
WELSH STATUTORY INSTRUMENTS

2011 No. 734

The Independent Health Care (Wales) Regulations 2011

PART III

Conduct of Health Care Establishments and Agencies

Chapter 1

Quality of Service Provision

Quality of treatment and other service provision

15.—(1) Subject to regulation 6(4), the registered person must provide any treatments and other services to patients in accordance with the statement of purpose, and must ensure that any treatments and other services provided to each patient—

- (a) meet the patient's individual needs;
- (b) ensure the welfare and safety of the patient;
- (c) are evidence based; and
- (d) are (where necessary) provided by means of appropriate equipment.

(2) The registered person must ensure that all equipment used in or for the purposes of the establishment or for the purposes of the agency is safe and in good condition and suitable for the purpose it is to be used for.

(3) Where reusable medical devices are used in an establishment or for the purposes of an agency, the registered person must ensure that appropriate procedures are implemented in relation to cleaning, disinfection, inspection, packaging, sterilisation, transportation and storage of such devices.

(4) The procedures implemented in accordance with paragraph (3) must be such as to ensure that reusable medical devices are handled safely and decontaminated effectively prior to re-use.

(5) The registered person must protect patients against the risks associated with the unsafe use and management of medicines, by means of—

- (a) the making of appropriate arrangements for the obtaining, recording, handling, using, safe keeping, dispensing, safe administration and disposal of medicines used in or for the purposes of the establishment or agency; and
- (b) having regard to any guidance issued by the registration authority or appropriate expert body in relation to the safe handling and use of medicines.

(6) The registered person must ensure that where blood and blood products are used a monitoring process for the safety of blood transfusion (haemovigilance) is in place.

(7) The registered person must, so far as reasonably practicable, ensure that—

- (a) patients; and
- (b) others who may be at risk of exposure to a health care associated infection arising from working in or for the purposes of an establishment or agency,

are protected against identifiable risks of acquiring such an infection by the means specified in paragraph (8).

- (8) The means referred to in paragraph (7) are—
- (a) the effective operation of systems designed to assess the risk of and to prevent, detect and control the spread of a health care associated infection;
 - (b) where applicable, the provision of appropriate treatment for those who are affected by a health care associated infection; and
 - (c) the maintenance of appropriate standards of cleanliness and hygiene in relation to—
 - (i) premises occupied for the purpose of carrying on the establishment or agency;
 - (ii) equipment and reusable medical devices used for the purpose of carrying on the establishment or agency; and
 - (iii) materials to be used in the treatment of service users where such materials are at risk of being contaminated with a health care associated infection.

(9) If an establishment provides food and drink for patients as a component of the patients' care, the registered person must ensure that—

- (a) Patients' nutritional and hydration needs are assessed and documented on admission and at regular intervals thereafter;
- (b) Food and hydration is provided that meets individual patient nutritional and hydration needs.

(10) The registered person must take account of any advice bulletins relating to the type of treatment the establishment or agency provides and to patient safety information published by appropriate regulatory, professional or appropriate statutory expert bodies.

Safeguarding patients from abuse

16.—(1) The registered person must make suitable arrangements to ensure that patients are safeguarded against the risk of abuse by means of—

- (a) taking reasonable steps to identify the possibility of abuse and prevent it before it occurs; and
- (b) responding appropriately to any allegation of abuse.

(2) Where any form of control or restraint is used in the establishment or for the purposes of an agency, the registered person must have suitable arrangements in place to protect patients against the risk of such control or restraint being—

- (a) unlawful; or
- (b) otherwise excessive.

(3) The registered person must have regard to any guidance issued by the registration authority or appropriate expert body, in relation to—

- (a) the protection of children and vulnerable adults generally; and
- (b) in particular, the appropriate use of methods of control or restraint.

(4) For the purposes of paragraph (1), “abuse” (“*cam-drin*”), in relation to a patient, means—

- (a) sexual abuse;
- (b) physical or psychological ill-treatment;
- (c) theft, misuse or misappropriation of money or property; or
- (d) neglect and acts of omission which cause harm or place at risk of harm.

Capacity of patients

17.—(1) The registered person must, so far as is practicable, and, where the patient lacks capacity, in accordance with the principles of the 2005 Act enable each patient to make decisions about matters affecting the way in which the patient is cared for and his or her welfare.

(2) The registered person must ensure that patients are enabled to control their own money, except where a patient does not wish, or lacks capacity to do so, in which case the registered person must ensure that patient monies are properly held and recorded and that receipts are issued as appropriate.

