



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

Registration procedure

26 Notice of proposals

- (1) Subsections (2) and (3) apply where a person applies for registration as a service provider or manager in respect of a regulated activity.
- (2) If the Commission proposes to grant the application subject to any condition which has not been agreed in writing between it and the applicant, other than a registered manager condition required by section 13(1), it must give the applicant notice in writing of its proposal and of the conditions subject to which it proposes to grant the application.
- (3) The Commission must give the applicant notice in writing of a proposal to refuse the application.
- (4) Except where it makes an application under section 30 or gives notice under section 31, the Commission must give any person registered as a service provider or manager in respect of a regulated activity notice in writing of a proposal—
 - (a) to cancel the registration (otherwise than by virtue of section 17(2) or in accordance with an application under section 19(1)(b)),
 - (b) to suspend the registration or extend a period of suspension,
 - (c) to vary or remove (otherwise than in accordance with an application under section 19(1)(a)) any condition for the time being in force in relation to the registration, or

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 26. (See end of Document for details)

(d) to impose in relation to the registration any additional condition.

[^{F1}(4A) Where a proposal under subsection (4) names an individual and specifies action that the Commission would require the registered person to take in relation to that individual, the Commission must give that individual notice in writing of the proposal.]

(5) The Commission must give the applicant notice in writing of a proposal to refuse an application under section 19(1)(a), (b) or (c).

(6) A notice under this section must give the Commission's reasons for its proposal.

Textual Amendments

F1 S. 26(4A) inserted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 87(1)**, 127(1); S.I. 2014/2473, art. 3(b)

Modifications etc. (not altering text)

C1 Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **17(4)(c)(5)(b)**

C2 Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **14(4)(c)**

C3 S. 26(2) excluded (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **7(1)(a)** (as amended (8.2.2010) by S.I. 2010/47, art. 2)

C4 S. 26(2) excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **7(2)(a)**

C5 S. 26(2) excluded (12.11.2010) by [The Health and Social Care Act 2008 \(Primary Dental Services, Private Ambulance Services and Primary Medical Services\) \(Regulated Activities\) \(Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/2484\)](#), arts. 1, **5**, 14

C6 S. 26(4)(c)-(d) excluded (12.11.2010) by [The Health and Social Care Act 2008 \(Primary Dental Services, Private Ambulance Services and Primary Medical Services\) \(Regulated Activities\) \(Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/2484\)](#), arts. 1, **7**, 16

C7 S. 26(5) excluded (E.) (12.11.2010) by [The Health and Social Care Act 2008 \(Primary Dental Services, Private Ambulance Services and Primary Medical Services\) \(Regulated Activities\) \(Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/2484\)](#), arts. 1, **9**, 18

Commencement Information

I1 S. 26(1)(3)(6) in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), **art. 2**

I2 S. 26(1) (3)(6) in force at 6.4.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(1), **Sch. 1 para. 6** (with Pt. 3)

I3 S. 26(2) in force at 6.4.2010 by [S.I. 2010/807](#), art. 2(1), **Sch. 1 para. 6** (with Pt. 3)

I4 S. 26(4)(5) in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, **Sch. 1 para. 9**

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 26.