



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

Regulation, code of practice and guidance

25 Effect of code under s. 21 [^{F1}or 21A] and guidance under s. 23

- (1) [^{F2}Codes of practice under sections 21 and 21A] and guidance under section 23 are to be taken into account—
 - (a) in the making of any decision by the Commission under this Chapter;
 - (b) in any proceedings for the making of an order under section 30;
 - (c) in any proceedings on an appeal against such a decision or order;
 - (d) in any proceedings for an offence under section 33 or under regulations under section 20.
- (2) [^{F3}Codes of practice under sections 21 and 21A and] guidance under section 23 [^{F4}are] also admissible in evidence in other criminal or civil proceedings.
- (3) A failure to observe any provision of a code of practice under section 21 [^{F5}or 21A] or guidance under section 23 does not of itself make a person liable to any criminal or civil proceedings.

Textual Amendments

- F1** Words in s. 25 heading inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 181(6)(a), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 25. (See end of Document for details)

- F2** Words in s. 25(1) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 181(6)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 25(2) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 181(6)(c)(i)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Word in s. 25(2) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 181(6)(c)(ii)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in s. 25(3) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 181(6)(d)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Commencement Information

- I1** S. 25 in force at 12.1.2009 for specified purposes by S.I. 2008/3168, **art. 2**
- I2** S. 25 in force at 11.12.2009 in so far as not already in force by S.I. 2009/3023, **art. 2(c)** (with arts. 3-17) (as amended (8.2.2010) by S.I. 2010/47, art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 25.