

# HEALTH AND SOCIAL CARE ACT 2008

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## EXPLANATORY NOTES

### TERRITORIAL EXTENT

#### *Enforcement*

#### *Sections 86 and 87: Penalty notices*

282. [Section 86](#) gives the Commission power to issue penalty notices. This is a new power that is not available to CHAI and CSCI under the existing law. Where a person commits a prescribed offence under Part 1, or under regulations under Part 1, the Commission may give the person a penalty notice. This is an invitation to pay a penalty instead of being prosecuted for the offence. The Commission might, for example, issue a penalty notice where the Commission becomes aware of an offence that has been committed in the past (such as failure by someone to comply with one of the conditions of their registration) but is satisfied that the offence was relatively minor and that they are now complying with the condition in question. In those circumstances the person may pay the penalty specified in the penalty notice as recognition of the offence and the Commission would then take no further action in relation to that offence. If, however, that person subsequently breached the same condition of their registration then they would be liable to be prosecuted for the new (repeat) offence.
283. The Commission will receive any amounts paid, but will then pay them to the Secretary of State who will pay them into the Consolidated Fund.
284. [Section 87](#) confers a regulation-making power which allows the procedural details about penalty notices to be set out in regulations.