



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART II

#### ESTABLISHMENTS AND AGENCIES

#### *Offences*

#### 24 Failure to comply with conditions.

If a person registered in respect of an establishment or agency fails, without reasonable excuse, to comply with any condition for the time being in force by virtue of this Part in respect of the establishment or agency, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **Modifications etc. (not altering text)**

- C1** S. 24 applied (with modifications) (1.7.2013) by [The Residential Holiday Schemes for Disabled Children \(England\) Regulations 2013 \(S.I. 2013/1394\)](#), reg. 1(1), **Sch. 7 para. 11** (with reg. 1(2))

#### **Commencement Information**

- II** S. 24 partly in force; s. 24 not in force at Royal Assent see s. 122; s. 24 in force for E. at 1.4.2002 by [S.I. 2001/3852](#), arts. 1(4), 3(2)(7)(f) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 24 in force for W. for certain purposes at 1.4.2002 by [S.I. 2002/920](#), arts. 1(4), **3(3)** (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 24 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152](#), **art. 2**; s. 24 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528](#), **art. 2**; s. 24 in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015](#), **art. 2**; s. 24 in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730](#), **art. 2**

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## [<sup>F1</sup>24A Offences relating to suspension

- (1) If a person who is registered under this Part in respect of an establishment or agency carries on or (as the case may be) manages the establishment or agency while the person's registration is suspended, the person is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

### Textual Amendments

- F1** S. 24A inserted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(3), [Sch. 5 para. 22](#); [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 35](#)

### Modifications etc. (not altering text)

- C2** S. 24A applied (with modifications) (1.7.2013) by [The Residential Holiday Schemes for Disabled Children \(England\) Regulations 2013 \(S.I. 2013/1394\)](#), [reg. 1\(1\)](#), [Sch. 7 para. 12](#) (with [reg. 1\(2\)](#))

## 25 Contravention of regulations.

- (1) Regulations under this Part may provide that a contravention of or failure to comply with any specified provision of the regulations shall be an offence.
- (2) A person guilty of an offence under the regulations shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### Modifications etc. (not altering text)

- C3** S. 25(1) applied (with modifications) (E.) (2.8.2004) by [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Adult Placement Schemes\) \(England\) Regulations 2004 \(S.I. 2004/1972\)](#), [regs. 2\(2\)\(d\)](#), 3
- C4** S. 25(1) applied (with modifications) (4.3.2013) by [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Holiday Schemes for Disabled Children\) \(England\) Regulations 2013 \(S.I. 2013/253\)](#), [regs. 1\(1\)](#), [2\(1\)\(2\)\(h\)](#), [Sch.](#)
- C5** S. 25(1) applied (31.3.2017) by [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Private Dental Practices\) \(Wales\) Regulations 2017 \(S.I. 2017/200\)](#), [regs. 1\(2\)](#), [3\(2\)\(g\)](#), [Sch.](#)
- C6** S. 25(1) applied (with modifications) (8.8.2022) by [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Supported Accommodation\) \(England\) Regulations 2022 \(S.I. 2022/808\)](#), [regs. 1\(1\)](#), [3\(2\)](#), [Sch.](#) (as amended (28.4.2023) by [The Supported Accommodation \(England\) Regulations 2023 \(S.I. 2023/416\)](#), [regs. 1\(2\)](#), [40\(2\)](#) (with [reg. 44](#)))

### Commencement Information

- I2** S. 25 wholly in force at 1.4.2002; s. 25 not in force at Royal Assent see s. 122; s. 25 in force for W. at 1.7.2001 by [S.I. 2001/2190](#), [art. 2](#), [Sch.](#) Table; s. 25 in force for E. for certain purposes at 20.11.2001 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), [3\(2\)\(3\)\(a\)\(i\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 25 in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), [3\(2\)\(7\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210)

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## 26 False descriptions of establishments and agencies.

- (1) A person who, with intent to deceive any person—
  - (a) applies any name to premises in England or Wales; or
  - (b) in any way describes such premises or holds such premises out, so as to indicate, or reasonably be understood to indicate, that the premises are an establishment, or an agency, of a particular description shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale unless registration has been effected under this Part in respect of the premises as an establishment or agency of that description.
- [<sup>F2</sup>(1A) If a person's registration under this Part has been suspended, the registration is to be treated for the purposes of subsection (1) as if it had not been effected.]
- (2) References to premises in subsection (1) shall be taken to include references to an undertaking or organisation.
- (3) No person shall, with intent to deceive any person, in any way describe or hold out an establishment or agency as able to provide any service or do any thing the provision or doing of which would contravene a condition for the time being in force by virtue of this Part in respect of the establishment or agency.
- (4) A person who contravenes subsection (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### Textual Amendments

- F2** S. 26(1A) inserted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 166, 170(3), [Sch. 5 para. 23](#); [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 35](#)

### Modifications etc. (not altering text)

- C7** S. 26 applied (with modifications) (1.7.2013) by [The Residential Holiday Schemes for Disabled Children \(England\) Regulations 2013 \(S.I. 2013/1394\)](#), [reg. 1\(1\)](#), [Sch. 7 para. 13](#) (with [reg. 1\(2\)](#))

### Commencement Information

- I3** S. 26 partly in force; s. 26 not in force at Royal Assent see s. 122; s. 26 in force for E. at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), [3\(2\)\(7\)\(f\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), [2002/1493](#), [2002/1790](#), [2002/2001](#), [2002/3210](#)); s. 26 in force for W. for certain purposes at 1.4.2002 by [S.I. 2002/920](#), [arts. 1\(4\)](#), [3\(3\)](#) (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 26 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152](#), [art. 2](#); s. 26 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528](#), [art. 2](#); s. 26 in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015](#), [art. 2](#); s. 26 in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730](#), [art. 2](#)

