
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Health and Social Care Act 2008
(Regulated Activities) Regulations 2014**

PART 4

Compliance and Offences

Offences

22.—(1) It is an offence for a registered person to fail to comply with any of the requirements in the following regulations, as read with regulation 8—

- (a) regulation 11,
- (b) regulation 16(3), or
- (c) regulation 17(3).

(2) A registered person commits an offence if the registered person fails to comply with a requirement of regulation 12, 13(1) to (4) or 14, as read with regulation 8, and such failure results in—

- (a) avoidable harm (whether of a physical or psychological nature) to a service user,
- (b) a service user being exposed to a significant risk of such harm occurring, or
- (c) in a case of theft, misuse or misappropriation of money or property, any loss by a service user of the money or property concerned.

(3) It is an offence for a health service body to fail to comply with regulation 20(2)(a) and (3).

(4) But it is a defence for a registered person, or (in the case of regulation 20(2)(a) and (3)) a health service body, to prove that they took all reasonable steps and exercised all due diligence to prevent the breach of any of those regulations that has occurred.