
STATUTORY INSTRUMENTS

2012 No. 1513

The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012

Substitution of regulation 18

5. For regulation 18 (consent to care and treatment) substitute—

“**18.**—(1) In relation to the care and treatment provided for the service user, the registered person must have suitable arrangements in place for—

- (a) obtaining, and acting in accordance with, the consent of service users, or the consent of another person who is able lawfully to consent to care and treatment on that service user’s behalf; or
- (b) where (a) does not apply, establishing, and acting in accordance with, the best interests of the service user.

(2) Section 4 of the Mental Capacity Act 2005⁽¹⁾ (best interests) applies for the purposes of this regulation as it applies for the purposes of that Act.”.