

Regulation 21: Death of a service provider

Also see our guidance on [how to notify us about the death of a registered provider](#).

Care Quality Commission (Registration) Regulations 2009: Regulation 21

The intention of this regulation is to ensure that CQC is notified in writing and without delay of the death of a service provider who is either:

- an individual
- a partner in a partnership that has only one surviving partner.

If an individual provider dies, the legal entity that registered with CQC no longer exists. This means that no provider is registered to carry on the regulated activity.

The personal representative of an individual provider must notify CQC of their intentions for the future of the service within 28 days of the date of death. They can take responsibility for the regulated activity themselves for up to 28 days without having to register, and CQC can agree to extend this. However, they must appoint someone to take full-time day-to-day charge of the regulated activity over this period.

If the death of a partner leaves a partnership with only one surviving partner, depending on the partnership arrangements, the legal entity may no longer exist. This may mean that no provider is registered to carry on the regulated activity.

Although a failure to inform CQC under this regulation is not an offence, it is an offence to continue to operate as an unregistered provider. This may result in prosecution.

There is no further guidance for this regulation.

The regulation in full

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1. Where the service provider is a partnership and a partner dies, the surviving partner shall without delay notify the Commission of the death in writing.
2. Where the service provider is an individual and that individual dies, that individual's personal representative must notify the Commission in writing—
 - a. without delay of the death; and
 - b. within 28 days of the date of death of their intentions regarding the future carrying on of the regulated activity.
3. The personal representative of the deceased service provider may carry on the regulated activity without being registered in respect of it—
 - a. for a period not exceeding 28 days; and
 - b. for any future period as may be determined in accordance with paragraph (4).
4. The Commission may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the Commission shall determine, and shall notify any such determination to the personal representative in writing.

5. The personal representative of the deceased service provider shall appoint a person to take full-time day to day charge of the carrying on of the regulated activity during any period in which, in accordance with paragraph (3), they carry on the regulated activity without being registered in respect of it.

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