

SCHEDULE 2

MODIFICATIONS RELATING TO HEALTHCARE IMPROVEMENT SCOTLAND

PART 2

MODIFICATIONS OF SUBORDINATE LEGISLATION

Abolition of Domestic Rates (Domestic and Part Residential Subjects) (Scotland) Regulations 1988

12. In regulation 2 of the Abolition of Domestic Rates (Domestic and Part Residential Subjects) (Scotland) Regulations 1988(1) (interpretation), in the definition of “private hospital” for the words from “a” to the end, substitute—

“—

- (a) an independent hospital;
- (b) a private psychiatric hospital;
- (c) an independent clinic; or
- (d) an independent medical agency,

within the meaning given to those expressions by section 10F(2) of the National Health Service (Scotland) Act 1978;”.

Commencement Information

11 Sch. 2 para. 12 in force at 1.4.2011, see [art. 1](#)

Common Services Agency (Membership and Procedure) Regulations 1991

13. In the Common Services Agency (Membership and Procedure) Regulations 1991(2)—

- (a) in regulation 1(2) (interpretation) after paragraph (c) insert—

“(ca) “HIS” means Healthcare Improvement Scotland established under section 10A of the Act;”;

- (b) in regulation 2(3) (remuneration of membership) after “Board” insert “, HIS”;

- (c) in regulation 3 (resignation and removal of members)—

(i) in paragraph (3)(a) after “Agency” insert “or HIS”; and

(ii) in paragraph (4) after “Agency,” insert “of HIS”; and

- (d) in regulation 4(1)(e) (disqualification) after “Agency” insert “, under HIS”.

Commencement Information

12 Sch. 2 para. 13 in force at 1.4.2011, see [art. 1](#)

(1) [S.I. 1988/1477](#); which was relevantly amended by [S.S.I. 2005/445](#).

(2) [S.I. 1991/564](#); which was relevantly amended by [S.S.I. 2005/550](#).

Functions of Health Boards (Scotland) Order 1991

14. In article 5(4) of the Functions of Health Boards (Scotland) Order 1991⁽³⁾ (qualifications to the exercise of functions by Health Boards)—

- (a) omit the “or” immediately following paragraph (c);
- (b) after paragraph (d) insert—
 - “; or
 - (e) HIS.”.

Commencement Information

I3 Sch. 2 para. 14 in force at 1.4.2011, see [art. 1](#)

National Health Service Superannuation Scheme (Scotland) Regulations 1995

15. In regulation A2(4) of the National Health Service Superannuation Scheme (Scotland) Regulations 1995⁽⁴⁾ (interpretation) in the definition of “employing authority”—

- (a) after “Special Health Board” insert “, Healthcare Improvement Scotland”; and
- (b) for “section 2 and section 10” substitute “sections 2, 10 and 10A”.

Commencement Information

I4 Sch. 2 para. 15 in force at 1.4.2011, see [art. 1](#)

Fees in the Registers of Scotland Order 1995

16. In the Fees in the Register of Scotland Order 1995⁽⁵⁾—

- (a) in article 2(d) (interpretation), after paragraph (d) insert—
 - “(da) “Healthcare Improvement Scotland” means the body established by section 10A of the National Health Service (Scotland) Act 1978;” and
- (b) in Schedule 1 (table of fees in the Registers of Scotland)—
 - (i) in paragraph A(10) of Part I⁽⁶⁾ (fees to register interests in land other than heritable securities in the Land Register of Scotland) after “Special Health Board” insert “, Healthcare Improvement Scotland”; and
 - (ii) after paragraph A(7)(c) of Part II (fees for recording a conveyance in the General Register of Sasines) insert—
 - “(d) on behalf of Healthcare Improvement Scotland, completing title as transferee in terms of an order under section 109 of the Public Services Reform (Scotland) Act 2010.”.

⁽³⁾ S.I. 1991/570; to which there are amendments not relevant to these Regulations.

⁽⁴⁾ S.I. 1995/365. Regulation 2(4) of Part A was relevantly amended by S.S.I. 2008/92, 2009/19 and 2010/22.

⁽⁵⁾ S.I. 1995/1945.

⁽⁶⁾ Paragraph A(10) of Part I of Schedule 1 was amended by S.S.I. 2006/600.

