



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

19 Applications by registered persons

- (1) Except in case A or B [^{F1}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.
- (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

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- (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.
- [^{F2}(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).

Textual Amendments

- F1** 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)
- F2** 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)
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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](#))

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- 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)
- C3** 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)**
- C4** 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

- I1** S. 19 in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2, **Sch. 1 para. 8**
- I2** 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)

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 19.