



# 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

#### *Miscellaneous*

### **39 Bodies required to be notified of certain matters**

(1) Where the Commission gives a notice to which this section applies in respect of a regulated activity, it must give a copy of the notice—

[<sup>F1</sup>(za) in any case where regulations so provide, to [<sup>F2</sup>NHS England] ,]

(a) [<sup>F3</sup>in any case where regulations so provide,] to such [<sup>F4</sup>integrated care board]<sup>F5</sup>... or English local authority as may be determined in accordance with regulations,

<sup>F6</sup>(b) .....

<sup>F7</sup>(c) .....

(d) to such other persons as the Commission considers appropriate.

(2) This section applies to the following notices—

(a) a notice under section 26 (notice of proposals),

(b) a notice under subsection (1) or (3) of section 28 (notice of decisions),

(c) a warning notice under section 29 [<sup>F8</sup>or 29A] (warning notice), and

(d) a notice under section 31 (urgent procedure for suspension, variation etc.).

(3) The Commission must notify each of the persons mentioned in subsection (1)(a) to (d) of either of the following events in relation to a person registered under this Chapter—

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 39. (See end of Document for details)*

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- (a) the payment of a penalty in accordance with a penalty notice issued under section 86, or
  - (b) the commencement of proceedings in respect of a Part 1 offence.
- (4) Regulations may prescribe cases in which subsection (1) or (3) does not apply.

#### **Textual Amendments**

- F1** S. 39(1)(za) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 156(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in s. 39 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 39(1)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 156(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 39(1)(a) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 162**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in s. 39(1)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 156(b)(iii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 39(1)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 156(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** S. 39(1)(c) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 5 para. 37**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F8** Words in s. 39(2)(c) inserted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), **ss. 82(4)(b)**, 127(1); S.I. 2015/993, art. 2(v) (with transitional provisions in S.I. 2015/995)

#### **Modifications etc. (not altering text)**

- C1** S. 39(1) excluded (E.) (1.4.2009) by [Health and Social Care Act 2008 \(Registration of Regulated Activities\) Regulations 2009 \(S.I. 2009/660\)](#), regs. 1(1), **9**

#### **Commencement Information**

- I1** S. 39 partly in force; S. 39 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 39 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, **Sch. 1 para. 15**
- I3** S. 39 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. 25** (with Pt. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 39.