

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Further provision about registration as a service provider or manager

Sections 17 and 18: Cancellation / suspension of registration

135. **Section 17** gives the Commission the power to cancel the registration of a manager or service provider where:
- the person registered has been convicted of or admitted a relevant offence;
 - any other person has been convicted of a relevant offence in relation to the regulated activity;
 - the regulated activity is being or has been carried on in any way that is not in accordance with the conditions of registration or requirements under Chapters 2 or 6 or requirements under other legislation which the Commission considers to be relevant.
136. The section defines relevant offences as:
- offences under Part 1 of the Act or regulations made under it;
 - offences under the Registered Homes Act 1984 or Part 2 of the Care Standards Act 2000 (or regulations made under them);
 - such other offences as the Commission considers to be relevant.
137. Further grounds for cancelling registration may be specified in regulations. For instance, regulations may require that all staff receive appropriate training in handling medicines, and state that failure to provide this training would be grounds for cancellation.
138. Cancellation of registration would not normally be the first step in formal enforcement action. It is more likely to be used where other actions, such as issuing a warning notice or penalty notice or prosecution for an offence, have failed to ensure compliance, though this will depend on the severity of the breach. If a registered service provider or manager is convicted of a relevant offence, such as breaching a condition of registration (an offence under section 33) and fails to remedy the breach, the Commission could then cancel the person's registration.
139. The Commission will also have the power to suspend a person's registration as a service provider or a manager under section 18 for a fixed period of time if they are failing to comply with the requirements of Chapter 2, or a requirement imposed by or under Chapter 6, or requirements of any other relevant legislation. In this instance the person would continue to be registered but could not carry on or manage the regulated activities in respect of which they are registered until the end of the suspension. Neither could they hold themselves out as being registered to carry on these activities.

*These notes refer to the Health and Social Care Act 2008
(c.14) which received Royal Assent on 21 July 2008*

140. Under section 17 the Commission must cancel the registration of a manager in respect of a regulated activity where there is no longer a registered service provider in respect of that activity, or a registered manager condition ceases to apply to the registration of the service provider.