

2022 No. 206

NATIONAL HEALTH SERVICE, ENGLAND

PUBLIC HEALTH, ENGLAND

SOCIAL CARE, ENGLAND

**The Health and Social Care Act 2008 (Regulated Activities)
(Amendment) (Coronavirus) (No. 3) Regulations 2022**

Made - - - - at 1.42 p.m. on 1st March 2022

Laid before Parliament at 4.30 p.m. on 1st March 2022

Coming into force - - 15th March 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 20(1) to (3) and (5) and 161(3) and (4) of the Health and Social Care Act 2008^(a).

In accordance with section 20(8) of that Act, the Secretary of State has consulted such persons as the Secretary of State considers appropriate.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) (No. 3) Regulations 2022.

(2) These Regulations come into force on 15th March 2022.

(3) These Regulations extend to England and Wales, but apply to England only.

Amendment of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

2.—(1) The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014^(b) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of “premises”, omit “and in regulation 12(3), does not include any surrounding grounds”;

(b) omit the definition of “processing”.

(3) In regulation 12 (safe care and treatment), omit paragraphs (3) to (6).

^(a) 2008 c. 14. Section 20(1) and the opening words of section 20(2) were substituted by section 1(2) of the Health and Social Care (Safety and Quality) Act 2015 (c. 28). Section 161(3) was amended by section 294(4) of the Health and Social Care Act 2012 (c. 7).

^(b) S.I. 2014/2936, amended by S.I. 2021/891 and 2022/15. There are other amending instruments but none is relevant.

(4) In regulation 17 (good governance), in paragraph (2)(d)—

- (a) at the end of paragraph (i), insert “and”;
- (b) omit “and” at the end of paragraph (ii);
- (c) omit paragraph (iii).

Revocations

3. The following instruments are revoked—

- (a) the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021(a);
- (b) the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) (No. 2) Regulations 2022(b).

Sajid Javid
Secretary of State,

At 1.42 p.m. on 1st March 2022

Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (“the 2014 Regulations”) to remove provisions which were inserted into those Regulations for the purposes of preventing, detecting and controlling the spread of infections, specifically in response to the effects of the coronavirus pandemic.

Those provisions required a registered person (“A”) in respect of the regulated activity of providing residential accommodation together with nursing or personal care in a care home, to secure that a person (“B”) did not enter any premises used by A unless B met specific requirements relating to vaccination against coronavirus, as well as to have related governance arrangements in place. The provisions were inserted by the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 (“the 2021 Regulations”) and amended by regulation 3 of the Health and Social Care Act (Regulated Activities) (Amendment) (Coronavirus) (No. 2) Regulations 2022 (“the 2022 Regulations”).

Further amendments were to be made to the 2014 Regulations, which were to take effect from 1st April 2022, by regulation 4 of the 2022 Regulations. That provision, together with the remaining provisions of the 2022 Regulations, is revoked by these Regulations.

The 2021 Regulations are also revoked by these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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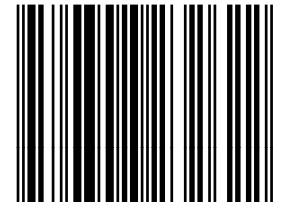
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- (a) S.I. 2021/891.
 - (b) S.I. 2022/15.

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