29 Warning notice

(1) If it appears to the Commission that a person who is registered under this Chapter as a service provider or manager in respect of a regulated activity has failed to comply with the relevant requirements, the Commission may give the registered person a warning notice.

\[F1\](1A) But a warning notice under this section may not be given to an NHS trust established under section 25 of the National Health Service Act 2006 or an NHS foundation trust. \]

(2) A warning notice under this section is a notice in writing—

(a) specifying the conduct which appears to the Commission to constitute a failure to comply with the relevant requirements,

(b) specifying the requirement concerned, and

(c) where it appears to the Commission that the failure is continuing—

(i) requiring the registered person to comply with the requirement concerned within a specified time, and

(ii) stating that, if the registered person fails to do so within that time, the Commission may take action to secure compliance with the relevant requirements.

(3) Subsections (4) and (5) apply where—
(a) a warning notice \[^F3\] under this section has been given to any person, and
(b) where any failure to comply with a requirement is specified under subsection (2)(c), the requirement has been complied with within the specified time.

(4) The failure to which the notice relates, so far as occurring before the relevant time, is not to constitute a ground for the cancellation or suspension of registration, the variation of the conditions of registration, the removal of a condition or the imposition of any additional condition.

(5) No proceedings may be brought against any person registered in respect of the regulated activity for a Part 1 offence that arises out of the failure to which the notice relates, so far as occurring before the relevant time.

(6) In subsections (4) and (5) “the relevant time” means—
(a) where a time is specified under subsection (2)(c)(i), the time so specified, and
(b) in any other case, the date on which the notice was given.

(7) In this section “relevant requirements” means—
(a) any requirements or conditions imposed by or under this Chapter or Chapter 6, and
(b) the requirements of any other enactment which appears to the Commission to be relevant.

Annotations:

Amendments (Textual)

F1  S. 29(1A) inserted (1.4.2015) by Care Act 2014 (c. 23), ss. 82(1), 127(1); S.I. 2015/993, art. 2(v) (with transitional provisions in S.I. 2015/995)
F2  Words in s. 29(2) inserted (1.4.2015) by Care Act 2014 (c. 23), ss. 82(2), 127(1); S.I. 2015/993, art. 2(v) (with transitional provisions in S.I. 2015/995)
F3  Words in s. 29(3)(a) inserted (1.4.2015) by Care Act 2014 (c. 23), ss. 82(2), 127(1); S.I. 2015/993, art. 2(v) (with transitional provisions in S.I. 2015/995)

Commencement Information

I1  S. 29 in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2, Sch. 1 para. 11
I2  S. 29 in force at 1.10.2010 in so far as not already in force by S.I. 2010/807, art. 2(2), Sch. 1 para. 22 (with Pt. 3)
Changes to legislation:
There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 29.