



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

Regulation, code of practice and guidance

20 Regulation of regulated activities

- [^{F1}(1) The Secretary of State must by regulations impose requirements that the Secretary of State considers necessary to secure that services provided in the carrying on of regulated activities cause no avoidable harm to the persons for whom the services are provided.
- (2) The Secretary of State may by regulations impose any other requirements in relation to regulated activities that the Secretary of State thinks fit for the purposes of this Chapter, including in particular provision with a view to—
- (a) securing that any service provided in the carrying on of a regulated activity is of appropriate quality, and
 - (b) securing the health, safety and welfare of persons for whom any such service is provided.
- (3) Regulations under this section may in particular—
- (a) make provision as to the persons who are fit to carry on or manage a regulated activity;
 - (b) make provision as to the manner in which a regulated activity is carried on;
 - (c) make provision as to the persons who are fit to work for the purpose of the carrying on of a regulated activity;

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- (d) make provision as to the management and training of persons who work for the purpose of the carrying on of a regulated activity;
 - [^{F2}(da) impose requirements in connection with food or drink provided or made available to any person on hospital premises in England that are used in connection with the carrying on of a regulated activity;]
 - (e) make provision as to the fitness of premises;
 - (f) impose requirements as to the keeping of records and accounts;
 - (g) impose requirements as to the provision of information;
 - (h) impose requirements as to the financial position of a person registered as a service provider;
 - (i) impose requirements as to the making available to the public of information as to any charges made for the provision of any services provided in the carrying on of a regulated activity;
 - (j) impose requirements as to the review of the quality of any services provided in the carrying on of a regulated activity, as to the preparation of reports of such reviews, and as to the making available to the public of such reports;
 - (k) make provision as to the handling of complaints and disputes and the application of lessons learnt from them.
- (4) Regulations made under this section by virtue of subsection (3)(b) may in particular include provision as to the control and restraint, in appropriate cases, of persons receiving health or social care or other services in connection with the carrying on of a regulated activity.
- [^{F3}(4A) Regulations made under this section [^{F3} by virtue of subsection (3)(d) may in particular include provision for a specified person to set the standards which persons undergoing the training in question must attain.]
- [^{F4}(4B) Regulations made under this section by virtue of subsection (3)(da) may in particular—
- (a) specify nutritional standards, or other nutritional requirements, which are to be complied with;
 - (b) require that specified descriptions of food or drink are not to be provided or made available.]
- (5) Regulations made under this section may make provision for the prevention and control of health care associated infections and may include such provision as the Secretary of State considers appropriate for the purpose of safeguarding individuals (whether receiving health or social care or otherwise) from the risk, or any increased risk, of being exposed to health care associated infections or of being made susceptible, or more susceptible, to them.
- [^{F5}(5ZA) Regulations under this section must require service providers to ensure that each person working for the purpose of the regulated activities carried on by them receives training on learning disability and autism which is appropriate to the person’s role.]
- [^{F6}(5A) Regulations under this section must make provision as to the provision of information in a case where an incident of a specified description affecting a person’s safety occurs in the course of the person being provided with a service.]
- [^{F7}(5B) In subsection (1)—
- (a) “cause” means cause or contribute to, whether directly or indirectly; and

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- (b) harm is avoidable, in relation to a service, unless the person providing the service cannot reasonably avoid it (whether because it is an inherent part or risk of a regulated activity or for another reason).]

[^{F8}(5C) In subsection (3)(da) “hospital” has the meaning given by section 275 of the National Health Service Act 2006.]

[^{F9}(5D) In subsection (5ZA)—

“learning disability” has the meaning given by section 1(4) of the Mental Health Act 1983;

“service provider” means a person registered under this Chapter as a service provider in respect of a regulated activity.]

- (6) In this Chapter “health care associated infection” means any infection to which an individual may be exposed or made susceptible (or more susceptible) in circumstances where—
- (a) health or social care is being, or has been, provided to that or any other individual, and
- (b) the risk of exposure to the infection, or of susceptibility (or increased susceptibility) to it, is directly or indirectly attributable to the provision of that care.
- (7) But “health care associated infection” does not include an infection to which the individual is deliberately exposed as part of any health care.
- (8) Before making regulations under this section, except regulations which amend other regulations under this section and do not, in the opinion of the Secretary of State, effect any substantial change in the provision made by those regulations, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (9) Consultation undertaken by the Secretary of State before the commencement of this section is as effective for the purposes of this section as consultation undertaken after that time.

Textual Amendments

- F1** S. 20(1) and the opening words of (2) substituted (1.10.2015) by Health and Social Care (Safety and Quality) Act 2015 (c. 28), ss. 1(2), 6(4); S.I. 2015/1438, reg. 3(a)
- F2** S. 20(3)(da) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 173(a), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** S. 20(4A) inserted (1.10.2014) by Care Act 2014 (c. 23), ss. 95, 127(1); S.I. 2014/2473, art. 3(f)
- F4** S. 20(4B) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 173(b), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** S. 20(5ZA) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 181(2), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** S. 20(5A) inserted (7.7.2014 for specified purposes, 15.7.2014 in so far as not already in force) by Care Act 2014 (c. 23), ss. 81, 127(1); S.I. 2014/1714, arts. 2(a), 3(1)
- F7** S. 20(5B) inserted (1.10.2015) by Health and Social Care (Safety and Quality) Act 2015 (c. 28), ss. 1(3), 6(4); S.I. 2015/1438, reg. 3(a)
- F8** S. 20(5C) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 173(c), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** S. 20(5D) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 181(3), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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Modifications etc. (not altering text)

- C1** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **17(4)(c)(5)(b)**
- C2** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **14(4)(c)**

Commencement Information

- I1** S. 20 partly in force; S. 20 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 20 in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), **art. 2**
- I3** S. 20 in force at 6.4.2010 in so far as not already in force by [S.I. 2010/807](#), art. 2(1), **Sch. 1 para. 5** (with [Pt. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 20.