

Status: Point in time view as at 01/07/2022.

Changes to legislation: Health and Social Care Act 2012, Paragraph 1 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 11

FURTHER PROVISION ABOUT [F1NHS ENGLAND’S] ENFORCEMENT POWERS

Textual Amendments

- F1** Words in Sch. 11 heading substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 5 para. 100(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

PART 1

DISCRETIONARY REQUIREMENTS

Procedure

- 1 (1) Where [F1NHS England] proposes to impose a discretionary requirement on a person, [F1NHS England] must give notice to that person (a “notice of intent”).
- (2) A notice of intent must—
- (a) state that [F2NHS England] proposes to impose the discretionary requirement and set out its effect,
 - (b) set out the grounds for the proposal to impose the requirement,
 - (c) explain the effect of section 106 (enforcement undertakings),
 - (d) set out the circumstances (if any) in which [F3NHS England] may not impose the requirement, and
 - (e) specify the period (“the notice period”) within which representations with respect to the proposal may be made to [F4NHS England].
- (3) The notice period must be not less than 28 days beginning with the day after that on which the notice of intent is received.
- (4) But where [F5NHS England]—
- (a) proposes to impose a compliance requirement or restoration requirement, and
 - (b) considers that a shorter notice period is necessary to prevent or minimise further breaches of the kind referred to in section 105(1),
- the notice period is to be such shorter period as [F5NHS England] may determine, but not less than 5 days beginning with the day after that on which the notice of intent is received.

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Textual Amendments

- F1** Words in Sch. 11 para. 1(1) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 100\(3\)\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** Words in Sch. 11 para. 1(2)(a) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 100\(3\)\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in Sch. 11 para. 1(2)(d) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 100\(3\)\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Words in Sch. 11 para. 1(2)(e) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 100\(3\)\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in Sch. 11 para. 1(4) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 100\(3\)\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Commencement Information

- I1** Sch. 11 para. 1 in force at 1.4.2013 by [S.I. 2013/671](#), [art. 2\(3\)](#)

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