
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 92 of the Care Act 2014 (“the Act”) creates an offence of supplying, publishing or otherwise making available information which is false or misleading in a material respect. The offence will apply: to such care providers and such information as is specified in regulations; and, where the information is supplied, published or made available under an enactment or other legal obligation.

Regulation 2 specifies, for the purposes of section 92(1) of the Act, NHS trusts in England, NHS foundation trusts and other persons who provide health services from a hospital, pursuant to arrangements with a public body.

Regulation 3 specifies information provided to the Health and Social Care Information Centre for the purposes of certain commissioning data sets, listed in Part 1 of the Schedule, and certain other information, listed in Part 2 of the Schedule, as the information to which section 92(1) of the Act applies.

Regulation 4 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years beginning with the day on which provisions of these Regulations first come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private sector or civil society organisations is foreseen. A full impact assessment has been produced in relation to the relevant provisions of the Act and a copy is available from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS or at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275546/FOMI_IA.pdf.