



# 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

##### *Further provision about registration as a service provider or manager*

## 16 Regulations about registration

Regulations may make provision for the purposes of this Chapter about—

- (a) the keeping by the Commission of registers,
- (b) the making of applications for registration as a service provider or manager,
- (c) the registration of persons as service providers or managers, and
- (d) the notification by registered persons to the Commission of an address for service of documents.

#### **Modifications etc. (not altering text)**

- C1** Pt. 1 modified (E.W.) (6.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 57\(1\)](#), [127\(1\)](#); [S.I. 2015/993](#), [art. 4](#) (with transitional provisions in [S.I. 2015/995](#))
- C2** Pt. 1 modified (E.W.) (6.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 57\(1\)\(2\)](#), [127\(1\)](#); [S.I. 2015/993](#), [art. 4](#) (with transitional provisions in [S.I. 2015/995](#))

#### **Commencement Information**

- I1** S. 16 partly in force; S. 16 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 16 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 5](#)

*Status: Point in time view as at 02/04/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Further provision about registration as a service provider or manager. (See end of Document for details)*

- I3** S. 16 in force at 11.12.2009 in so far as not already in force by [S.I. 2009/3023](#), **art. 2(a)** (with [arts. 3-17](#)) (as amended (8.2.2010) by [S.I. 2010/47](#), art. 2)

## 17 Cancellation of registration

- (1) The Commission may at any time cancel the registration of a person (“R”) under this Chapter as a service provider or manager in respect of a regulated activity—
  - (a) on the ground that R has been convicted of, or admitted, a relevant offence;
  - (b) on the ground that any other person has been convicted of any relevant offence in relation to the regulated activity;
  - (c) on the ground that the regulated activity is being, or has at any time been, carried on otherwise than in accordance with the relevant requirements;
  - (d) on the ground that R has failed to comply with a requirement imposed by or under Chapter 6;
  - (e) on any ground specified by regulations.
- (2) The Commission must cancel the registration of a person under this Chapter as a manager in respect of a regulated activity if—
  - (a) no-one is registered under this Chapter as a service provider in respect of the activity, or
  - (b) the registration of a person under this Chapter as a service provider in respect of the activity ceases to be subject to a registered manager condition.
- (3) For the purposes of this section, the following are relevant offences—
  - (a) a Part 1 offence,
  - (b) an offence under the Registered Homes Act 1984 (c. 23) or regulations made under it,
  - (c) an offence under Part 2 of the Care Standards Act 2000 (c. 14) or regulations made under it, <sup>F1</sup>...
  - [<sup>F2</sup>(ca) an offence under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) or specified in regulations made under section 45 or 46 of that Act, and]
  - (d) any other offence which appears to the Commission to be relevant.
- (4) In this section “relevant requirements” means—
  - (a) any requirements or conditions imposed by or under this Chapter, and
  - (b) the requirements of any other enactment which appears to the Commission to be relevant.

### Textual Amendments

- F1** Word in s. 17(3)(c) omitted (2.4.2018) by virtue of [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 41(2)
- F2** S. 17(3)(ca) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 41(3)

### Modifications etc. (not altering text)

- C3** S. 17 modified (6.4.2015) by [Care Act 2014 \(c. 23\)](#), **ss. 57(3)**, 127(1); [S.I. 2015/993](#), art. 4 (with transitional provisions in [S.I. 2015/995](#))

*Status: Point in time view as at 02/04/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Further provision about registration as a service provider or manager. (See end of Document for details)*

#### Commencement Information

- I4** S. 17 partly in force; S. 17 in force for specified purposes at Royal Assent, see s. 170
- I5** S. 17 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(2), [Sch. 1 para. 19](#) (with [Pt. 3](#))
- I6** S. 17(1)(3)(4) in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, [Sch. 1 para. 6](#)

### 18 Suspension of registration

- (1) The Commission may at any time suspend a person's registration under this Chapter as a service provider or manager for a specified period.
- (2) Except where the Commission gives notice under section 31, the power conferred by subsection (1) is exercisable only on the ground that—
- (a) the regulated activity is being, or has at any time been, carried on otherwise than in accordance with the relevant requirements, or
  - (b) the person has failed to comply with a requirement imposed by or under Chapter 6.
- (3) The suspension of a person's registration does not affect the continuation of the registration (but see sections 34 and 36 as to offences).
- (4) A period of suspension may be extended under subsection (1) on one or more occasions.
- (5) In this section “relevant requirements” has the same meaning as in section 17.

