

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Care and Support

Market oversight

Section 57 - Sections 54 to 56: supplementary

354. *Subsection (1)* sets out that the CQC’s functions of identifying which providers satisfy the entry criteria, and assessing the financial sustainability of care providers, are to be treated as “regulatory functions” of the CQC for the purposes of the 2008 Act. This establishes that the CQC will be able to rely on its existing powers under the 2008 Act, such as requiring information and explanations from a provider (sections 64 and 65 of the 2008 Act). The CQC will also be able to rely on its enforcement powers, for instance under sections 64(4) and 65(4) of the 2008 Act.
355. *Subsection (2)* sets out that anything which the CQC may do to assist local authorities to ensure continuity of care is to be treated as one of the CQC’s “regulatory functions” for the purposes of the 2008 Act. This establishes that the CQC will be able to rely on its existing powers under the 2008 Act.
356. *Subsection (3)* establishes that the CQC may, when imposing requirements on providers as part of exercising the functions set out in sections 54 to 56, rely on sections 17 and 18 of the 2008 Act which provide for the cancellation or suspension of a care provider’s registration.
357. *Subsection (4)* provides that the CQC must seek to minimise the burdens it may impose on others in exercising any of its functions under sections 54 to 56.