
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has not been discharged from the bankruptcy or the sequestration and the bankruptcy order has not been annulled or rescinded; or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).

Appointment of manager

6.—(1) The registered provider must appoint an individual to manage the scheme if the registered provider is—

- (a) an organisation or a partnership;
- (b) not a fit person to manage the scheme; or
- (c) not, or does not intend to be, in day-to-day charge of the scheme.

(2) Where the registered provider appoints a person to manage the scheme, the registered provider must give notice without delay to HMCI of—

- (a) the name of the person appointed; and
- (b) the date on which the appointment took effect.

Fitness of manager

7.—(1) A person must not manage a scheme unless that person is fit to do so.

(2) A person is not fit to manage a scheme unless—

- (a) that 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 managing the scheme; and
 - (ii) is mentally and physically fit to manage the scheme; and
- (c) the information in relation to the person in respect of each of the matters in Schedule 2 is available to the registered provider and HMCI.

Registered person: training requirements

8.—(1) If the registered provider is—

- (a) an individual, that individual must undertake;
- (b) an organisation, it must ensure that the responsible individual undertakes;
- (c) a partnership, it must ensure that one of the partners undertakes,

from time to time such training as is appropriate to ensure that that person has the experience and skills necessary for carrying on the scheme.

(2) The registered manager must from time to time undertake such training as is appropriate to ensure that that person has the experience and skills necessary for managing the scheme.

Notification of offences

9. Where the registered person or the responsible individual is convicted of a criminal offence, whether in England and Wales or elsewhere, that person must give notice in writing, without delay, to HMCI of—

- (a) the date and place of the conviction;
- (b) the offence for which they were convicted; and
- (c) the penalty imposed in respect of the offence.