

*This Statutory Instrument has been made in consequence of a defect in S.I. 2009/3112 and is being issued free of charge to all known recipients of that Statutory Instrument*

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STATUTORY INSTRUMENTS

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**2010 No. 49**

**NATIONAL HEALTH SERVICE, ENGLAND**

**SOCIAL CARE, ENGLAND**

**PUBLIC HEALTH, ENGLAND**

**The Care Quality Commission (Registration) Amendment  
Regulations 2010**

*Made* - - - -

*11th January 2010*

*Laid before Parliament*

*15th January 2010*

*Coming into force*

*1st April 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 86(2), 87 and 161(3) and (4) of the Health and Social Care Act 2008<sup>(a)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Care Quality Commission (Registration) Amendment Regulations 2010 and shall come into force on 1st April 2010.

**Penalty notices for offences created by regulation 25 of the Care Quality Commission (Registration) Regulations 2009**

2. After regulation 25 (offences) of the Care Quality Commission (Registration) Regulations 2009<sup>(b)</sup> insert—

**“Penalty notices**

**26.—**(1) The offence created by regulation 25 is prescribed as a fixed penalty offence for the purposes of section 86 of the Act.

(2) The monetary amount of the penalty for that fixed penalty offence is—

- (a) £1250 in the case of an offence committed by a person registered with the Commission as a service provider under Chapter 2 of Part 1 of the Act; and
- (b) £625 in the case of an offence committed by a person registered with the Commission under that Chapter as a manager.”.

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<sup>(a)</sup> 2008 c.14. “Prescribed” and “regulations” are defined in section 97(1) of that Act.

<sup>(b)</sup> S.I. 2009/3112.

Signed by authority of the Secretary of State for Health

11th January 2010

*Mike O'Brien*  
Minister of State,  
Department of Health

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations correct an omission from the Care Quality Commission (Registration) Regulations 2009 (“the original Regulations”) by providing that the offence created by regulation 25 of those Regulations is a fixed penalty offence and setting the monetary amount of the penalty that applies.

Since the omission of this provision was an oversight in the original Regulations, these amending Regulations are being issued free to all known recipients of the original Regulations.

An impact assessment in respect of the regulations relating to registration under the Health and Social Care Act 2008 from April 2010 was published alongside a draft Statutory Instrument entitled the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 and is available on the Department of Health website at [www.dh.gov.uk/en/Publicationsandstatistics/Legislation/index.htm](http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/index.htm).

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