
STATUTORY INSTRUMENTS

2009 No. 3112

The Care Quality Commission (Registration) Regulations 2009

PART 2

REGISTRATION

Register of regulated activities

3. The Commission must establish and maintain a register containing such information as appears to the Commission to be necessary to keep the public informed about the identity of registered persons and their carrying on of regulated activities.

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.

(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.

Registered manager condition

5.—(1) Subject to paragraph (2), for the purposes of section 13(1) of the Act, the registration of a service provider in respect of a regulated activity must be subject to a registered manager condition where the service provider is—

- (a) a body of persons corporate or unincorporate; or
- (b) an individual who—
 - (i) is not a fit person to manage the carrying on of the regulated activity, or
 - (ii) is not, or does not intend to be, in full-time day to day charge of the carrying on of the regulated activity.

(2) Paragraph (1)(a) does not apply where the service provider is a health service body.

(3) A service provider (P) is not a fit person to manage the carrying on of a regulated activity unless P—

- (a) is of good character;
- (b) is physically and mentally fit to manage the carrying on of the regulated activity;
- (c) has the necessary qualifications, skills and experience to do so; and
- (d) is able to supply to the Commission, or arrange for the availability of, information relating to themselves specified in Schedule 1.

Cancellation of registration

6.—(1) The grounds specified for the purposes of section 17(1)(e) of the Act as grounds on which the Commission may cancel the registration of a registered person in respect of a regulated activity are that the registered person—

- (a) has made a statement which is false or misleading in a material respect, or provided false information, in relation to any application for—
 - (i) registration, or
 - (ii) the variation or removal of a condition in relation to their registration;
- (b) has failed to pay any fees payable under provision under section 85 of the Act; or
- (c) if the registered person is a service provider, is not, and has not been for a continuous period of 12 months ending with the date of the decision to cancel registration, carrying on that regulated activity.