(3) The registered person must so far as practicable, and where patients lack capacity, in accordance with the principles of the 2005 Act ascertain and take into account the wishes and feelings of all patients in determining the manner in which they are cared for and services are provided to them.

Privacy, dignity and relationships

18.—(1) The registered person must make suitable arrangements to ensure that the establishment or agency is conducted—

- (a) in a manner which respects the privacy and dignity of patients; and
- (b) with due regard to the sex, religious persuasion, racial origin, sexual orientation, cultural and linguistic background and any disability of patients.

(2) The registered provider and the registered manager (if any) must each take all reasonable steps to ensure that the establishment or agency is conducted on the basis of good personal and professional relationships—

- (a) between each other; and
- (b) between each of them and the patients and staff.

Assessing and monitoring the quality of service provision including annual returns

19.—(1) The registered person must protect patients, and others who may be at risk, against the risks of inappropriate or unsafe care and treatment, by means of the effective operation of systems designed to enable the registered person to—

- (a) regularly assess and monitor the quality of the services provided in the carrying on of the establishment or agency against the requirements set out in these Regulations; and
- (b) identify, assess and manage risks relating to the health, welfare and safety of patients and others.

(2) For the purposes of paragraph (1), the registered person must—

- (a) where appropriate, obtain relevant professional advice;
- (b) have regard to—
 - (i) the complaints and comments made, and views (including the descriptions of their experiences of care and treatment) expressed, by patients, and those acting on their behalf, pursuant to sub-paragraph (e) and regulation 24;
 - (ii) any investigation carried out by the registered person in relation to the conduct of a person employed for the purpose of carrying on the establishment or agency;
 - (iii) the information contained in the records referred to in regulation 23;
 - (iv) appropriate professional and expert advice (including any advice obtained pursuant to sub-paragraph (a));
 - (v) reports prepared by the registration authority from time to time pursuant to section 32(5) of the Act in relation to the establishment or agency;

- (c) where necessary, make changes to the treatment or care provided in order to reflect information, of which it is reasonable to expect that a registered person should be aware, relating to—
 - (i) the analysis of incidents that resulted in, or had the potential to result in, harm to a patient; and
 - (ii) the conclusions of local and national service reviews, clinical audits and research projects carried out by appropriate expert bodies;
- (d) establish mechanisms for ensuring that decisions in relation to the provision of care and treatment for patients are taken at the appropriate level and by an appropriate person; and
- (e) regularly seek the views (including the descriptions of their experiences of care and treatment) of patients, persons acting on their behalf, persons who are employed for the purposes of the establishment or agency and any medical practitioner with practising privileges, to enable the registered person to come to an informed view in relation to the standard of care and treatment provided to patients.

(3) The registered person must send to the appropriate office of the registration authority, when requested to do so, a written annual assessment (referred to as the “annual return”) setting out how, and the extent to which, in the opinion of the registered person, the requirements of paragraph (1) are being complied with in relation to the establishment or agency, together with any plans that the registered person has for improving the standard of the services provided to patients with a view to ensuring their health and welfare.

(4) The registered person must take reasonable steps to ensure that the annual return is not misleading or inaccurate.

(5) The registered person must supply the annual return to the appropriate office of the registration authority within 28 days of receiving a request under paragraph (3).

Staffing

20.—(1) The registered person must, having regard to the nature of the establishment or agency, the statement of purpose and the number and needs of patients—

- (a) ensure that at all times suitably qualified, skilled and experienced persons are working in or for the purposes of the establishment or as the case may be, for the purposes of the agency, in such numbers as are appropriate for the health and welfare of the patients;
- (b) ensure that the employment of any persons on a temporary basis in or for the purposes of the establishment or for the purposes of the agency will not prevent patients from receiving such continuity of care as is reasonable to meet their needs.

(2) The registered person must ensure that each person employed in or for the purposes of the establishment, or for the purposes of the agency—

- (a) receives appropriate training, supervision and appraisal;
- (b) is enabled from time to time to obtain further qualifications appropriate to the work the person performs; and
- (c) is provided with a job description outlining the person’s responsibilities.

(3) The registered person must ensure that each person employed in or for the purposes of the establishment or for the purposes of the agency and any medical practitioner with practising privileges, receives regular and appropriate appraisal and must take such steps as may be necessary to address any aspect of—

- (a) a health care professional’s clinical practice; or
- (b) the performance of a member of staff who is not a health care professional,

which is found to be unsatisfactory.