#### Modifications etc. (not altering text)

- C4** S. 18 modified (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), [12](#) (as amended (8.2.2010) by [S.I. 2010/47](#), art. 2)
- C5** S. 18 modified (6.4.2015) by [Care Act 2014 \(c. 23\)](#), [ss. 57\(3\)](#), [127\(1\)](#); [S.I. 2015/993](#), art. 4 (with transitional provisions in [S.I. 2015/995](#))

#### Commencement Information

- I7** S. 18 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), art. 2, [Sch. 1 para. 7](#)
- I8** S. 18 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(2), [Sch. 1 para. 20](#) (with [Pt. 3](#))

### 19 Applications by registered persons

- (1) Except in case A or B [<sup>F3</sup> and subject to subsections (3A) to (3F)], a person registered under this Chapter as a service provider or manager (“R”) may apply to the Commission—
- (a) for the variation or removal of any condition for the time being in force in relation to the registration, other than a registered manager condition required by section 13(1),
  - (b) for the cancellation of the registration, or
  - (c) for the cancellation of, or the variation of the period of, any suspension of the registration.

*Status: Point in time view as at 02/04/2018.*

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- (2) Case A is where—
- (a) the Commission has given R notice under section 26(4)(a) of a proposal to cancel the registration, and
  - (b) the Commission has not decided not to take that step.
- (3) Case B is where—
- (a) the Commission has given R notice under section 28(3) of its decision to cancel the registration, and
  - (b) either the time within which an appeal may be brought has not expired or, if an appeal has been brought, it has not yet been determined.
- [<sup>F4</sup>(3A) R may not apply under subsection (1)(a) for the variation of a condition where either subsection (3B) or (3C) applies.
- (3B) This subsection applies where—
- (a) the Commission has given R notice under section 26(4)(c) of a proposal to make that variation (or a variation which would have substantially the same effect as that variation), and
  - (b) the Commission has not decided not to take that step.
- (3C) This subsection applies where—
- (a) the Commission has given R notice under section 28(3) of its decision to make that variation (or a variation which would have substantially the same effect as that variation), and
  - (b) either the time within which an appeal may be brought has not expired or, if an appeal has been brought, it has not yet been determined.
- (3D) R may not apply under subsection (1)(a) for the removal of a condition where either subsection (3E) or (3F) applies.
- (3E) This subsection applies where—
- (a) the Commission has given R notice under section 26(4)(c) of a proposal to remove that condition, and
  - (b) the Commission has not decided not to take that step.
- (3F) This subsection applies where—
- (a) the Commission has given R notice under section 28(3) of its decision to remove that condition, and
  - (b) either the time within which an appeal may be brought has not expired or, if an appeal has been brought, it has not yet been determined.]

(4) An application under subsection (1) must be made in such form, and contain or be accompanied by such information, as the Commission requires.

(5) If the Commission decides to grant an application under subsection (1)(a), it must serve notice in writing of its decision on the applicant (stating, where applicable, the condition as varied) and issue a new certificate of registration.

(6) If the Commission decides to grant an application under subsection (1)(c), it must serve notice in writing of its decision on the applicant (stating, where applicable, the period as varied).

**Status:** Point in time view as at 02/04/2018.

**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Further provision about registration as a service provider or manager. (See end of Document for details)

### Textual Amendments

- F3** Words in s. 19(1) inserted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 86(2)**, 127(1) (with s. 86(4)); [S.I. 2014/2473](#), [art. 3\(a\)](#)
- F4** s. 19(3A)-(3F) inserted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 86(3)**, 127(1) (with s. 86(4)); [S.I. 2014/2473](#), [art. 3\(a\)](#)

### Modifications etc. (not altering text)

- C6** S. 19 amendment to earlier affecting [SI 2010/2484 \(16.1.2012\)](#) by [The Health and Social Care Act 2008 \(Primary Dental Services, Private Ambulance Services and Primary Medical Services\) \(Regulated Activities\) \(Transitory and Transitional Provisions\) \(Amendment\) Order 2011 \(S.I. 2011/2948\)](#), [arts. 1\(1\)](#), **4(1)**
- C7** S. 19(1)(a) modified (E.) (12.11.2010) by [The Health and Social Care Act 2008 \(Primary Dental Services, Private Ambulance Services and Primary Medical Services\) \(Regulated Activities\) \(Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/2484\)](#), [arts. 1](#), **9**, 18

### Commencement Information

- I9** S. 19 in force at 1.4.2009 for specified purposes by [S.I. 2009/462](#), [art. 2](#), **Sch. 1 para. 8**
- I10** S. 19 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/807](#), [art. 2\(2\)](#), **Sch. 1 para. 21** (with [Pt. 3](#))

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Further provision about registration as a service provider or manager.