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## EXPLANATORY NOTE

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

These Regulations make provision in relation to financial penalties which can be imposed where a person, without reasonable excuse, breaches certain information duties under Part 9 of the Health and Social Care Act 2012 (c. 7), as amended by the Health and Care Act 2022 (c. 31). A financial penalty can be imposed when a person fails to comply with a requirement to provide information imposed under section 277A(1) of the Health and Social Care Act 2012 or provides information in response to such a requirement that is false or misleading to a material extent.

Regulation 3 makes provision as to the amount of the financial penalty. The amount is to be the same as the fee payable to the Care Quality Commission for the grant or subsistence of the provider's registration determined by reference to the fee scheme which is current at the time the financial penalty is imposed.

Regulation 4 provides for a notice of intent to be given before a financial penalty is imposed.

Regulation 5 provides for a right for a person to whom a notice of intent is given to make written representations about the proposal to impose a financial penalty.

Regulation 6 provides for final decisions by the Secretary of State after the period for making representations, and makes provision as to the content of the final notice where the Secretary of State decides to impose a financial penalty.

Regulation 7 provides for the Secretary of State to be able to withdraw a notice of intent or a final notice. Regulation 7 also makes provision in relation to the giving of notices under the Regulations.

Regulation 8 provides for a person to whom a final notice is given to be able to appeal to the First-tier Tribunal. Regulation 9 makes provision for financial penalties to be recovered in the county court and regulation 10 makes provision for financial penalties to be paid into the Consolidated Fund.

Regulation 11 provides for a review of the Regulations every five years in accordance with the Small Business, Enterprise and Employment Act 2015 (c. 26).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.