(4) The registered person must take reasonable steps to ensure that any persons working in or for the purposes of an establishment or for the purposes of an agency who are not employed by the registered person and to whom paragraph (2) does not apply, are appropriately supervised to ensure patients' health and welfare is not compromised, while carrying out their duties.

Fitness of workers

21.—(1) Subject to paragraph (4) the registered person must not—

- (a) employ under a contract of employment a person to work in or for the purposes of the establishment or for the purposes of the agency unless that person is fit to do so;
- (b) allow a volunteer to work in or for the purposes of the establishment or for the purposes of the agency unless that person is fit to do so;
- (c) allow any other person (including a medical practitioner seeking the grant of practising privileges) to work in or for the establishment or for the purposes of the agency in a position in which he or she may in the course of his or her duties have regular contact with a patient unless that person is fit to work in or for the establishment or for the purposes of the agency.

(2) For the purposes of paragraph (1) a person is not fit to work in or for the purposes of an establishment or for the purposes of an agency unless—

- (a) the person is of suitable integrity and good character for the work which the person is to perform;
- (b) the person has the qualifications, skills and experience which are necessary for that work;
- (c) the person is physically and mentally fit for that work; and
- (d) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of each of the matters specified in paragraphs 1 and 3 to 8 of Schedule 2.

(3) The certificate referred to in paragraph 3 of Schedule 2 must be applied for by, or on behalf of the registered person, for the purpose of assessing the suitability of a person for the post referred to in paragraph (1).

(4) The registered person must ensure that—

- (a) any offer of employment to, or other arrangement about working in or for the purposes of the establishment or for the purposes of the agency made with or in respect of a person described in paragraph (1) is subject to paragraph (2)(d) being complied with in relation to that person; and
- (b) unless paragraph (5) applies, no such person starts work in or for the purposes of the establishment or for the purposes of the agency until such time as paragraph (2)(d) has been complied with in relation to that person.

(5) Where the following conditions apply, the registered person may permit a person other than a health care professional to start work in or for the purposes of the establishment or for the purposes of an agency notwithstanding paragraphs (1) and (4)(b)—

- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in paragraphs 1 and 3 to 8 of Schedule 2 in respect of that person, but the enquiries in relation to any of the matters listed in paragraphs 4 to 8 of Schedule 2 are incomplete;
- (b) full and satisfactory information in relation to that person has been obtained in respect of the matters specified in paragraphs 1 and 3 of Schedule 2;
- (c) in the reasonable opinion of the registered person the circumstances are exceptional; and

(d) pending receipt of, and being satisfied with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his or her duties.

(6) The registered person must ensure that any person working in or for the purposes of the establishment or agency who does not fall within paragraph (1) is appropriately supervised at all times when they are in contact with patients.

Guidance for health care professionals

22. The registered person must ensure that any code of ethics or professional practice prepared by a body which is responsible for regulation of members of a health care profession is made available in the establishment or agency to members of the health care profession in question.

Records

23.—(1) The registered person must ensure that except in cases to which regulation 43(5) applies—

- (a) a comprehensive health care record which may be in paper or electronic form is maintained in relation to each patient, which includes—
 - (i) a contemporaneous note of all treatment provided to the patient;
 - (ii) the patient’s medical history and all other notes prepared by a health care professional about the patient’s case; and
- (b) the record is retained for a period which is not less than that specified in Part I of Schedule 3 in relation to the type of patient in question or, where more than one such period could apply, the longest of them.

(2) The registered person must ensure that—

- (a) the health care record for a person who is currently a patient is kept in a secure place in the establishment or agency premises; and
- (b) the health care record for a person who is not currently a patient is stored securely (whether in the establishment or agency or elsewhere) and that it can be located if required.

(3) In addition to the health care records maintained in accordance with paragraph (1), the registered person must ensure that the records, which may be in paper or electronic form, specified in Part II of Schedule 3 are maintained and that they are—

- (a) kept up to date;
- (b) at all times available for inspection in the establishment or agency by any person authorised by the registration authority to enter and inspect the establishment or agency; and
- (c) retained for a period of not less than three years beginning on the date of the last entry.

(4) Where an establishment or agency closes the registered person must ensure that the records maintained in accordance with paragraphs (1) and (3) are kept securely elsewhere and must make them available for inspection by the registration authority at its request.

Complaints

24.—(1) The registered person must establish a procedure (in these Regulations referred to as “the complaints procedure”) for considering complaints made to the registered person by a patient or a person acting on behalf of a patient.

