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STATUTORY INSTRUMENTS

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**2002 No. 1438**

The Health Service (Control of  
Patient Information) Regulations 2002

**Enforcement Procedure**

8.—(1) Any person who does not comply with a requirement imposed on him under regulation 2(4) or (5), 3(4) or (5) or 7 may be subject to a civil penalty of not exceeding £5000.

(2) The Secretary of State may determine whether any person has not complied with such a requirement and he may assess whether it is appropriate to impose the maximum civil penalty, a lesser penalty or no penalty having regard to the seriousness of any non-compliance, the circumstances of any person who has not complied and the need to ensure the compliance in respect of any such future requirements.

(3) Any penalty payable under this regulation shall be recoverable by the Secretary of State as a civil debt.