
DRAFT STATUTORY INSTRUMENTS

2009 No.

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

PART 2

REGULATED ACTIVITIES

Prescribed activities

3.—(1) Subject to paragraphs (3) to (8), for the purposes of section 8(1) of the Act, the activities specified in Schedule 1 are prescribed as regulated activities.

(2) An activity which is ancillary to, or is carried on wholly or mainly in relation to, a regulated activity shall be treated as part of that activity.

(3) Subject to paragraph (4), until 1st October 2010, an activity is only a regulated activity if it is carried on by an English NHS body⁽¹⁾.

(4) Where services involving, or connected with, the provision of social care are provided by an English NHS body which is registered as an establishment or agency under Part 2 of the Care Standards Act 2000⁽²⁾ in relation to the provision of those services then, to the extent that those services are capable of being a regulated activity for the purposes of these Regulations, they are only a regulated activity with effect from 1st October 2010.

(5) An activity is only a regulated activity if it is carried on in England.

(6) In Schedule 1, in paragraph 10(1), the words “by an English NHS provider” shall cease to have effect on 1st April 2011.

(7) Subject to paragraph (8), the activities specified in Schedule 2 are not regulated activities.

(8) In Schedule 2—

(a) paragraphs 3, 6 and 7 and, in paragraph 4, the words “and except where paragraph 3 applies”, shall cease to have effect on 1st April 2012; and

(b) paragraphs 9 and 11 shall cease to have effect on 1st April 2011.

(1) See section 97(1) of the Act for the definition of “English NHS body”.

(2) 2000 c. 14.