
DRAFT STATUTORY INSTRUMENTS

2009 No.

**The Health and Social Care Act 2008
(Regulated Activities) Regulations 2009**

PART 4

**QUALITY AND SAFETY OF SERVICE PROVISION
IN RELATION TO REGULATED ACTIVITY**

Safety, availability and suitability of equipment

16.—(1) The registered person must make suitable arrangements to protect service users and others who may be at risk from the use of unsafe equipment by ensuring that equipment provided for the purposes of the carrying on of a regulated activity is—

- (a) properly maintained and suitable for its purpose; and
- (b) used correctly in accordance with the technical specifications and guidance issued by the manufacturer, the Secretary of State or appropriate expert bodies.

(2) The registered person must ensure that equipment is available in sufficient quantities in order to ensure the safety of service users and meet their assessed needs.

(3) Where equipment is provided to support service users in their day to day living, the registered person must ensure that, as far as reasonably practicable, such equipment promotes the independence and comfort of service users.

(4) For the purposes of this regulation—

- (a) “equipment” includes a medical device; and
- (b) “medical device” has the same meaning as in the Medical Devices Regulations 2002⁽¹⁾.

⁽¹⁾ S.I. 2002/618; the relevant amending instrument is S.I. 2008/2936.