



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 2

REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

Registration procedure

29 Warning notice

- (1) If it appears to the Commission that a person who is registered under this Chapter as a service provider or manager in respect of a regulated activity has failed to comply with the relevant requirements, the Commission may give the registered person a warning notice.

[^{F1}(1A) But a warning notice under this section may not be given to an NHS trust established under section 25 of the National Health Service Act 2006 or an NHS foundation trust.]

- (2) A warning notice [^{F2}under this section] is a notice in writing—
- (a) specifying the conduct which appears to the Commission to constitute a failure to comply with the relevant requirements,
 - (b) specifying the requirement concerned, and
 - (c) where it appears to the Commission that the failure is continuing—
 - (i) requiring the registered person to comply with the requirement concerned within a specified time, and
 - (ii) stating that, if the registered person fails to do so within that time, the Commission may take action to secure compliance with the relevant requirements.

- (3) Subsections (4) and (5) apply where—

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 29. (See end of Document for details)

- (a) a warning notice [^{F3}under this section] has been given to any person, and
 - (b) where any failure to comply with a requirement is specified under subsection (2)(c), the requirement has been complied with within the specified time.
- (4) The failure to which the notice relates, so far as occurring before the relevant time, is not to constitute a ground for the cancellation or suspension of registration, the variation of the conditions of registration, the removal of a condition or the imposition of any additional condition.
- (5) No proceedings may be brought against any person registered in respect of the regulated activity for a Part 1 offence that arises out of the failure to which the notice relates, so far as occurring before the relevant time.
- (6) In subsections (4) and (5) “the relevant time” means—
- (a) where a time is specified under subsection (2)(c)(i), the time so specified, and
 - (b) in any other case, the date on which the notice was given.
- (7) In this section “relevant requirements” means—
- (a) any requirements or conditions imposed by or under this Chapter or Chapter 6, and
 - (b) the requirements of any other enactment which appears to the Commission to be relevant.

Textual Amendments

- F1** S. 29(1A) inserted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), **ss. 82(1)**, 127(1); S.I. 2015/993, art. 2(v) (with transitional provisions in [S.I. 2015/995](#))
- F2** Words in s. 29(2) inserted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), **ss. 82(2)**, 127(1); S.I. 2015/993, art. 2(v) (with transitional provisions in [S.I. 2015/995](#))
- F3** Words in s. 29(3)(a) inserted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), **ss. 82(2)**, 127(1); S.I. 2015/993, art. 2(v) (with transitional provisions in [S.I. 2015/995](#))

Commencement Information

- I1** S. 29 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, **Sch. 1 para. 11**
- I2** S. 29 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(2), **Sch. 1 para. 22** (with [Pt. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 29.