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STATUTORY INSTRUMENTS

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**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*

**[<sup>F1</sup>Visiting and accompanying in care homes, hospitals and hospices**

**9A.**—(1) This regulation applies to a registered person in respect of a relevant regulated activity carried on in a care home, hospital or hospice.

(2) Unless there are exceptional circumstances, service users—

- (a) whose care or treatment involves an overnight stay or the provision of accommodation in a care home, hospital or hospice, must be facilitated to receive visits at those premises;
- (b) who are provided with accommodation in a care home, must not be discouraged from taking visits out of that care home;
- (c) who attend a hospital or hospice for the provision of care or treatment which does not involve an overnight stay, must be enabled to be accompanied at those premises by a family member, friend or a person who is otherwise providing support to the service user.

(3) Without limiting paragraph (2), the things which a registered person must do to comply with that paragraph include—

- (a) in relation to paragraph (2)(a), securing that service users are facilitated to receive visits in a way that is appropriate, meets the service user's needs and, so far as reasonably practicable, reflects their preferences;
- (b) in relation to paragraph (2)(a) and (c), taking such action, or putting in place such precautions, as is necessary and proportionate to ensure that service users may receive visits or be accompanied safely;
- (c) securing that, when making arrangements or decisions in respect of a service user for the purposes of paragraph (2), regard is given to any care or treatment plan for the service user;
- (d) involving relevant persons when making any arrangements or decisions in respect of a service user for the purposes of paragraph (2).

(4) Nothing in this regulation—

- (a) requires a service user to receive a visit, take a visit out of a care home or be accompanied—
  - (i) without the relevant person's consent, or

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**Changes to legislation:** *The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Section 9A is up to date with all changes known to be in force on or before 04 June 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. (See end of Document for details) View outstanding changes*

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- (ii) where the service user lacks the capacity to give consent, where it would not be in the service user’s best interests;
  - (b) requires or enables a registered person to do anything which would not be in accordance with any court or tribunal order or with any provision (including any direction, power or authorisation) contained in, or made by virtue of, any of the legislation listed in paragraph (5) (including by virtue of any instrument made under that legislation).
- (5) The legislation referred to in paragraph (4)(b) is—
- (a) the 1983 Act;
  - (b) the 2005 Act;
  - (c) so far as relating to high security psychiatric services, the 2006 Act.
- (a) (6) (a) In this regulation—
- “care home” has the meaning given in section 3 (care homes in England) of the Care Standards Act 2000;
- “hospice” means an establishment other than a hospital whose primary function is the provision of palliative care to persons who attend or are resident there who are suffering from a progressive disease in its final stages;
- “relevant regulated activity” means an activity prescribed in regulation 3 as a regulated activity for the purposes of section 8(1) of the Act, except it does not include—
- (i) the regulated activities in paragraphs 1, 3, 8 and 9 of Schedule 1,
  - (ii) any detoxification services for substance misuse provided in the course of carrying on a regulated activity,
  - (iii) any services provided to a service user (other than a service user who is in receipt of services provided in the carrying on of the regulated activity in paragraph 5 of Schedule 1) who—
    - (aa) is, or is required to be, detained in a prison or other institution to which the Prison Act 1952 applies,
    - (bb) is detained under the Immigration Acts,
    - (cc) is required to be detained in a prison or other institution to which equivalent legislation to that referred to in sub-paragraph (aa) applies in Scotland and Northern Ireland;
- “visit” (except in the context of the taking of a visit out of a care home), means a visit from—
- (i) a family member of the service user,
  - (ii) a friend of the service user,
  - (iii) a person visiting to provide support or companionship to the service user;
  - (b) in the definition of ‘relevant regulated activity’ in sub-paragraph (a), “prison” has the same meaning as in section 53(1) of the Prison Act 1952;
  - (c) a reference to having or lacking capacity, or to a person’s best interests, in this regulation is to be interpreted in accordance with the 2005 Act.]

#### Textual Amendments

- F1** [Reg. 9A](#) inserted (6.4.2024) by [The Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) Regulations 2023 \(S.I. 2023/1402\)](#), regs. 1(1), **2(2)**

**Changes to legislation:**

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Section 9A is up to date with all changes known to be in force on or before 04 June 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.

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**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)