## 27 False statements in applications.

- (1) Any person who, in an application for registration under this Part or for the variation of any condition in force in relation to his registration, knowingly makes a statement which is false or misleading in a material respect shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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#### Commencement Information

- I4** S. 27 partly in force; s. 27 not in force at Royal Assent see s. 122; s. 27 in force for E. for certain purposes at 1.1.2002 by [S.I. 2001/3852, arts. 1\(4\), 3\(2\)\(4\)\(b\)\(6\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210](#)); s. 27 in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852, arts. 1\(4\), 3\(2\)\(7\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210](#)); s. 27 in force for W. for certain purposes at 1.4.2002 by [S.I. 2002/920, arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 27 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152, art. 2](#); s. 27 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528, art. 2](#); s. 27 in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015, art. 2](#); s. 27 in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730, art. 2](#)

## 28 Failure to display certificate of registration.

- (1) A certificate of registration issued under this Part in respect of any establishment or agency shall be kept affixed in a conspicuous place in the establishment or at the agency.
- (2) If default is made in complying with subsection (1), any person registered in respect of the establishment or agency shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### Modifications etc. (not altering text)

- C8** S. 28 applied (with modifications) (1.7.2013) by [The Residential Holiday Schemes for Disabled Children \(England\) Regulations 2013 \(S.I. 2013/1394\), reg. 1\(1\), Sch. 7 para. 14](#) (with [reg. 1\(2\)](#))
- C9** S. 28(1) modified (W.) (1.1.2009) by [The Private Dentistry \(Wales\) Regulations 2008 \(S.I. 2008/1976\), reg. 4](#)

#### Commencement Information

- I5** S. 28 partly in force; s. 28 not in force at Royal Assent see s. 122; s. 28 in force for E. at 1.4.2002 by [S.I. 2001/3852, arts. 1\(4\), 3\(2\)\(7\)\(f\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210](#)); s. 28 in force for W. for certain purposes at 1.4.2002 by [S.I. 2002/920, arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 28 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152, art. 2](#); s. 28 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528, art. 2](#); s. 28 in force for W. for certain purposes at 1.4.2004 by [S.I. 2004/1015, art. 2](#); s. 28 in force for W. for certain purposes at 7.4.2004 by [S.I. 2004/1730, art. 2](#)

## 29 Proceedings for offences.

- [<sup>F3</sup>(1) Proceedings in respect of an offence under this Part or regulations made under it shall not, without the written consent of the Attorney General, be taken by any person other than the CIECSS or the Welsh Ministers.]
- (2) Proceedings for an offence under this Part or regulations made under it may be brought within [<sup>F4</sup>the permitted period] from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no

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such proceedings shall be brought by virtue of this subsection more than three years after the commission of the offence.

[<sup>F5</sup>(3) “The permitted period” means—

- (a) in the case of proceedings brought by the Welsh Ministers, a period of 12 months;
- (b) in any other case, a period of 6 months.]

#### Textual Amendments

- F3** S. 29(1) substituted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b)(3), [Sch. 5 para. 24\(a\)](#); S.I. 2010/807, [art. 2\(2\)](#), Sch. 1 Pt. 2 (with arts. 3-22)
- F4** Words in s. 29(2) substituted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b)(3), [Sch. 5 para. 24\(b\)](#); S.I. 2009/462, [art. 2](#), Sch. 1 para. 35
- F5** S. 29(3) inserted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b)(3), [Sch. 5 para. 24\(c\)](#); S.I. 2009/462, [art. 2](#), Sch. 1 para. 35

#### Commencement Information

- I6** S. 29 partly in force; s. 29 not in force at Royal Assent see s. 122; s. 29 in force for E. at 1.4.2002 by S.I. 2001/3852, [arts. 1\(4\), 3\(2\)\(7\)\(f\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 29 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, [arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)\(5\)](#) and to transitional provisions in [Schs. 1-3](#)); s. 29 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, [art. 2](#); s. 29 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, [art. 2](#); s. 29 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, [art. 2](#); s. 29 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, [art. 2](#)

## 30 Offences by bodies corporate.

- (1) This section applies where any offence under this Part or regulations made under it is committed by a body corporate.
- (2) If the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) any director, manager, or secretary of the body corporate; or
  - (b) any person who was purporting to act in any such capacity,he (as well as the body corporate) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (3) The reference in subsection (2) to a director, manager or secretary of a body corporate includes a reference—
  - (a) to any other similar officer of the body; and
  - (b) where the body is a local authority, to any officer or member of the authority.

#### Commencement Information

- I7** S. 30 partly in force; s. 30 not in force at Royal Assent see s. 122; s. 30 in force for E. at 1.4.2002 by S.I. 2001/3852, [arts. 1\(4\), 3\(2\)\(7\)\(f\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210);

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s. 30 in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3); s. 30 in force for W. for certain purposes at 30.1.2003 by S.I. 2003/152, art. 2; s. 30 in force for W. for certain purposes at 2.10.2003 by S.I. 2003/2528, art. 2; s. 30 in force for W. for certain purposes at 1.4.2004 by S.I. 2004/1015, art. 2; s. 30 in force for W. for certain purposes at 7.4.2004 by S.I. 2004/1730, art. 2

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