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STATUTORY INSTRUMENTS

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**2010 No. 1881**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Health and Social Care Act 2008 (Miscellaneous  
Consequential Amendments) Order 2010**

<i>Made</i>	- - - -	<i>21st July 2010</i>
<i>Laid before Parliament</i>		<i>26th July 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 167 and 161(3) and (4) of the Health and Social Care Act 2008<sup>(1)</sup>.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Miscellaneous Consequential Amendments) Order 2010 and comes into force on 1st October 2010.

(2) The amendment of any provision by this Order has the same extent as the provision being amended.

**Consequential amendments**

2. The legislation listed in articles 3 to 25 is amended as provided for in those articles.

**Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980**

3.—(1) The Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980<sup>(2)</sup> are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) in the definition of “independent clinic” in paragraph (2)(a), for “in relation to England and Wales” substitute “in relation to Wales”;
- (b) in the definition of “independent hospital” in paragraph (2)(a), for paragraph (a) substitute—

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<sup>(1)</sup> 2008 c.14.

<sup>(2)</sup> S.I. 1980/1923. The definitions of “independent clinic”, “independent hospital” and “independent medical agency” were inserted by S.I. 2003/698, regulation 2(e) and amended by S.I. 2007/2179, regulation 2(a), (b) and (c).

- “(a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section,
- (aa) in relation to Wales, shall be construed in accordance with section 2(2), (3) and (6) of the Care Standards Act 2000,”;
- (c) in the definition of “independent medical agency” in paragraph (2)(a), for paragraph (a) substitute—
  - “(a) in relation to England and Wales, means an undertaking (not being an independent hospital, or in Wales an independent clinic) which consists of or includes the provision of services by medical practitioners and the term “undertaking” in this definition is to be interpreted in accordance with subparagraph (d);”;
  - (d) after paragraph (2)(c), insert—
    - “and
    - (d) in paragraph (2)(a), for the purposes of the definition of “independent medical agency”, “undertaking” includes any business or profession and—
      - (i) in relation to a public or local authority, includes the exercise of any functions of that authority; and
      - (ii) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body.”
- (3) In Schedule 1 (classes of persons for the purposes of regulation 5), in the entry beginning “Authorities or persons carrying on the business of”—
  - (a) insert “in Wales, Scotland or Northern Ireland” after the words “independent clinic” in the first place they occur; and
  - (b) insert “, in Wales, Scotland or Northern Ireland, an” before the words “independent clinic” in the second place they occur.

### **Medicines (Pharmacy and General Sale – Exemption) Order 1980**

4.—(1) The Medicines (Pharmacy and General Sale – Exemption) Order 1980(3) is amended as follows.

- (2) In article 1 (citation, commencement and interpretation)—
  - (a) in the definition of “independent clinic” in paragraph (2)(a), for “in relation to England and Wales” substitute “in relation to Wales”;
  - (b) in the definition of “independent hospital” in paragraph (2)(a), for paragraph (a), substitute—
    - “(a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section,
    - (aa) in relation to Wales, shall be construed in accordance with section 2(2), (3) and (6) of the Care Standards Act 2000,”;
  - (c) in the definition of “independent medical agency” in paragraph (2)(a), for paragraph (a), substitute—

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(3) [S.I. 1980/1924](#). The definitions of “independent clinic”, “independent hospital” and “independent medical agency” were inserted by [S.I. 2003/697](#), article 2(b) and amended by [S.I. 2007/2178](#), article 6(a), (b) and (c). Article 4C was inserted by [S.I. 2003/697](#), article 3 and paragraph (1) was amended by [S.I. 2007/2178](#), article 7(a) and (b).

- “(a) in relation to England and Wales, means an undertaking (not being an independent hospital, or in Wales an independent clinic) which consists of or includes the provision of services by medical practitioners and the term “undertaking” in this definition is to be interpreted in accordance with sub-paragraph (aa),”;
- (d) in the definition of “registered provider” in paragraph (2)(a)—
- (i) after the words “an independent clinic” in paragraph (a) of the definition, insert the words “in Wales, Scotland or Northern Ireland”, and
- (ii) for sub-paragraph (i) of paragraph (a) of the definition, substitute the following—
- “(i) in relation—
- (aa) to England, the person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of regulated activities (within the meaning of that Part) carried on in that hospital or agency, and
- (bb) to Wales, the person who is registered under Part 2 of the Care Standards Act 2000 as the person carrying on the establishment or agency,”;
- (e) in the definition of “relevant manager” in paragraph (2)(a)—
- (i) after the words “an independent clinic” in paragraph (a) of the definition, insert the words “in Wales, Scotland or Northern Ireland”, and
- (ii) in sub-paragraph (i) of paragraph (a) of the definition, for the words “(i) in relation to England and Wales” substitute the following—
- “(i) in relation to England, a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 as a manager in respect of regulated activities (within the meaning of that Part) carried on in that hospital or agency, and
- (ia) in relation to Wales—”; and
- (f) after paragraph (2)(a), insert—
- “(aa) in paragraph (2)(a), for the purposes of the definition of “independent medical agency”, “undertaking” includes any business or profession and—
- (i) in relation to a public or local authority, includes the exercise of any functions of that authority; and
- (ii) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body;”.
- (3) In article 4C (exemption for the sale or supply of medicinal products by independent hospitals, clinics and agencies), in paragraph (1)(b), insert “in Wales, Scotland and Northern Ireland,” before “an independent clinic”.

