

SCHEDULE 1

Regulation 7

FIXED PENALTY OFFENCES

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Monetary amount of penalty</i>
Regulation 6 of these Regulations	Contravention of, or failure to comply with, requirements relating to a health care associated infection.	£4,000
Section 10(1) of the Act	Carrying on a regulated activity without being registered.	£4,000
Section 33 of the Act	Failure to comply with conditions.	£4,000
Section 34(1) of the Act	Carrying on a regulated activity whilst registration is suspended.	£4,000
Section 63(7) of the Act	Obstructing entry and inspection.	£1,250
Section 64(4) of the Act	Failure to provide documents and information.	£1,250
Section 65(4) of the Act	Failure to provide an explanation.	£1,250

SCHEDULE 2

Regulation 8

PUBLICATION OF INFORMATION RELATING TO ENFORCEMENT ACTION

PART 1

INFORMATION RELATING TO ENFORCEMENT ACTION WHICH MUST BE PUBLISHED

1. In relation to the cancellation or suspension of a person's registration under section 17, 18, 30 or 31 of the Act, the prescribed information, subject to paragraph 5, is—

- (a) the name of the person registered as a service provider whose registration has been cancelled or suspended;
- (b) a description of the regulated activity to which the cancellation or suspension relates;
- (c) an explanation of why the registration has been cancelled or suspended and, where applicable, the period of suspension; and
- (d) the address at which the person registered as a service provider is carrying on the regulated activity or, in the case of the provision of ambulance services for the purposes

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of transporting patients, such address for the National Health Service trust or the NHS foundation trust providing that service as the Commission considers relevant.

2. In relation to the conviction of any person in respect of an offence under Part 1 of the Act, except an offence under section 76 (disclosure of confidential person information: offence), the prescribed information, subject to paragraph 6, is—

- (a) a description of the offence;
- (b) a description of the regulated activity that the person so convicted is carrying on, or involved in carrying on;
- (c) the name of the person registered as a service provider in respect of that regulated activity; and
- (d) the address at which the person registered as a service provider is carrying on the regulated activity or, in the case of the provision of ambulance services for the purposes of transporting patients, such address for the National Health Service trust or the NHS foundation trust providing that service as the Commission considers relevant.

3.—(1) This paragraph applies to a decision under section 12(5) of the Act to vary or remove a condition for the time being in force in relation to a person’s registration, or to impose an additional condition, which—

- (a) takes effect from the time when the notice is given in accordance with section 31 of the Act; or
- (b) appears to the Commission to have a material impact on the regulated activity being carried on.

(2) The prescribed information, subject to paragraph 5, in cases to which this paragraph applies is—

- (a) the name of the person registered as a service provider;
- (b) a description of the regulated activity that the variation or removal of a condition, or the imposition of an additional condition, relates to;
- (c) a description of the condition being varied, removed or imposed and, where applicable, the variation or removal;
- (d) an explanation of why the decision was taken; and
- (e) the address at which the person registered as a service provider is carrying on the regulated activity or, in the case of the provision of ambulance services for the purposes of transporting patients, such address for the National Health Service trust or the NHS foundation trust providing that service as the Commission considers relevant.

4. In relation to the payment by any person of a penalty in accordance with a penalty notice issued under section 86 of the Act and the offence to which the notice relates, the prescribed information is—

- (a) a description of the fixed penalty offence;
- (b) a description of the regulated activity that the person given the penalty notice was carrying on or involved in carrying on;
- (c) the name of the person registered as a service provider in respect of that regulated activity; and
- (d) the address at which the person registered as a service provider is carrying on the regulated activity or, in the case of the provision of ambulance services for the purposes of transporting patients, such address for the National Health Service trust or the NHS foundation trust providing that service as the Commission considers relevant.

5. Where an appeal is brought under section 32 of the Act and the First-tier Tribunal has directed that the Commission's decision is not, or is to cease, to have effect, or the order made by a justice of peace is to cease to have effect, paragraphs 1 and 3 do not apply and the information prescribed must not be published.

6. Where an appeal is brought against a conviction for an offence under Part 1 of the Act and the conviction is quashed, paragraph 2 does not apply and the information prescribed must not be published.

7. Where a penalty notice is withdrawn in accordance with regulation 7(9) after the penalty has been paid but before publication of the information referred to in paragraph 4, that paragraph does not apply and the information must not be published.

8.—(1) The time prescribed for information required to be published under paragraphs 1 and 3 where no appeal is brought under section 32 of the Act is within the period starting immediately after the end of the period of 28 days referred to in section 32(2) of the Act and ending four months after service on the person of the notice of the Commission's decision or the date of the order under section 30 of the Act.

(2) The time prescribed for information required to be published under paragraphs 1 and 3 where an appeal is brought under section 32 of the Act is within 3 months of the determination or abandonment of the appeal.

(3) The time prescribed for information required to be published under paragraph 2 where no appeal is brought against a conviction is within the period starting immediately after the end of the period of 28 days after the date of the conviction and ending four months after date of the conviction.

(4) The time prescribed for information required to be published under paragraph 2 where an appeal is brought against a conviction is within 3 months of the determination or abandonment of the appeal.

(5) The time prescribed for information to be published under paragraph 4 is within three months of the date of payment of the penalty.

PART 2

INFORMATION RELATING TO ENFORCEMENT ACTION WHICH MAY BE PUBLISHED

9. In relation to a conviction in respect of an offence under Part 1 of the Act, except an offence under section 76, the prescribed information is the penalty imposed.

10. Where a person who is not registered as a service provider is convicted of an offence under Part 1 of the Act, except an offence under section 76, the prescribed information is the name of, and such other details as the Commission considers relevant about, the individual convicted of the offence.

11.—(1) In relation to a warning notice given under section 29 of the Act, the prescribed information is—

- (a) the name of the person registered as a service provider who has been given the warning notice;
- (b) a description of the regulated activity to which the warning notice relates;
- (c) a description of the conduct which appears to the Commission to constitute a failure to comply with the relevant requirements and a description of the requirements concerned; and

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- (d) the address at which the person registered as a service provider is carrying on the regulated activity or, in the case of the provision of ambulance services for the purposes of transporting patients, such address for the National Health Service trust or the NHS foundation trust providing that service as the Commission considers relevant.
- (2) The Commission must, before publishing the information prescribed under sub-paragraph (1), provide the person to whom the notice was given an opportunity to make representations to the Commission relating to the matters dealt with in the notice.