
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Health and Social Care Act 2008
(Regulated Activities) Regulations 2014**

PART 3

Requirements in relation to Regulated Activities

SECTION 1

Requirements relating to persons carrying on or managing a regulated activity

Requirements where the service provider is an individual or partnership

- 4.—(1) This regulation applies where a service provider (P) is an individual or a partnership.
- (2) P must not carry on a regulated activity unless P is fit to do so.
- (3) P is not fit to carry on a regulated activity unless P is—
- (a) an individual who carries on the regulated activity, otherwise than in partnership with others, and satisfies the requirements set out in—
 - (i) paragraph (4), and
 - (ii) paragraph (5), or
 - (b) a partnership and—
 - (i) each of the partners satisfies the requirements set out in paragraph (4), and
 - (ii) P satisfies the requirement set out in paragraph (6).
- (4) The requirements referred to in paragraph (3)(a)(i) and (b)(i) are that, if P is an individual, that individual or, if P is a partnership, each of the partners—
- (a) is of good character,
 - (b) is able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are—
 - (i) where P is an individual, intrinsic to the carrying on of the regulated activity, or
 - (ii) where P is a partnership, intrinsic to their role in the carrying on of the regulated activity, and
 - (c) is able to supply to the Commission, or arrange for the availability of, information relating to themselves specified in Schedule 3.
- (5) The requirement referred to in paragraph (3)(a)(ii) is that P has the necessary qualifications, skills and experience to carry on the regulated activity.
- (6) The requirement referred to in paragraph (3)(b)(ii) is that, through the combination of the qualifications, skills and experience of the partners, P has the necessary qualifications, skills and experience to carry on the regulated activity.