

Regulation 8: General

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 8

This regulation aims to make it clear that if a provider has more than one registered person (for example, a registered provider as well as a registered manager) they do not all individually need to take the same action to meet every regulation. However, they must make sure that they meet every regulation for each regulated activity they provide, and that all the registered people must comply with the requirements of the regulations.

It also states that for Regulations 9 to 20A, sections 2 and 3 of the Mental Capacity Act 2005 must be considered for people who use the service who are aged 16 or over to determine whether they lack the mental capacity to consent.

The regulation in full

8.—

1. A registered person must comply with regulations 9 to 20A in carrying on a regulated activity.

2. But paragraph (1) does not require a person to do something to the extent that what is required to be done to comply with regulations 9 to 20A has already been done by another person who is a registered person in relation to the regulated activity concerned.
3. For the purposes of determining under regulations 9 to 20A whether a service user who is 16 or over lacks capacity, sections 2 and 3 of the 2005 Act (people who lack capacity) apply as they apply for the purposes of that Act.