



Health and Care Act 2022

2022 CHAPTER 31

PART 2

HEALTH AND ADULT SOCIAL CARE: INFORMATION

93 Regulations under section 92: enforcement

- (1) Regulations under section 92(1) may make provision for the enforcement of requirements imposed by the regulations, including provision conferring on the Secretary of State the power to impose a financial penalty on a person who, without reasonable excuse—
 - (a) fails to comply with such a requirement, or
 - (b) provides information in response to such a requirement that is false or misleading to a material extent.
- (2) The amount of the financial penalty is to be specified in, or determined in accordance with, the regulations.
- (3) Regulations by virtue of subsection (1) must include provision—
 - (a) requiring the Secretary of State, before imposing a financial penalty on a person, to give the person written notice (a “notice of intent”) of the proposed financial penalty;
 - (b) ensuring that the person is given an opportunity to make representations about the proposed financial penalty;
 - (c) requiring the Secretary of State, after the period for making representations, to decide whether to impose the financial penalty;
 - (d) requiring the Secretary of State, if the Secretary of State decides to impose the financial penalty, to give the person notice in writing (a “final notice”) imposing the penalty;
 - (e) enabling a person on whom a financial penalty is imposed to appeal to a court or tribunal in accordance with the regulations;
 - (f) as to the powers of the court or tribunal on such an appeal.

Status: This is the original version (as it was originally enacted).

- (4) The provision that may be made by the regulations by virtue of subsection (1) includes provision—
- (a) enabling a notice of intent or final notice to be withdrawn or amended;
 - (b) requiring the Secretary of State to withdraw a final notice in circumstances specified in the regulations;
 - (c) for a financial penalty to be increased by an amount specified in or determined in accordance with the regulations in the event of late payment;
 - (d) as to how financial penalties are recoverable.