. 2(v)** (with transitional provisions in [S.I. 2015/995](#))
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**Commencement Information**

- I1** S. 88 partly in force; S. 88 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 88 in force at 1.10.2008 in so far as not already in force by [S.I. 2008/2497](#), **art. 2(k)**

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 88.