Commencement Information

I5 Sch. 2 para. 16 in force at 1.4.2011, see [art. 1](#)

National Health Service (Scotland) (Injury Benefits) Regulations 1998

17. In regulation 2(1) of the National Health Service (Scotland) (Injury Benefits) Regulations 1998(7) (interpretation), in the definition of “employing authority” after paragraph (a) insert—

“(aa) Healthcare Improvement Scotland established by section 10A of the National Health Service (Scotland) Act 1978;”.

Commencement Information

I6 Sch. 2 para. 17 in force at 1.4.2011, see [art. 1](#)

National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000

18. In regulation 3 of the National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000(8) (members of the Clinical Negligence and Other Risks Indemnity Scheme)—

- (a) omit the “and” immediately following paragraph (d); and
- (b) after paragraph (e) insert—
 - “; and
 - (f) Healthcare Improvement Scotland”.

Commencement Information

I7 Sch. 2 para. 18 in force at 1.4.2011, see [art. 1](#)

Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000

19. In article 2(2)(a) of the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000(9) (interpretation), after “Public Services Reform (Scotland) Act 2010” insert—

“or, as the case may be, under the National Health Service (Scotland) Act 1978”.

Commencement Information

I8 Sch. 2 para. 19 in force at 1.4.2011, see [art. 1](#)

(7) [S.I. 1998/1594](#); which was relevantly amended by [S.S.I. 2005/445](#), [512](#) and [2008/92](#).

(8) [S.S.I. 2000/54](#); regulation 3 was amended by [S.S.I. 2000/168](#) and [2002/239](#). Section 85B(2A) of the National Health Service (Scotland) Act 1978, as inserted by paragraph 18 of Schedule 17 to the 2010 Act, limits the participation of HIS in the Clinical Negligence and Other Risks Indemnity Scheme to HIS’s health service functions.

(9) [S.S.I. 2000/177](#); article 2(2)(a) was amended by [S.S.I. 2002/161](#).

Changes to legislation: There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2. (See end of Document for details)

NHS 24 (Scotland) Order 2001

20. In article 4(4) of the NHS 24 Order 2001(10) (functions of NHS 24)—
- (a) omit the “or” immediately following sub-paragraph (c); and
 - (b) after sub-paragraph (d) insert—
 - “; or
 - (e) Healthcare Improvement Scotland”.

Commencement Information

I9 Sch. 2 para. 20 in force at 1.4.2011, see [art. 1](#)

Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002

21. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002(11) (bodies required to publish race equality schemes), at the appropriate place insert—
- “Healthcare Improvement Scotland”.

Commencement Information

I10 Sch. 2 para. 21 in force at 1.4.2011, see [art. 1](#)

NHS Education for Scotland Order 2002

22. In article 4(4) of the NHS Education for Scotland Order 2002(12) (functions of NHS Education for Scotland)—
- (a) omit the “or” immediately following sub-paragraph (c); and
 - (b) after sub-paragraph (d) insert—
 - “; or
 - (e) Healthcare Improvement Scotland”.

Commencement Information

I11 Sch. 2 para. 22 in force at 1.4.2011, see [art. 1](#)

National Waiting Times Centre Board (Scotland) Order 2002

23. In article 4(4) of the National Waiting Times Centre Board (Scotland) Order 2002(13) (functions of the National Waiting Times Centre Board)—
- (a) omit the “or” immediately following sub-paragraph (c);
 - (b) after sub-paragraph (d) insert—
 - “; or
 - (e) Healthcare Improvement Scotland”.

(10) [S.S.I. 2001/137](#); to which there are amendments not relevant to this Order.

(11) [S.S.I. 2002/62](#). Schedule 1 was amended by [S.S.I. 2003/331](#), [556](#) and [2006/129](#) and [467](#).

(12) [S.S.I. 2002/103](#); to which there are amendments not relevant to this Order.

(13) [S.S.I. 2002/305](#); to which there are amendments not relevant to this Order.

Commencement Information

I12 Sch. 2 para. 23 in force at 1.4.2011, see [art. 1](#)

National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 2003

24. In regulation 2(1) of the National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 2003(**14**) (interpretation), in the definition of “employing authority”—

- (a) after “Special Health Board”, insert “Healthcare Improvement Scotland”; and
- (b) for “2 and 10” substitute “2, 10 and 10A”.

