
STATUTORY INSTRUMENTS

2009 No. 3023

**The Health and Social Care Act 2008 (Commencement
No. 13, Transitory and Transitional Provisions
and Electronic Communications) Order 2009**

Suspension of the offence of carrying on a regulated activity while unregistered

16.—(1) Paragraph (2) applies where—

- (a) an existing registrant who is notified pursuant to article 4(1) makes a transitional application on or before 29th January 2010 and that application is made in such form, and contains or is accompanied by such information, as the Commission specified pursuant to article 4(2); or
- (b) a new English NHS body makes a transitional application.

(2) Section 10(1) of the Act (offence of carrying on a regulated activity while unregistered) does not apply to a person mentioned in paragraph (1) in respect of the activities for which that person has sought registration in the transitional application for the period (if any) beginning on the date specified in paragraph (3) and ending on the date of service by the Commission under section 28(1) of the Act (notice of decisions) or article 7(2) of a notice of decision in respect of the transitional application.

(3) The date referred to in paragraph (2) is—

- (a) the second appointed date in the case of a person coming within paragraph (1)(a); or
- (b) the date of making a transitional application in the case of a new English NHS body.

(4) Paragraph (5) applies where—

- (a) a person has made a transitional application; and
- (b) the Commission proposes to refuse the application and serves a notice of proposal pursuant to section 26(3) of the Act (notice of proposal relating to refusal of registration).

(5) Section 10(1) of the Act (offence of carrying on a regulated activity while unregistered) does not apply to the person for the period beginning on the date of service of the notice of proposal and ending on the date of service by the Commission under section 28 of the Act of a notice of decision in respect of the proposal to refuse registration or, if later, the date that the decision takes effect.