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STATUTORY INSTRUMENTS

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**2023 No. 416**

**The Supported Accommodation (England) Regulations 2023**

**PART 10**

Miscellaneous

**Appointment of liquidators etc.**

- 41.**—(1) This regulation applies to a person appointed (“the appointed person”) as—
- (a) the manager or receiver of the property of a company or partnership which is the registered provider of a supported accommodation undertaking,
  - (b) a liquidator or provisional liquidator of a company or partnership which is the registered provider of a supported accommodation undertaking, or
  - (c) the trustee in bankruptcy of the registered provider of a supported accommodation undertaking.
- (2) The appointed person must—
- (a) have regard to children’s welfare when acting in relation to the operation of the supported accommodation undertaking and its future,
  - (b) without delay, notify the CIECSS of the appointed person’s appointment and the reasons for it,
  - (c) if there is no registered service manager, appoint a person to be registered as the registered service manager, and
  - (d) not more than 28 days after the appointed person’s appointment, notify the CIECSS of the appointed person’s intentions regarding the future operation of the supported accommodation undertaking.

**Death of a registered person**

- 42.**—(1) Where—
- (a) more than one person is registered in respect of a supported accommodation undertaking, and
  - (b) a registered person dies,

the other registered person must notify the CIECSS of the death in writing without delay.

(2) If only one person is registered in respect of a supported accommodation undertaking, and that person dies, that person’s personal representatives must notify the CIECSS in writing—

- (a) without delay, of the death, and
  - (b) within 28 days, of their intentions regarding the future running of the supported accommodation undertaking.
- (3) The personal representatives of a deceased registered provider—

- (a) may carry on the supported accommodation undertaking without being registered in respect of it—
    - (i) for a period not exceeding 28 days,
    - (ii) for such further period as may be determined in accordance with paragraph (4),
  - (b) must appoint a person to be registered as the registered service manager, and
  - (c) must have regard to children’s welfare when acting in relation to the operation of the supported accommodation undertaking and its future.
- (4) The CIECSS—
- (a) may extend the period in paragraph (3)(a)(i) by such further period, not exceeding one year, as the CIECSS may determine, and
  - (b) must notify any such determination to the personal representatives in writing.

**Application of Part 2 of the Care Standards Act 2000 to persons carrying on or managing supported accommodation undertakings**

**43.**—(1) The provisions of Part 2, other than sections 11, 20A, 25, 26, 28, 30ZA, 30ZB, 36A and 38 to 41, of the Care Standards Act 2000, insofar as the provisions of that Part apply to England and are not already applied by the 2022 Regulations, apply to persons carrying on or managing supported accommodation undertakings and, where relevant, with the modifications specified in Schedule 4.

(2) Sections 11 and 26 of the Care Standards Act 2000, insofar as they apply to England and are not already applied by the 2022 Regulations, apply to persons carrying on or managing supported accommodation undertakings and, where relevant, with the modifications specified in Schedule 5.

**Transitional provisions**

**44.**—(1) This paragraph applies where, by the end of 27th October 2023, a person has submitted to the CIECSS a complete application for registration as a supported accommodation undertaking and that application has not been withdrawn or returned by the CIECSS.

(2) Where paragraph (1) applies, the person does not commit an offence under section 11 of the Care Standards Act 2000(1)—

- (a) where the registration is granted, either unconditionally or subject to conditions agreed in writing between the person and the CIECSS, until such time as the written notice of the decision to grant registration under section 19(1) of the Care Standards Act 2000 is served;
- (b) where the CIECSS proposes to grant the application subject to conditions which have not been agreed between it and the person, and a written notice of the decision to adopt a proposal under section 17 of the Care Standards Act 2000(2) is served under section 19(3) of that Act, until such time as—
  - (i) where the person appeals the proposal, the appeal is determined or withdrawn, or
  - (ii) where the person does not appeal, 28 days after the day on which the notice is served, or
  - (iii) where the person does not appeal and before the expiry of 28 days after the day on which the notice is served, the person gives the CIECSS written notice that they do not intend to appeal;

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(1) Section 11 was amended by the Adoption and Children Act 2002, Schedule 3, paragraph 106, the Health and Social Care (Community Health and Standards) Act 2003, Schedule 9, paragraph 20, the Education and Inspections Act 2006, Schedule 14, paragraph 42 and the Health and Social Care Act 2008, Schedule 5, paragraph 10.

(2) Section 17 was amended by the Health and Social Care Act 2008, Schedule 5, paragraph 16.

- (c) where the registration is refused, until such time as the notice of the decision to refuse is served.
- (3) In this regulation a “complete application for registration as a supported accommodation undertaking” means an application—
  - (a) that has been made in accordance with the requirements set out in the Care Standards Act 2000 (Registration) (England) Regulations 2010;
  - (b) that is accompanied by the relevant fee as set out in the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2015.