
STATUTORY INSTRUMENTS

2014 No. 2936

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

PART 3

Requirements in relation to Regulated Activities

SECTION 2

Fundamental Standards

Need for consent

11.—(1) Care and treatment of service users must only be provided with the consent of the relevant person.

(2) Paragraph (1) is subject to paragraphs (3) and (4).

(3) If the service user is 16 or over and is unable to give such consent because they lack capacity to do so, the registered person must act in accordance with the 2005 Act.

(4) But if Part 4 or 4A of the 1983 Act applies to a service user, the registered person must act in accordance with the provisions of that Act.

(5) Nothing in this regulation affects the operation of section 5 of the 2005 Act, as read with section 6 of that Act (acts in connection with care or treatment).

Changes to legislation:

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Section 11 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 4(4)(a)(xv) and word inserted by [S.I. 2024/374 Sch. 5 para. 23\(a\)\(ii\)](#)
- Sch. 1 para. 4(4)(g) inserted by [S.I. 2024/374 Sch. 5 para. 23\(b\)](#)
- Sch. 4A inserted by [S.I. 2022/15 reg. 4\(5\)](#) (This amendment not applied to Legislation.gov.uk - amending S.I. 2022/15 revoked on 15.3.2022 by S.I. 2022/206, reg. 3)
- reg. 12(3)-(3K) substituted for reg. 12(3)-(3D) by [S.I. 2022/15 reg. 4\(2\)](#) (This amendment not applied to Legislation.gov.uk - amending S.I. 2022/15 revoked on 15.3.2022 by S.I. 2022/206, reg. 3)