



# 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

#### *Miscellaneous*

### 39 Bodies required to be notified of certain matters

(1) Where the Commission gives a notice to which this section applies in respect of a regulated activity, it must give a copy of the notice—

- [<sup>F1</sup>(za) in any case where regulations so provide, to [<sup>F2</sup>NHS England] ,]
- (a) [<sup>F3</sup>in any case where regulations so provide,] to such [<sup>F4</sup>integrated care board]<sup>F5</sup>... or English local authority as may be determined in accordance with regulations,
- <sup>F6</sup>(b) .....
- <sup>F7</sup>(c) .....
- (d) to such other persons as the Commission considers appropriate.

(2) This section applies to the following notices—

- (a) a notice under section 26 (notice of proposals),
- (b) a notice under subsection (1) or (3) of section 28 (notice of decisions),
- (c) a warning notice under section 29 [<sup>F8</sup>or 29A] (warning notice), and
- (d) a notice under section 31 (urgent procedure for suspension, variation etc.).

(3) The Commission must notify each of the persons mentioned in subsection (1)(a) to (d) of either of the following events in relation to a person registered under this Chapter—

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

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- (a) the payment of a penalty in accordance with a penalty notice issued under section 86, or
  - (b) the commencement of proceedings in respect of a Part 1 offence.
- (4) Regulations may prescribe cases in which subsection (1) or (3) does not apply.

#### **Textual Amendments**

- F1** S. 39(1)(za) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 156\(a\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F2** Words in s. 39 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F3** Words in s. 39(1)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 156\(b\)\(i\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F4** Words in s. 39(1)(a) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 162](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F5** Words in s. 39(1)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 156\(b\)\(iii\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F6** S. 39(1)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 156\(c\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F7** S. 39(1)(c) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 37](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F8** Words in s. 39(2)(c) inserted (1.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 82\(4\)\(b\)](#), 127(1); [S.I. 2015/993](#), art. 2(v) (with transitional provisions in [S.I. 2015/995](#))

#### **Modifications etc. (not altering text)**

- C1** S. 39(1) excluded (E.) (1.4.2009) by [Health and Social Care Act 2008 \(Registration of Regulated Activities\) Regulations 2009 \(S.I. 2009/660\)](#), regs. 1(1), [9](#)

#### **Commencement Information**

- I1** S. 39 partly in force; S. 39 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 39 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, [Sch. 1 para. 15](#)
- I3** S. 39 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(2), [Sch. 1 para. 25](#) (with Pt. 3)

## **40 Periodic returns**

- (1) Regulations may require the person carrying on a regulated activity to make a return to the Commission at such intervals as may be prescribed.
- (2) Provision may be made by the regulations as to the contents of the return and the period in respect of which and date by which it is to be made.

#### **Commencement Information**

- I4** S. 40 partly in force; S. 40 in force for specified purposes at Royal Assent, see s. 170
- I5** S. 40 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, [Sch. 1 para. 15](#)

## **41 Liquidators etc.**

- (1) Regulations may—

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- (a) require any person to whom this section applies to give notice of the person's appointment to the Commission;
  - (b) require any person to whom this section applies to appoint a person to manage the regulated activity in question.
- (2) This section applies to any person appointed as—
- (a) a receiver or manager of the property of a relevant company,
  - (b) the liquidator or provisional liquidator of a relevant company, or
  - (c) the trustee in bankruptcy of a relevant individual.
- (3) In this section—
- “company” includes a partnership;
  - “relevant company” means a company which is registered under this Chapter as a service provider in respect of a regulated activity;
  - “relevant individual” means an individual who is registered under this Chapter as a service provider in respect of a regulated activity.

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**Commencement Information**

- I6** S. 41 partly in force; S. 41 in force for specified purposes at Royal Assent, see [s. 170](#)
- I7** S. 41 in force at 11.12.2009 in so far as not already in force by [S.I. 2009/3023](#), [art. 2\(d\)](#) (with [arts. 3-17](#)) (as amended (8.2.2010) by [S.I. 2010/47](#), art. 2)

## 42 Death of registered person

- (1) Regulations may—
- (a) provide for the provisions of this Chapter to apply with prescribed modifications in cases where a person who was the only person registered under this Chapter as a service provider in respect of a regulated activity has died;
  - (b) require the personal representatives of a deceased person who was registered as a service provider in respect of a regulated activity to notify the Commission of the person's death.
- (2) Regulations under subsection (1)(a) may in particular—
- (a) provide for the regulated activity to be carried on for a prescribed period by a person who is not registered in respect of it, and
  - (b) include provision for the prescribed period to be extended by such further period as the Commission may allow.

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**Commencement Information**

- I8** S. 42 partly in force; S. 42 in force for specified purposes at Royal Assent, see [s. 170](#)
- I9** S. 42 in force at 11.12.2009 in so far as not already in force by [S.I. 2009/3023](#), [art. 2\(d\)](#) (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, Cross Heading: Miscellaneous.