

---

STATUTORY INSTRUMENTS

---

**2009 No. 462**

**The Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009**

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

7.—(1) Paragraph (2) applies where—

- (a) a person has applied for registration as a service provider pursuant to section 11 of the Act;
- (b) the application is one to which article 6(2) of the Health and Social Care Act 2008 (Commencement No.6, Transitory and Transitional Provisions) Order 2008(1) applies; and
- (c) the Care Quality 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).

(2) Section 10(1) of the Act (offence of carrying on a regulated activity while unregistered) shall not apply to the applicant for the period between service of that notice of proposal and service by the Care Quality Commission under section 28 of the Act (notice of decisions) of a notice of decision in respect of the proposal to refuse registration.