
STATUTORY INSTRUMENTS

2012 No. 921

**The Care Quality Commission (Registration) and
(Additional Functions) and Health and Social Care Act
2008 (Regulated Activities) (Amendment) Regulations 2012**

PART 2

**AMENDMENTS TO THE CARE QUALITY
COMMISSION (REGISTRATION) REGULATIONS 2009**

Amendments to regulation 16

- 3.** In regulation 16 (notification of death of service user)—
- (a) for paragraph (1)(b) substitute—

“(b) which has, or may have, resulted from the carrying on of a regulated activity.”;
 - (b) for paragraph (2) substitute—

“(2) Subject to paragraph (4), where the service provider is a health service body or a provider of primary medical services, the registered person must notify the Commission without delay of the death of a service user where the death—

 - (a) either—
 - (i) occurred whilst services were being provided in the carrying on of a regulated activity,
 - (ii) has, or may have, resulted from the provision of services by a health service body in the course of carrying on a regulated activity, or
 - (iii) has, or may have, resulted from the provision of primary medical services in the course of carrying on a regulated activity and those services were provided within the period of two weeks prior to the death of the service user; and
 - (b) cannot, in the reasonable opinion of the registered person, be attributed to the course which that service user’s illness or medical condition would naturally have taken if that service user was receiving appropriate care and treatment.”;

and
 - (c) after paragraph (5) insert—

“(6) In paragraph (2), “provider of primary medical services” means a person who provides primary medical services pursuant to one of the following sections of the National Health Service Act 2006⁽¹⁾—

 - (a) section 3 (Secretary of State’s duty as to provision of certain services),
 - (b) section 83(2)(b) (primary medical services),

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) section 84 (general medical services contracts),
 - (d) section 92 (arrangements for the provision of primary medical services),
- and provision of primary medical services shall be construed accordingly⁽²⁾.”

(2) Paragraph 3 of Schedule 2 to [S.I. 2010/781](#) which provides that the provision of primary medical services is not a regulated activity ceases to have effect on 1st April 2012 in relation to all activities carried on by providers of out of hours services and on 1st April 2013 for all other purposes: see Regulation 3(8) of [S.I. 2010/781](#) as inserted by Regulation 2(3) of [S.I. 2011/2711](#).