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STATUTORY INSTRUMENTS

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**2004 No. 2071**

**The Adult Placement Schemes (England) Regulations 2004**

**PART 5**

**MISCELLANEOUS**

**Offences**

**39.**—(1) Where the registered person contravenes or fails to comply with any of the provisions of regulations 4 to 35 he shall be guilty of an offence.

(2) The CSCI shall not bring proceedings against a person in respect of any contravention of, or failure to comply with, those regulations unless—

- (a) subject to paragraph (4), he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice, within which the registered person may make representations to the CSCI, has expired; and
- (d) in a case where, in accordance with paragraph (3)(b), the notice specifies any action that is to be taken within a specified period, the period has expired and the action has not been taken within that period.

(3) Where the CSCI considers that the registered person has contravened, or failed to comply with, any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying—

- (a) in what respect in its opinion the registered person has contravened, or has failed to comply with, any of the regulations;
- (b) where it is practicable for the registered person to take action for the purpose of complying with any of those regulations, the action which, in the opinion of the CSCI, the registered person should take for that purpose;
- (c) the period, not exceeding three months, within which the registered person should take any action specified in accordance with sub-paragraph (b);
- (d) the period, not exceeding one month, within which the registered person may make representations to the CSCI about the notice.

(4) The CSCI may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 22, and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.