



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 of persons carrying on regulated activities

10 Requirement to register as a service provider

- (1) Any person who carries on a regulated activity without being registered under this Chapter in respect of the carrying on of that activity is guilty of an offence.
- (2) The Secretary of State may by regulations make provision for the purposes of this Chapter for determining, in relation to a regulated activity carried on by two or more persons acting in different capacities, which of those persons is to be regarded as the person who carries on the activity.
- (3) In the following provisions of this Part, the registration of a person under this Chapter in respect of the carrying on of a regulated activity by that person is referred to as registration “as a service provider” in respect of that activity.
- (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to a fine not exceeding £50,000, or to imprisonment for a term not exceeding 12 months, or to both;
 - (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding 12 months, or to both.
- (5) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (4)(a) to 12 months is to be read as a reference to 6 months.

11 Applications for registration as a service provider

- (1) A person seeking to be registered under this Chapter as a service provider must make an application to the Commission.
- (2) The application must be made in such form, and contain or be accompanied by such information, as the Commission requires.
- (3) In such cases as the Commission may determine, a person seeking to be registered as a service provider in respect of two or more regulated activities may make a single application in respect of them.

12 Grant or refusal of registration as a service provider

- (1) Subsections (2) to (4) apply where an application under section 11 has been made in accordance with the provisions of this Chapter with respect to a regulated activity.
- (2) If the Commission is satisfied that—
 - (a) the requirements of regulations under section 20, and
 - (b) the requirements of any other enactment which appears to the Commission to be relevant,are being and will continue to be complied with (so far as applicable) in relation to the carrying on of the regulated activity, it must grant the application; otherwise it must refuse it.
- (3) The application may be granted either unconditionally or subject to such conditions as the Commission thinks fit.
- (4) On granting the application, the Commission must issue a certificate of registration to the applicant.
- (5) The Commission may at any time—
 - (a) vary or remove any condition for the time being in force in relation to a person's registration as a service provider, or
 - (b) impose any additional condition.
- (6) Subsections (3) and (5) have effect subject to section 13.