
DRAFT STATUTORY INSTRUMENTS

2009 No.

**The Health and Social Care Act 2008
(Regulated Activities) Regulations 2009**

PART 3

**REQUIREMENTS RELATING TO PERSONS CARRYING
ON OR MANAGING A REGULATED ACTIVITY**

Requirements where the service provider is an individual or partnership

- 4.**—(1) This regulation applies where a service provider (P) is an individual or a partnership.
- (2) P must not carry on a regulated activity unless P is fit to do so.
- (3) P is not fit to carry on a regulated activity unless P is—
- (a) an individual who carries on the regulated activity, otherwise than in partnership with others, and satisfies the requirements set out in paragraph (4); or
 - (b) a partnership and each of the partners satisfies the requirements set out in paragraph (4);
- (4) The requirements referred to are that P or, where applicable, each of the partners is—
- (a) of good character;
 - (b) physically and mentally fit to carry on the regulated activity and has the necessary qualifications, skills and experience to do so; and
 - (c) able to supply to the Commission, or arrange for the availability of, information relating to themselves specified in Schedule 3.

Requirement where the service provider is a body other than a partnership

- 5.**—(1) This regulation applies where the service provider is a body other than a partnership.
- (2) The body must give notice to the Commission of the name, address and position in the body of an individual (in these Regulations referred to as “the nominated individual”) who is employed as a director, manager or secretary of the body and who is responsible for supervising the management of the carrying on of the regulated activity by the body.
- (3) The registered person must take all reasonable steps to ensure that the nominated individual is—
- (a) of good character;
 - (b) physically and mentally fit to supervise the management of the carrying on of the regulated activity and has the necessary qualifications, skills and experience to do so; and
 - (c) able to supply to the registered person, or arrange for the availability of, the information specified in Schedule 3.

Requirements relating to registered managers

6.—(1) A person (M) shall not manage the carrying on of a regulated activity as a registered manager unless M is fit to do so.

- (2) M is not fit to be a registered manager in respect of a regulated activity unless M is—
- (a) of good character;
 - (b) physically and mentally fit to carry on the regulated activity and has the necessary qualifications, skills and experience to do so; and
 - (c) able to supply to the Commission, or arrange for the availability of, the information relating to themselves specified in Schedule 3.

Registered person: training

7.—(1) If the service provider is—

- (a) an individual, the individual must undertake;
- (b) a partnership, it must ensure that one of the partners undertakes; or
- (c) a body other than a partnership, it must ensure that the nominated individual undertakes,

from time to time such training as is reasonably practicable and appropriate to ensure that there are the necessary experience and skills available for carrying on the regulated activity.

(2) The registered manager must undertake from time to time such training as is appropriate to ensure that the manager has the experience and skills necessary for managing the carrying on of the regulated activity.