
STATUTORY INSTRUMENTS

2009 No. 3112

The Care Quality Commission (Registration) Regulations 2009

PART 3

PUBLICATION OF INFORMATION AND EXPLANATIONS

Publication of information relating to enforcement action

7.—(1) Except in the circumstances specified in paragraphs 5 to 7 of Part 1 of Schedule 2, the Commission must publish the information prescribed in that Part of that Schedule in the time prescribed in paragraph 8 of that Part.

(2) The Commission may publish the information prescribed in Part 2 of Schedule 2 subject, in the case of the information prescribed in paragraph 13, to the conditions specified in sub-paragraph (2) of that paragraph.

Exemptions from the requirement to notify bodies of certain matters

8. Section 39(1) of the Act does not apply to—

- (a) a notice to a person who applies for registration as a registered person given under—
 - (i) section 26(2) or (3) of the Act (notice of proposals), or
 - (ii) section 28(1) or (3) of the Act (notice of decisions);
- (b) a notice of proposal given under section 26(4)(c) or (d) of the Act, or a notice of decision given under section 28(3) of the Act, which—
 - (i) relates to the variation or removal of any condition for the time being in force in relation to a registration or the imposition of an additional condition in relation to a registration, and
 - (ii) appears to the Commission not to have a material impact on the regulated activity being carried on;
- (c) a notice of proposal given under section 26(5) of the Act or a notice of decision given under section 28(3) of the Act to refuse an application by the registered person under section 19(1) of the Act; and
- (d) a warning notice given under section 29 of the Act which appears to the Commission not to have a material impact on the regulated activity being carried on.

Notification to Primary Care Trust, English local authority and Strategic Health Authority

9.—(1) The Primary Care Trust or English local authority that is required to be given—

- (a) notice of an application for an order for cancellation of the registration of a registered person under section 30 of the Act; or
- (b) a copy of a notice under section 39 of the Act,

is to be determined in accordance with paragraphs (2) to (8).

(2) Where the application under section 30 of the Act, or the notice of which a copy is required to be given under section 39 of the Act, is in respect of a regulated activity that involves, or is connected with, the provision of health care, the Commission must give notice or a copy of the notice to the relevant Primary Care Trust.

(3) Where the application under section 30 of the Act, or the notice of which a copy is required to be given under section 39 of the Act, is in respect of a regulated activity that involves, or is connected with, the provision of social care, the Commission must give notice or a copy of the notice to the relevant local authority.

(4) Subject to paragraph (6), the relevant Primary Care Trust is any Primary Care Trust in whose area the regulated activity is being carried on.

(5) Subject to paragraph (6), the relevant local authority is any local authority in whose area the regulated activity is being carried on.

(6) Where a registered service provider is carrying on a regulated activity from more than one set of premises, and a notice of which a copy is required to be given under section 39 of the Act is in respect of the carrying on of a regulated activity from particular premises—

- (a) the relevant Primary Care Trust is any Primary Care Trust in whose area those particular premises are situated; and
- (b) the relevant local authority is any local authority in whose area those particular premises are situated.

(7) Subject to paragraph (8), the Strategic Health Authority that must be given notice under section 30(3)(b) of the Act or a copy of a notice under section 39(1)(b) of the Act is any Strategic Health Authority in whose area the regulated activity to which the application or notice relates is being carried on.

(8) Where a registered service provider is carrying on a regulated activity from more than one set of premises and a copy of the notice required to be given to a Strategic Health Authority under section 39(1)(b) is in respect of the carrying on of a regulated activity from particular premises, the Strategic Health Authority that must be given a copy of the notice is any Strategic Health Authority in whose area those particular premises are situated.

Power to require an explanation

10.—(1) Where the Commission considers an explanation of a relevant matter⁽¹⁾ necessary or expedient for the purposes of any of its regulatory functions, the persons specified in paragraph (3) must, if so requested, provide an explanation of that matter to the Commission or to persons authorised by it.

(2) Explanations required under paragraph (1) must be provided at such times and such places as may be specified by the Commission.

(3) The persons referred to in paragraph (1) are—

- (a) a person carrying on a regulated activity;
- (b) a chair, director or employee of a person carrying on a regulated activity;
- (c) an English NHS body;
- (d) a member of an English NHS body other than an NHS foundation trust;
- (e) a member of a committee or sub-committee of an English NHS body other than an NHS foundation trust;
- (f) a member of a committee or sub-committee of the board of directors of an NHS foundation trust;

(1) See section 65(2) of the Act for the definition of “relevant matter”.

- (g) an employee of an English NHS body other than one falling within sub-paragraph (b);
- (h) a local authority;
- (i) a member or officer of a local authority;
- (j) a member of a committee or sub-committee of a local authority or a member of a joint committee of two or more local authorities;
- (k) an elected mayor of a local authority within the meaning given in section 39 of the Local Government Act 2000⁽²⁾;
- (l) a person (other than a person prescribed in sub-paragraphs (b) to (k)) who is assisting in the carrying on of a regulated activity;
- (m) a person providing equipment or premises to a registered person;
- (n) a chair, director or employee of a person providing equipment or premises to a registered person; and
- (o) a person (other than a person prescribed in sub-paragraph (n)) who is assisting a person providing equipment or premises to a registered person.

(2) 2000 c. 22; section 39 has been amended by section 66 of the Local Government and Public Involvement in Health Act 2007 (c. 28).