



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)

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- 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)**

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- 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:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross
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