Commencement Information

I13 Sch. 2 para. 24 in force at 1.4.2011, see [art. 1](#)

National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

25. In paragraph 11 of Part 1 of Schedule 5 to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(**15**) (standards for out of hours services), for “NHS Quality Improvement Scotland” substitute “Healthcare Improvement Scotland”.

Commencement Information

I14 Sch. 2 para. 25 in force at 1.4.2011, see [art. 1](#)

National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004

26. In paragraph 2 of Schedule 4 to the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(**16**) (standards for out of hours services), for “NHS Quality Improvement Scotland” substitute “Healthcare Improvement Scotland”.

Commencement Information

I15 Sch. 2 para. 26 in force at 1.4.2011, see [art. 1](#)

Mental Health (Conflict of Interest) (Scotland) (No. 2) Regulations 2005

27. In regulation 1(2) of the Mental Health (Conflict of Interest) (Scotland) (No. 2) Regulations 2005(**17**) (interpretation), for the definition of “independent health care service” substitute—

““independent health care service” means any of the following—

- (a) an independent hospital;
- (b) a private psychiatric hospital;

(14) S.S.I. 2003/344; which was relevantly amended by S.S.I. 2005/445 and 512.

(15) S.S.I. 2004/115; to which there are amendments not relevant to this Order.

(16) S.S.I. 2004/116; to which there are amendments not relevant to this Order.

(17) S.S.I. 2005/380.

Changes to legislation: There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2. (See end of Document for details)

- (c) an independent clinic; or
 - (d) an independent medical agency,
- as each of those terms is defined in section 10F(2) of the National Health Service (Scotland) Act 1978..”.

Commencement Information

I16 Sch. 2 para. 27 in force at 1.4.2011, see [art. 1](#)

Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005

28. In Part I of Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005(**18**), at the appropriate place insert—

“Healthcare Improvement Scotland”.

Commencement Information

I17 Sch. 2 para. 28 in force at 1.4.2011, see [art. 1](#)

National Health Service Central Register (Scotland) Regulations 2006

29. In the first entry (any entry information) in the table in Schedule 2 of the National Health Service Central Register (Scotland) Regulations 2006(**19**) (information which may be provided from the register and persons to whom it may be provided), in column 2 at the appropriate place insert—

“Healthcare Improvement Scotland;”.

Commencement Information

I18 Sch. 2 para. 29 in force at 1.4.2011, see [art. 1](#)

Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007

30. In Part I of Schedule 1 to the Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007(**20**), at the appropriate place insert—

“Healthcare Improvement Scotland”.

Commencement Information

I19 Sch. 2 para. 30 in force at 1.4.2011, see [art. 1](#)

(18) S.S.I. 2005/565. Part I of Schedule 1 was amended by S.S.I. 2006/129, 2007/195 and 2009/248.

(19) S.S.I. 2006/484; to which there are amendments not relevant to these Regulations.

(20) S.S.I. 2007/32. Part I of Schedule 1 was amended by S.S.I. 2009/248.

National Health Service Pension Scheme (Scotland) Regulations 2008

31. In regulation 1(1) of Part 2A of the National Health Service Pension Scheme (Scotland) Regulations 2008⁽²¹⁾ (interpretation), in paragraph (a) of the definition of “employing authority”—

- (a) after “Special Health Board” insert “, Healthcare Improvement Scotland”; and
- (b) for “and 10” substitute “, 10 and 10A”.

Commencement Information

I20 Sch. 2 para. 31 in force at 1.4.2011, see [art. 1](#)

National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008

32. In the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008⁽²²⁾—

- (a) in article 1(2) (interpretation), after the definition of “Health Board”, insert ““HIS” means Healthcare Improvement Scotland established by section 10A of the Act;”; and
- (b) in article 2 (functions of the agency) paragraphs (b), (c), (d), (f), (i) and (k), immediately before “Health” the first time it occurs, insert “HIS,”.

Commencement Information

I21 Sch. 2 para. 32 in force at 1.4.2011, see [art. 1](#)

National Health Service (Appointment of Consultants) (Scotland) Regulations 2009

33. In regulation 2(1) of the National Health Service (Appointment of Consultants) (Scotland) Regulations 2009⁽²³⁾ (interpretation), in the definition of “Board”, after “section 10 of the Act” insert “and Healthcare Improvement Scotland established under section 10A of the Act”.

