



Care Act 2014

2014 CHAPTER 23

PART 2

CARE STANDARDS

False or misleading information

93 Penalties

- (1) A person who is guilty of an offence under section 92 is liable—
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to imprisonment for not more than two years or a fine (or both).
- (2) A court before which a care provider is convicted of an offence under section 92 may (whether instead of or as well as imposing a fine under subsection (1)) make either or both of the following orders—
 - (a) a remedial order,
 - (b) a publicity order.
- (3) A “remedial order” is an order requiring the care provider to take specified steps to remedy one or more of the following—
 - (a) the conduct specified in section 92(1),
 - (b) any matter that appears to the court to have resulted from the conduct,
 - (c) any deficiency, as regards the management of information, in the care provider’s policies, systems or practices of which the conduct appears to the court to be an indication.
- (4) A “publicity order” is an order requiring the care provider to publicise in a specified manner—
 - (a) the fact that it has been convicted of an offence under section 92,
 - (b) specified particulars of the offence,
 - (c) the amount of any fine imposed, and

Status: This is the original version (as it was originally enacted).

- (d) the terms of any remedial order made.
- (5) A remedial order may be made only on an application by the prosecution specifying the terms of the proposed order; and any such order must be on such terms (whether those proposed or others) as the court considers appropriate having regard to any representations made, and any evidence adduced, in relation to that matter by the prosecution or on behalf of the care provider.
- (6) A remedial order must specify a period within which the steps referred to in subsection (3) are to be taken.
- (7) A publicity order must specify a period within which the requirements referred to in subsection (4) are to be complied with.
- (8) A care provider that fails to comply with a remedial order or a publicity order commits an offence and is liable on conviction on indictment to a fine.