(2) The registered person must ensure that any complaint made under the complaints procedure is fully investigated.

(3) The registered person must supply a written copy of the complaints procedure upon request, to—

- (a) every patient;
- (b) any person acting on behalf of a patient; and
- (c) any person who is considering whether to become a patient.

(4) The written copy of the complaints procedure must include—

- (a) the name, address and telephone number of the appropriate office of the registration authority; and
- (b) the procedure (if any) which has been notified by the registration authority to the registered person for making complaints to the registration authority relating to the establishment or agency.

(5) The registered person must maintain a record of each complaint, including details of the investigations made, the outcome and any action taken in consequence including whether any action is necessary to improve the quality of treatment or services and the requirements of regulation 23(3) (b) and (c) will apply to that record.

(6) The registered person must supply to the registration authority at its request copies of records maintained under paragraph (5).

Research

25.—(1) The registered person must ensure that—

- (a) before any research involving patients, information about patients, or human tissue is undertaken in or for the purposes of an establishment, a research proposal is prepared and approval is obtained from the appropriate Research Ethics Committee; and
- (b) all such research projects include adequate safeguards for patients and employees.

(2) For the purposes of paragraph (1)(a), “the appropriate Research Ethics Committee” (“*y Pwyllgor Moeseg Ymchwil priodol*”) means a research ethics committee established in accordance with guidance issued from time to time by the registration authority or appropriate expert body.

Chapter 2

Premises

Fitness of premises

26.—(1) The registered person must not use premises for the purposes of an establishment or agency unless those premises are in a location and of a physical design and layout, which are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person must ensure that—

- (a) the premises provide a clean, safe and secure environment in accordance with current legislation and best practice;
- (b) the premises are of sound construction and kept in a good state of repair externally and internally;
- (c) the size and layout of the establishment is suitable for the purposes for which they are used and are suitably equipped and furnished;
- (d) if surgical procedures are undertaken, life support systems are used, or obstetric services and, in connection with childbirth, medical services, are provided in the establishment, such electrical supply is provided during the interruption of public supply as is needed to safeguard the lives of the patients.

- (3) The registered person must provide for employees and medical practitioners with practising privileges —
- (a) suitable facilities and accommodation, other than sleeping accommodation, including—
 - (i) facilities for the purpose of changing; and
 - (ii) storage facilities; and
 - (b) where the provision of such accommodation is needed by employees in connection with their work, sleeping accommodation.
- (4) Subject to paragraph 5 the registered person must—
- (a) take adequate precautions against the risk of fire, including the provision and maintenance of adequate fire prevention and detection equipment;
 - (b) provide adequate means of escape in the event of a fire;
 - (c) make arrangements for persons employed in the establishment and medical practitioners to whom practising privileges have been granted to receive suitable training in fire prevention;
 - (d) ensure, by means of fire drills and practices at suitable intervals, that the persons employed in the establishment and, so far as practicable, patients and medical practitioners to whom practising privileges have been granted, are aware of the procedure to be followed in case of fire;
 - (e) review fire precautions, the suitability of fire equipment and the procedure to be followed in case of fire at intervals not exceeding twelve months; and
 - (f) produce a written fire safety risk assessment.
- (5) Where the Regulatory Reform (Fire Safety) Order 2005(1) applies to the premises—
- (a) paragraph (4) does not apply; and
 - (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of those premises.

Fitness of premises – learning disability

27.—(1) Subject to regulation 53—

- (a) the registered person must ensure that an independent hospital that provides, or intends to provide, overnight accommodation—
 - (i) for a consecutive period of 12 months or more for patients diagnosed with a learning disability together with patients with a mental illness; or
 - (ii) for a consecutive period of 12 months or more to a patient diagnosed with both a learning disability and mental illness,must not exceed 15 approved places.
- (b) the registered person must ensure that an independent hospital that provides, or intends to provide, overnight accommodation to a patient diagnosed with learning disabilities who does not fall within sub-paragraph (1)(a), for a consecutive period of 12 months or more, must not exceed 10 approved places.

(2) The registered person must ensure that, where reasonably practicable, the approved places referred to in paragraph (1) are provided in two or more units of the independent hospital.

Chapter 3

Management

Visits by registered provider to establishments

28.—(1) Where the registered provider is an individual who does not manage the establishment, that individual must visit the establishment premises in accordance with this regulation.

