



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Market oversight*

#### **53 Specifying criteria for application of market oversight regime**

- (1) Regulations must specify criteria for determining whether (subject to regulations under subsection (4)) section 55 (financial sustainability assessment) applies to a registered care provider who is registered in respect of the carrying on of a regulated activity relating to the provision of social care for adults.
- (2) In specifying the criteria, the Secretary of State must have regard to the following in particular—
  - (a) the amount of social care provided by a registered care provider,
  - (b) the geographical concentration of a registered care provider's business,
  - (c) the extent to which a registered care provider specialises in the provision of particular types of care.
- (3) The Secretary of State must—
  - (a) at such times as the Secretary of State considers appropriate, review the criteria for the time being specified in the regulations, and
  - (b) publish information about how the matters mentioned in subsection (2), and any other matters to which the Secretary of State has regard in specifying the criteria, are to be measured.
- (4) Regulations may provide that section 55 does not apply, or applies only to the extent specified, to a specified registered care provider or to a registered care provider of a specified description, regardless of whether that provider or a provider of that description would satisfy the criteria.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Regulations may provide that section 55 applies, or applies to the extent specified, to a specified registered care provider or to a registered care provider of a specified description, regardless of whether that provider or a provider of that description would satisfy the criteria.
- (6) The circumstances in which regulations may be made under subsection (4) include those in which the Secretary of State is satisfied that certain registered care providers are already subject to a regulatory regime comparable to that provided for by sections 55 and 56; and regulations made in such circumstances may, for example, make provision requiring specified persons to co-operate or to share information of a specified description.
- (7) “Social care” has the same meaning as in Part 1 of the Health and Social Care Act 2008.