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STATUTORY INSTRUMENTS

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**2009 No. 3112**

**The Care Quality Commission (Registration) Regulations 2009**

**PART 2**

**REGISTRATION**

**Persons to be regarded as the person carrying on a regulated activity**

4.—(1) For the purposes of Chapter 2 of Part 1 of the Act (registration in respect of the provision of health or social care), the following provisions apply.

(2) Where a regulated activity is carried on by a person (A) and one or more other persons who are—

- (a) individuals; and
- (b) employees of A for the purpose of carrying on the regulated activity,

A is to be regarded as the person who carries on the regulated activity.

(3) For the purposes of paragraph (2), a person is an employee of A where that person—

- (a) is employed by A under a contract of service, an apprenticeship, a contract for services or otherwise than under a contract (including under a carer agreement); or
- (b) has been granted practising privileges by A.

(4) Where the provision of services under arrangements between a body of trustees established for the purpose of providing services to meet the health or social care needs of a named beneficiary and a provider of such services falls to be regarded as a regulated activity, it is the provider and not the body of trustees which shall be regarded as the person who carries on that regulated activity.

(5) In this regulation—

- (a) “carer agreement” has the same meaning as in the Adult Placement Schemes (England) Regulations 2004(1); and
- (b) “practising privileges” means the grant, by a person managing a hospital (as defined in section 275 of the National Health Service Act 2006(2)), to a registered medical practitioner(3) of permission to practise as a medical practitioner in that hospital.

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(1) [S.I. 2004/2071](#) to which there are amendments not relevant to these Regulations.

(2) [2006 c.41](#).

(3) The definition of “registered medical practitioner” in Schedule 1 to the Interpretation Act 1978 ([c.30](#)) has been substituted by [S.I. 2002/3135](#), Schedule 1, paragraph 10 with effect from 16th November 2009.