

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Registration of managers

Sections 13 to 15: Registration of managers

128. [Sections 13 to 15](#) provide that in certain circumstances a service provider can be required to appoint a registered manager to manage certain regulated activities which the service provider is registered to provide. They also set out the process for applying to register as a manager and how the Commission decides whether to grant or refuse registration.
129. Regulations can set out cases where the registered service provider will be required to appoint a registered manager. The Commission will also have discretion to determine whether a registered manager should be required in other instances. The factors the Commission must take into account when exercising this discretion will be set out in regulations made by the Secretary of State.
130. A service provider might still decide to appoint a manager in instances where he is not obliged to do so. Under those circumstances, there is no requirement for the manager to be registered with the Commission and the Commission will have no power to register anyone as manager.
131. As with service providers, applications to register as a manager with the Commission will have to include such details as the Commission requires. The Commission may allow someone to make one application to manage more than one kind of activity carried on by a service provider. A registered manager will be responsible, in the same way as the service provider, for ensuring that the regulated activity in question is carried on in compliance with relevant requirements.
132. Under section 13, the Commission is only obliged to register a manager if it is satisfied that the applicant is managing, or will be managing, services that meet, and will continue to meet, the requirements the Secretary of State has set down in regulations under section 20, as well as any other legislative requirements the Commission considers are relevant. The burden of proof is with the applicant rather than with the Commission. Anyone registered as a manager by the Commission will be issued with a certificate of registration.
133. In granting registration as a manager, the Commission can impose any conditions it thinks are necessary. Where relevant, conditions that apply to the service provider will also apply to the manager but there may be additional conditions which are specific to the registered manager. The Commission can change conditions imposed on a manager's registration in the same way it can for a provider's registration.