Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 39. (See end of Document for details)

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

Miscellaneous

39 Bodies required to be notified of certain matters

(1) Where the Commission gives a notice to which this section applies in respect of a regulated activity, it must give a copy of the notice—

(a) in any case where regulations so provide, to the National Health Service Commissioning Board,

(b) in any case where regulations so provide, to such clinical commissioning group ... or English local authority as may be determined in accordance with regulations,

(c) where the person registered as a service provider in respect of the activity is a person who holds a licence under Chapter 3 of Part 3 of the Health and Social Care Act 2012, to Monitor,

(d) to such other persons as the Commission considers appropriate.

(2) This section applies to the following notices—

(a) a notice under section 26 (notice of proposals),

(b) a notice under subsection (1) or (3) of section 28 (notice of decisions),

(c) a warning notice under section 29 (warning notice), and

(d) a notice under section 31 (urgent procedure for suspension, variation etc.).
(3) The Commission must notify each of the persons mentioned in subsection (1)(a) to (d) of either of the following events in relation to a person registered under this Chapter—
   (a) the payment of a penalty in accordance with a penalty notice issued under section 86, or
   (b) the commencement of proceedings in respect of a Part 1 offence.

(4) Regulations may prescribe cases in which subsection (1) or (3) does not apply.

Annotations:

Amendments (Textual)

F1 S. 39(1)(za) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 156(a); S.I. 2013/160, art. 2(2) (with arts. 7-9)
F2 Words in s. 39(1)(a) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 156(b)(i); S.I. 2013/160, art. 2(2) (with arts. 7-9)
F3 Words in s. 39(1)(a) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 156(b)(ii); S.I. 2013/160, art. 2(2) (with arts. 7-9)
F4 Words in s. 39(1)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 156(b)(iii); S.I. 2013/160, art. 2(2) (with arts. 7-9)
F5 S. 39(1)(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 5 para. 156(c); S.I. 2013/160, art. 2(2) (with arts. 7-9)
F6 S. 39(1)(c) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 13 para. 16; S.I. 2013/160, art. 2(2) (with arts. 7-9)
F7 Words in s. 39(2)(c) inserted (1.4.2015) by Care Act 2014 (c. 23), ss. 82(4)(b), 127(1); S.I. 2015/993, art. 2(v) (with transitional provisions in S.I. 2015/995)

Modifications etc. (not altering text)

C1 S. 39(1) excluded (E.) (1.4.2009) by Health and Social Care Act 2008 (Registration of Regulated Activities) Regulations 2009 (S.I. 2009/660), regs. 1(1), 9

Commencement Information

I1 S. 39 partly in force; S. 39 in force for specified purposes at Royal Assent, see s. 170
I2 S. 39 in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2, Sch. 1 para. 15
I3 S. 39 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. 25 (with Pt. 3)
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