



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.
- (2) A warning notice 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—
 - (a) a warning notice has been given to any person, and

Status: This is the original version (as it was originally enacted).

- (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.