
STATUTORY INSTRUMENTS

2013 No. 1394

**The Residential Holiday Schemes for Disabled
Children (England) Regulations 2013**

PART 2

Registered Persons

Fitness of registered provider

- 5.—**(1) A person must not carry on a scheme unless that person is fit to do so.
- (2) A person is not fit to carry on a scheme unless the person—
- (a) is an individual who satisfies the requirements in paragraph (3);
 - (b) is a partnership, and each of the partners satisfies the requirements in paragraph (3);
 - (c) is an organisation and—
 - (i) the organisation has given notice to HMCI of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for the carrying on of the scheme; and
 - (ii) that individual satisfies the requirements in paragraph (3).
- (3) The requirements are that—
- (a) the person is of integrity and good character;
 - (b) having regard to the size of the scheme, its statement of purpose, and the number and needs of the children accommodated, the person—
 - (i) has the experience, qualifications and skills necessary for carrying on the scheme;
 - (ii) is mentally and physically fit to carry on the scheme; and
 - (c) the information in relation to the person in respect of each of the matters in Schedule 2 is available to HMCI.
- (4) A person must not carry on a scheme if that person has—
- (a) been adjudged bankrupt, or sequestration of that person’s estate has been awarded, or a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986⁽¹⁾), applies in relation to that person and that person has not been discharged from the bankruptcy or the sequestration and the bankruptcy order has not been annulled or rescinded; or
 - (b) made a composition or arrangement with a creditor and has not been discharged in respect of it.

(1) 1986 c.45. Section 251A was inserted by Schedule 17 to the Tribunals, Courts and Enforcement Act 2007 (c.15).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