(2) Where the registered provider is an organisation, the establishment must be visited in accordance with this regulation by—

- (a) the responsible individual;
- (b) another of the directors or other persons responsible for the management of the organisation who is suitable to visit the establishment; or
- (c) an employee of the organisation who has appropriate qualifications, skills and experience for the purpose and who is not directly concerned with the conduct of the establishment.

(3) Visits under paragraph (1) or (2) must take place at least every six months and may be unannounced.

(4) The person carrying out the visit must—

- (a) interview, with their consent and in private (if necessary, by telephone), such of the patients and their representatives and such employees as appear to be necessary in order to form an opinion of the standard of treatment and other services provided in or for the purposes of the establishment;
- (b) inspect the premises and records of any complaints; and
- (c) prepare a written report on the conduct of the establishment.

(5) The registered provider must supply a copy of the report required to be made under paragraph (4)(c) to—

- (a) the registration authority;
- (b) the registered manager; and
- (c) in the case of a visit under paragraph (2), to each of the directors or other persons responsible for the management of the organisation.

Financial position

29.—(1) The registered provider must carry on the establishment or agency in such manner as is likely to ensure that the establishment or agency will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person must, if the registration authority so requests, provide it with such information and documents as it may require for the purpose of considering the financial viability of the establishment or agency, including—

- (a) the annual accounts of the establishment or agency, certified by an accountant; or
- (b) the annual accounts of the organisation which is the registered provider of the establishment or agency, certified by an accountant, together with accounts relating to the establishment or agency itself.

(3) The registered person must also provide the registration authority with such other information as it may require in order to consider the financial viability of the establishment or agency, including—

- (a) a reference from a bank expressing an opinion as to the registered provider's financial standing;

- (b) information as to the financing and financial resources of the establishment or agency;
 - (c) where the registered provider is a company, information as to any of its associated companies; and
 - (d) a certificate of insurance for the registered provider in respect of liability which may be incurred by the provider in relation to the establishment or agency in respect of death, injury, public liability, damage or other loss.
- (4) In this regulation, one company is associated with another if one of them has control of the other, or both are under the control of the same person.

Chapter 4

Notices to be given to the registration authority

Notification of death or unauthorised absence of a patient who is detained or liable to be detained under the Mental Health Act 1983

30.—(1) The registered person must notify the registration authority without delay of the death or unauthorised absence of a patient who is liable to be detained by the registered person—

- (a) under the Mental Health Act 1983 (“the 1983 Act”); or
 - (b) pursuant to an order or direction made under another enactment (which applies in relation to Wales), where that detention takes effect as if the order or direction were made pursuant to the provisions of the 1983 Act.
- (2) In this regulation—
- (a) References to persons “liable to be detained” (“*agored i’w caethiwo*”) include a community patient who has been recalled to hospital in accordance with section 17E of the 1983 Act, but do not include a patient who has been conditionally discharged and not recalled to hospital in accordance with section 42, 73 or 74 of the 1983 Act;
 - (b) “community patient” (“*claf cymunedol*”) has the same meaning as in section 17A of the 1983 Act;
 - (c) “hospital” (“*ysbyty*”) means a hospital within the meaning of Part 2 of that Act; and
 - (d) “unauthorised absence” (“*absenoldeb diawdurdod*”) means an unauthorised absence from a hospital.

Notification of events

31.—(1) The registered person must give notice to the appropriate office of the registration authority of—

- (a) the death of a patient—
 - (i) in an establishment;
 - (ii) during treatment provided in or for the purposes of an establishment or for the purposes of an agency; or
 - (iii) as a consequence of treatment provided in or for the purposes of an establishment or for the purposes of an agency;
 and the date, time, cause (where known) and circumstances of the patient’s death;
- (b) any serious injury to a patient;
- (c) the outbreak in an establishment of any infectious disease, which in the opinion of any medical practitioner employed in the establishment is sufficiently serious to be so notified;

- (d) any allegation of misconduct resulting in actual or potential harm to a patient by the registered person, any person employed in or for the purposes of the establishment or for the purposes of an agency, or any medical practitioner with practising privileges;
- (e) any request to a supervisory body made pursuant to Part 4 of Schedule A1 to the 2005 Act by the registered person for a standard authorisation, including the result of such a request;
- (f) any application made to a court in relation to depriving a patient of their liberty.

(2) For the purposes of this regulation, references to a supervisory body are to a supervisory body as defined in Schedule A1 to the 2005 Act⁽²⁾ and “standard authorisation” (“*awdurdodiad safonol*”) has the meaning given under Part 4 of Schedule A1 to the 2005 Act.