Commencement Information

I22 Sch. 2 para. 33 in force at 1.4.2011, see [art. 1](#)

Public Health etc. (Scotland) Act 2008 Designation of Competent Persons Regulations 2009

34. In regulation 4(a) of the Public Health etc. (Scotland) Act 2008 Designation of Competent Persons Regulations 2009⁽²⁴⁾ (definition of work experience in health protection), after “board” insert—

“, Healthcare Improvement Scotland”.

Commencement Information

I23 Sch. 2 para. 34 in force at 1.4.2011, see [art. 1](#)

⁽²¹⁾ S.S.I. 2008/224; which was relevantly amended by S.S.I. 2010/22.

⁽²²⁾ S.S.I. 2008/312.

⁽²³⁾ S.S.I. 2009/166; to which there are amendments not relevant to this Order.

⁽²⁴⁾ S.S.I. 2009/301.

Changes to legislation: There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2. (See end of Document for details)

Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Services) (Protected Adults) Regulations 2010

35. For regulation 4 of the Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Services) (Protected Adults) Regulations 2010(**25**) (prescribed services) substitute—

“**4.** For the purposes of section 94(1)(b)(iii), (iv), (v) and (vi) of the Act, a prescribed service is a service which concerns the treatment, care and support of, and provision of advice and assistance to, individuals in relation to their health and well-being, provided by—

- (a) an independent hospital;
- (b) a private psychiatric hospital;
- (c) an independent clinic; or
- (d) an independent medical agency,

within the meaning given to those expressions by section 10F(2) of the National Health Service (Scotland) Act 1978.”.

Commencement Information

I24 Sch. 2 para. 35 in force at 1.4.2011, see [art. 1](#)

Protection of Vulnerable Groups (Scotland) Act 2007 (Unlawful Requests for Scheme Records) (Prescribed Circumstances) Regulations 2010

36. For regulation 2(c) of the Protection of Vulnerable Groups (Scotland) Act 2007 (Unlawful Requests for Scheme Records) (Prescribed Circumstances) Regulations 2010(**26**) (interpretation), substitute—

“(c) “independent health care service” means any of the following—

- (i) an independent hospital;
- (ii) a private psychiatric hospital;
- (iii) an independent clinic; or
- (iv) an independent medical agency,

as each of those terms is defined in section 10F(2) of the National Health Service (Scotland) Act 1978.”.

Commencement Information

I25 Sch. 2 para. 36 in force at 1.4.2011, see [art. 1](#)

Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010

37. In the Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010(**27**)—

- (a) in regulation 9(2) (information sharing)—

(25) S.S.I. 2010/161.

(26) S.S.I. 2010/194.

(27) S.S.I. 2010/213.

- (i) omit the “or” immediately following sub-paragraph (a);
- (ii) after sub-paragraph (b) insert—
 - “, or
 - (c) (in respect of the exercise of its health service functions only) Healthcare Improvement Scotland (established by section 10A of the National Health Service (Scotland) Act 1978)”; and
- (b) in regulation 10(2) (requests for information under Council Regulation (EC) No. 2201/2003)—
 - (i) omit the “or” immediately following sub-paragraph (c);
 - (ii) after sub-paragraph (d) insert—
 - “, or
 - (e) (in respect of the exercise of its health service functions only) Healthcare Improvement Scotland (established by section 10A of the National Health Service (Scotland) Act 1978)”.

Commencement Information

I26 Sch. 2 para. 37 in force at 1.4.2011, see [art. 1](#)

Healthcare Improvement Scotland (Inspections) Regulations 2011

38. In the definition of “registered nurse” in regulation 2(1) of the Healthcare Improvement Scotland (Inspections) Regulations 2011(**28**) (interpretation), for “Nurses and Midwives” substitute “Nursing and Midwifery”.

Commencement Information

I27 Sch. 2 para. 38 in force at 1.4.2011, see [art. 1](#)

Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011

39. In paragraph (e) of the definition of “health care professional” in regulation 1(2) of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011(**29**) (citation, commencement and interpretation), for “Nurses and Midwives” substitute “Nursing and Midwifery”.

Commencement Information

I28 Sch. 2 para. 39 in force at 1.4.2011, see [art. 1](#)

(28) S.S.I. 2011/184.

(29) S.S.I. 2011/182.

Changes to legislation:

There are currently no known outstanding effects for the The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011, PART 2.