



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 9

#### HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

#### [<sup>F1</sup>CHAPTER 4

#### ENFORCEMENT

##### Textual Amendments

- F1** Pt. 9 Ch. 4 inserted (1.10.2022) by [Health and Care Act 2022 \(c. 31\)](#), ss. **100(2)**, 186(6); S.I. 2022/1003, reg. 2(c)

#### **277E Enforcement of provisions under this Part**

- (1) Regulations may make provision conferring on the Secretary of State the power to impose a financial penalty on a person, other than a public body, who without reasonable excuse—
  - (a) fails to comply with an information standard (unless the requirement for the person to comply has been waived by virtue of regulations under section 250(6B));
  - (b) fails to comply with a requirement to provide information imposed under section 251ZA(1), [251D\(1\)\(b\)](#), 259(1)(a) or (aa) or [277A\(1\)](#);
  - (c) provides information in response to such a requirement that is false or misleading to a material extent.
- (2) The amount of the financial penalty is to be specified in, or determined in accordance with, the regulations.
- (3) The regulations must include provision—

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**Changes to legislation:** *Health and Social Care Act 2012, CHAPTER 4 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) requiring the Secretary of State, before imposing a financial penalty on a person, to give the person written notice (a “notice of intent”) of the proposed financial penalty;
  - (b) ensuring that the person is given an opportunity to make representations about the proposed financial penalty;
  - (c) requiring the Secretary of State, after the period for making representations, to decide whether to impose the financial penalty;
  - (d) requiring the Secretary of State, if the Secretary of State decides to impose the financial penalty, to give the person notice in writing (a “final notice”) imposing the penalty;
  - (e) enabling a person on whom a financial penalty is imposed to appeal to the First-tier Tribunal in accordance with the regulations;
  - (f) as to the powers of the Tribunal on such an appeal.
- (4) The provision that may be made by the regulations includes provision—
- (a) enabling a notice of intent or final notice to be withdrawn or amended;
  - (b) requiring the Secretary of State to withdraw a final notice in circumstances specified in the regulations;
  - (c) for a financial penalty to be increased by an amount specified in or determined in accordance with the regulations in the event of late payment;
  - (d) for the recovery of financial penalties in the county court.
- (5) In this section “public body” has the meaning given by section 250(7).

**277F Directions to Special Health Authority to exercise functions under section 277E**

The Secretary of State may—

- (a) direct a Special Health Authority performing functions only or mainly in respect of England to exercise the functions of the Secretary of State under regulations made under section 277E;
- (b) give the Special Health Authority directions about the exercise of those functions (including directions as to the processing of information that the body obtains in exercising those functions).]

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)