

2023 No. 1404

NATIONAL HEALTH SERVICE, ENGLAND

SOCIAL CARE, ENGLAND

PUBLIC HEALTH, ENGLAND

**The Health and Social Care Act 2008 (Regulated Activities)
(Amendment) (No. 2) Regulations 2023**

<i>Made</i> - - - -	<i>18th December 2023</i>
<i>Laid before Parliament</i>	<i>19th December 2023</i>
<i>Coming into force</i> - -	<i>15th January 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 20(1) to (3) 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 and commencement

1.—(1) These Regulations may be cited as the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (No. 2) Regulations 2023 and come into force on 15th January 2024.

(2) These Regulations extend to England and Wales.

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 19 (fit and proper persons employed)—

(a) in paragraph (3), at the beginning, for “The” substitute “Subject to paragraph (3A), the”;

(b) after paragraph (3), insert—

(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) and section 20(3) was amended by section 173 of the Health and Care Act 2022 (c. 31). Section 161(3) was amended by section 294(4) of the Health and Social Care Act 2012 (c. 7).
(b) S.I. 2014/2936; relevant amending instruments are S.I. 2015/64, 2022/179.

“(3A) Unless regulation 4, 6 or 7 applies, where the person so employed is a volunteer, paragraph (3) does not require the information specified in paragraph 7 of Schedule 3 to be made available.”; and

(c) after paragraph (6) insert—

“(7) For the purposes of this regulation, a “volunteer” is a person employed under arrangements to provide their services voluntarily as referred to in regulation 2(2)(c).”.

Signed by the authority of the Secretary of State for Health and Social Care

18th December 2023

Helen Whately
Minister of State
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”).

Regulation 2 of these Regulations amends regulation 19 (fit and proper persons employed) of the 2014 Regulations.

Regulation 19(3) of the 2014 Regulations, as read with regulation 8 of the 2014 Regulations, requires a registered person to make available, in relation to each person employed, the information specified in Schedule 3 to the 2014 Regulations. The reference to “each person employed” in regulation 19 of the 2014 Regulations includes a person employed under arrangements to provide their services voluntarily (see regulation 2(1) and 2(2) of the 2014 Regulations for the definition of “employment”).

Regulation 2 of these Regulations amends regulation 19 of the 2014 Regulations for the purposes of specifying the information that a registered person must make available in relation to a person employed under arrangements to provide their services voluntarily (volunteers). Specifically, a registered person does not need to make available information relating to a volunteer’s full employment history as set out at paragraph 7 of Schedule 3 to the 2014 Regulations, unless it is a case to which regulation 4, 6 or 7 of the 2014 Regulations applies.

Regulation 4 of the 2014 Regulations sets out information requirements in relation to service providers where the service provider is an individual or partnership. Regulation 6 of the 2014 Regulations relates to requirements for service providers where an individual is employed as a director, manager or secretary of the service provider, and is responsible for supervising the management of the carrying on of the regulated activity of the service provider, where the service provider is a body other than a partnership. Regulation 7 of the 2014 Regulations sets out the requirements relating to registered managers.

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