Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 2

REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

Offences

34 Offences relating to suspension or cancellation of registration

(1) If a person (“S”) who is registered under this Chapter as a service provider in respect of a regulated activity carries on that activity while S's registration is suspended, S is guilty of an offence.

(2) A person (“M”) whose registration under this Chapter as a manager in respect of a regulated activity is suspended is guilty of an offence if, during the period of suspension, M manages that activity at a time when no one else has been registered under this Chapter as a manager in respect of the activity since the suspension of M's registration.

(3) A person (“M”) whose registration under this Chapter as a manager in respect of a regulated activity has been cancelled is guilty of an offence if M manages that activity at a time when—

(a) a person (“S”) remains registered under this Chapter as a service provider in respect of the activity,

(b) S's registration remains subject to a registered manager condition, and

(c) no-one has been registered under this Chapter as a manager in respect of the activity since the cancellation of M's registration.
(4) If a person (“M”) who is registered under this Chapter as a manager in respect of a regulated activity manages that activity while the registration of the person registered under this Chapter as a service provider in respect of the activity is suspended, M is guilty of an offence if M knows or could reasonably be expected to know of the suspension.

(5) A person guilty of an offence under this section is liable on summary conviction to [F1 a fine].

Annotations:

Amendments (Textual)

F1 Words in s. 34(5) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), Sch. 4 para. 40(4) (with reg. 5(1))

Commencement Information

I1 S. 34(1)(5) in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2, Sch. 1 para. 13
I2 S. 34(2)-(4) in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 24 (with Pt. 3)
I3 S. 34(5) 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. 24 (with Pt. 3)
Changes to legislation:
There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 34.