



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 2

REGISTRATION IN RESPECT OF PROVISION OF HEALTH OR SOCIAL CARE

Registration of persons carrying on regulated activities

10 Requirement to register as a service provider

- (1) Any person who carries on a regulated activity without being registered under this Chapter in respect of the carrying on of that activity is guilty of an offence.
- (2) The Secretary of State may by regulations make provision for the purposes of this Chapter for determining, in relation to a regulated activity carried on by two or more persons acting in different capacities, which of those persons is to be regarded as the person who carries on the activity.
- (3) In the following provisions of this Part, the registration of a person under this Chapter in respect of the carrying on of a regulated activity by that person is referred to as registration “as a service provider” in respect of that activity.
- (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to [^{F1}a fine], or to imprisonment for a term not exceeding [^{F2}the general limit in a magistrates’ court], or to both;
 - (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding 12 months, or to both.
- (5) In relation to an offence committed before [^{F3}2 May 2022], the reference in subsection (4)(a) to [^{F4}the general limit in a magistrates’ court] is to be read as a reference to 6 months.

Changes to legislation: *There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Registration of persons carrying on regulated activities. (See end of Document for details)*

Textual Amendments

- F1** Words in s. 10(4)(a) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 40(2)** (with reg. 5(1))
- F2** Words in s. 10(4)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F3** Words in s. 10(5) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F4** Words in s. 10(5) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

Modifications etc. (not altering text)

- C1** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **17(4)(c)(5)(b)**
- C2** Pt. 1 excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **14(4)(c)**
- C3** S. 10(1) excluded (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **16** (as amended (8.2.2010) by S.I. 2010/47, art. 2)
- C4** S. 10(1) excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **14(6)(c)**
- C5** S. 10(1) excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **art. 9(1)-(4)**
- C6** S. 10(1) excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **18(6)**, 18(7)

Commencement Information

- I1** S. 10 partly in force; S. 10 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 10(1)(2)(4)(5) in force at 1.4.2009 for specified purposes by S.I. 2009/462, art. 2, **Sch. 1 para. 4** (with art. 7)
- I3** S. 10(3) in force at 12.1.2009 for specified purposes by S.I. 2008/3168, **art. 2**

11 Applications for registration as a service provider

- (1) A person seeking to be registered under this Chapter as a service provider must make an application to the Commission.
- (2) The application must be made in such form, and contain or be accompanied by such information, as the Commission requires.
- (3) In such cases as the Commission may determine, a person seeking to be registered as a service provider in respect of two or more regulated activities may make a single application in respect of them.

Modifications etc. (not altering text)

- C7** S. 11 modified (temp.) (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **3** (with arts. 4-17) (as amended (8.2.2010) by S.I. 2010/47, art. 2)

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- C8** S. 11(3) modified (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **5** (as amended (8.2.2010) by S.I. 2010/47, art. 2)
- C9** S. 11(3) excluded (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **4(1)**

Commencement Information

- I4** S. 11 in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), **art. 2** (with [art. 3](#))

12 Grant or refusal of registration as a service provider

- (1) Subsections (2) to (4) apply where an application under section 11 has been made in accordance with the provisions of this Chapter with respect to a regulated activity.
- (2) If the Commission is satisfied that—
- the requirements of regulations under section 20, and
 - the requirements of any other enactment which appears to the Commission to be relevant,
- are being and will continue to be complied with (so far as applicable) in relation to the carrying on of the regulated activity, it must grant the application; otherwise it must refuse it.
- (3) The application may be granted either unconditionally or subject to such conditions as the Commission thinks fit.
- (4) On granting the application, the Commission must issue a certificate of registration to the applicant.
- (5) The Commission may at any time—
- vary or remove any condition for the time being in force in relation to a person's registration as a service provider, or
 - impose any additional condition.
- (6) Subsections (3) and (5) have effect subject to section 13.

Modifications etc. (not altering text)

- C10** S. 12 modified (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **6** (as amended (8.2.2010) by S.I. 2010/47, art. 2)
- C11** S. 12 applied (with modifications) (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **arts. 6-8**
- C12** S. 12 modified (E.) (12.11.2010) by [The Health and Social Care Act 2008 \(Primary Dental Services, Private Ambulance Services and Primary Medical Services\) \(Regulated Activities\) \(Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/2484\)](#), arts. 1, **4, 13**
- C13** S. 12(2) modified (6.4.2010) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), arts. 1(1)(a), **4(2)**
- C14** S. 12(5) modified (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **12** (as amended (8.2.2010) by S.I. 2010/47, art. 2)

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Registration of persons carrying on regulated activities. (See end of Document for details)

C15 S. 12(5) amendment to earlier affecting SI 2010/2484 (16.1.2012) by The Health and Social Care Act 2008 (Primary Dental Services, Private Ambulance Services and Primary Medical Services) (Regulated Activities) (Transitory and Transitional Provisions) (Amendment) Order 2011 (S.I. 2011/2948), arts. 1(1), **4(1)**

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I5 S. 12(1)-(5) in force at 12.1.2009 for specified purposes by S.I. 2008/3168, **art. 2** (with arts. 6-8)
I6 S. 12(6) in force at 6.4.2010 by S.I. 2010/807, art. 2(1), **Sch. 1 para. 3** (with Pt. 3)

Changes to legislation:

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