(3) Notice under paragraph (1) must be given within the period of 24 hours beginning with the event in question and, if given orally, must be confirmed in writing within 72 hours of the oral notification.

(4) If the registered person—

- (a) receives information concerning the death of a patient who has undergone termination of a pregnancy in an independent hospital during the period of 12 months ending on the date on which the information is received; and
- (b) has reason to believe that the patient’s death may be associated with the termination, the registered person must give notice in writing to the appropriate office of the registration authority of that information, within the period of 14 days beginning on the day on which the information is received.

Notice of absence of registered person

32.—(1) Where—

- (a) a registered provider who manages the establishment or agency; or
- (b) a registered manager,

proposes to be absent from the establishment or agency for a continuous period of 28 days or more, the registered person must give notice in writing to the appropriate office of the registration authority of the absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the proposed absence commences or within such shorter period as may be agreed with the registration authority and the notice must specify with respect to the absence—

- (a) its length or expected length;
- (b) the reason for it;
- (c) the arrangements which have been made for running the establishment or agency;
- (d) the name, address and qualifications of the person who will be responsible for the establishment or agency during that absence; and
- (e) the arrangements that have been or are proposed to be made for appointing another person to manage the establishment or agency during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of the emergency’s occurrence specifying the matters set out in subparagraphs (a) to (e) of paragraph (2).

(4) Where—

- (a) a registered provider who manages the establishment or agency; or

(2) See Schedule A1, part 13.

(b) a registered manager,

has been absent from the establishment or agency for a continuous period of 28 days or more, and the appropriate office of the registration authority has not been given notice of the absence, the registered person must, without delay, give notice in writing to that office, specifying the matters set out in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person must notify the appropriate office of the registration authority of the return to work of a person mentioned in sub-paragraph (a) or (b) of paragraph (4) not later than 7 days after the date of that person's return.

Notice of changes

33.—(1) The registered person must give notice in writing to the appropriate office of the registration authority as soon as it is practicable to do so if any of the following events take place or are proposed to take place—

- (a) a person other than the registered person carries on or manages the establishment or agency;
- (b) a person ceases to carry on or manage the establishment or agency;
- (c) where the registered person is an individual, he or she changes his or her name;
- (d) where the registered provider is an organisation—
 - (i) the name or address of the organisation is changed;
 - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
- (e) the responsible individual changes his or her name;
- (f) there is any change in the identity of the responsible individual;
- (g) where the registered provider is an individual, a trustee in bankruptcy is appointed or a composition or arrangement is made with creditors;
- (h) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (i) the premises of the establishment are significantly altered or extended, or additional premises are acquired which are intended to be used for the purposes of the establishment.

Appointment of liquidators etc

34.—(1) Any person to whom paragraph (2) applies must—

- (a) forthwith notify the appropriate office of the registration authority of the person's appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the establishment or agency in any case where the duty under regulation 11(1) is not being met; and
- (c) before the end of the period of 28 days beginning on the date of the person's appointment, notify the appropriate office of the registration authority of the person's intentions regarding the future operation of the establishment or agency to which the appointment relates.

(2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of an organisation which is a registered provider of an establishment or agency;
- (b) a liquidator or provisional liquidator of a company which is the registered provider of an establishment or agency;

- (c) the trustee in bankruptcy of a registered provider of an establishment or agency.

Death of registered person

35.—(1) If more than one person is registered in respect of an establishment or agency, and a registered person dies, the surviving registered person must without delay notify the appropriate office of the registration authority of the death in writing.

(2) If only one person is registered in respect of an establishment or agency, and the person dies, the person's personal representatives must notify the appropriate office of the registration authority in writing—

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future running of the establishment or agency.

(3) The personal representatives of the deceased registered provider may carry on the establishment or agency without being registered in respect of it—

- (a) for a period not exceeding 28 days; and
- (b) for any further period as may be determined by the registration authority in accordance with paragraph (4).

(4) The registration authority may extend the period specified in paragraph (3)(a) by such further period, not exceeding 6 months, as the registration authority may determine, and must notify any such determination to the personal representatives in writing.

(5) The personal representatives must appoint a manager to take full-time day to day charge of the establishment or agency during any period in which, in accordance with paragraph (3), they carry on the establishment or agency without being registered in respect of it.

(6) The provisions of regulation 12 apply to a manager appointed in accordance with paragraph (5).