### **Income Support (General) Regulations 1987**

5. In regulation 2(1) of the Income Support (General) Regulations 1987 (interpretation)(4), for the definition of “independent hospital” substitute—

““independent hospital”—

(4) [S.I.1987/1967](#). The definition of “independent hospital” was inserted by [S.I. 2005/2687](#), regulation 2, Schedule 1, paragraph 1(a)(ii).

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

### **Social Fund Cold Weather Payments (General) Regulations 1988**

6. In regulation 1A of the Social Fund Cold Weather (General) Regulations 1988 (prescribed description of persons)(5), for the definition of “independent hospital” in paragraph (3)(b) substitute—

““independent hospital”—

- (i) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (ii) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (iii) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

### **Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

7. In regulation 1 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (citation, commencement and interpretation)(6), for the definition of “independent hospital” in paragraph (2) substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section; and
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000;”.

### **Jobseeker’s Allowance Regulations 1996**

8. In regulation 1 of the Jobseeker’s Allowance Regulations 1996 (citation, commencement and interpretation)(7), for the definition of “independent hospital” in paragraph (3) substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

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(5) [S.I.1988/1724](#). The definition of “independent hospital” was inserted by [S.I. 2005/2687](#), regulation 9(1) and (2)(b).  
(6) [S.I. 1992/1815](#). These Regulations were revoked for most purposes by [S.I. 2001/155](#) but remain in force for certain purposes pursuant to the saving provisions contained in regulation 15 of [S.I. 2001/155](#). The definition of “independent hospital” was inserted by [S.I. 2003/2779](#), regulation 4(1), (2)(d).  
(7) [S.I. 1996/207](#). The definition of “independent hospital” was inserted by [S.I. 2005/2687](#), regulation 3, Schedule 2, paragraph 1(a)(ii).

## Prescription Only Medicines (Human Use) Order 1997

- 9.—(1) The Prescription Only Medicines (Human Use) Order 1997<sup>(8)</sup> is amended as follows.
- (2) In article 1 (citation, commencement and interpretation)—
- (a) in the definition of “independent clinic” in paragraph (2), for “in relation to England and Wales” in paragraph (a) substitute “in relation to Wales”;
  - (b) in the definition of “independent hospital” in paragraph (2), for paragraph (a) substitute—
    - “(za) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section,
    - (a) in relation to Wales, shall be construed in accordance with section 2(2), (3) and (6) of the Care Standards Act 2000,”;
  - (c) in the definition of “independent medical agency” in paragraph (2), for paragraph (a), substitute—
    - “(a) in relation to England and Wales, means an undertaking (not being an independent hospital, or in Wales an independent clinic) which consists of or includes the provision of services by medical practitioners and the term “undertaking” in this definition is to be interpreted in accordance with paragraph (2A),”;
  - (d) in the definition of “registered provider” in paragraph (2)—
    - (i) after the words “an independent clinic” in paragraph (a) of the definition, insert the words “in Wales, Scotland or Northern Ireland”, and
    - (ii) for sub-paragraph (i) of paragraph (a) of the definition, substitute the following—
      - “(i) in relation—
        - (aa) to England, the person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of regulated activities (within the meaning of that Part) carried on in that hospital or agency, and
        - (bb) to Wales, the person who is registered under Part 2 of the Care Standards Act 2000 as the person carrying on the establishment or agency,”;
  - (e) in the definition of “relevant manager” in paragraph (2)—
    - (i) after the words “an independent clinic” in paragraph (a) of the definition, insert the words “in Wales, Scotland or Northern Ireland”, and
    - (ii) in sub-paragraph (i) of paragraph (a) of the definition, for the words “(i) in relation to England and Wales—” substitute the following—
      - “(i) in relation to England, a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 as a manager in respect of regulated activities (within the meaning of that Part) carried on in that hospital or agency, and
      - (ia) in relation to Wales—”;
  - (f) after paragraph (2), insert—

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<sup>(8)</sup> [S.I.1997/1830](#). The definitions of “independent clinic”, “independent hospital” and “independent medical agency” were inserted by [S.I. 2003/696](#), article 2(1), (2)(g) and amended by [S.I. 2007/2178](#), article 2(1), (2)(a) to (c). Article 12D was inserted by [S.I. 2003/696](#), article 11 and further amended by [S.I. 2007/2178](#), article 4(a)(i) to (iii).

“(2A) In paragraph (2), for the purposes of the definition of “independent medical agency”, “undertaking” includes any business or profession and—

- (a) in relation to a public or local authority, includes the exercise of any functions of that authority; and
- (b) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body.”.

(3) In article 12D (exemption for the supply and administration of prescription only medicines by independent hospitals, clinics and agencies), in paragraph (1)(b), insert “in Wales, Scotland or Northern Ireland,” before “an independent clinic”.

### **Social Fund Winter Fuel Payment Regulations 2000**

**10.** In regulation 1 of the Social Fund Winter Fuel Payment Regulations 2000 (citation, commencement and interpretation)(**9**), for the definition of “independent hospital” in paragraph (2), substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

### **Child Support (Maintenance Calculations and Special Cases) Regulations 2000**

**11.** In regulation 1 of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 (citation, commencement and interpretation)(**10**), for the definition of “independent hospital” in paragraph (2), substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section; and
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000;”.

### **State Pension Credit Regulations 2002**

**12.** In regulation 1 of the State Pension Credit Regulations 2002 (citation, commencement and interpretation)(**11**), for the definition of “independent hospital” in paragraph (2), substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

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(9) [S.I. 2000/729](#). The definition of “independent hospital” was inserted by [S.I. 2005/2687](#), regulation 8(1) and (2)(a)(ii).

(10) [S.I. 2001/155](#). The definition of “independent hospital” was inserted by [S.I. 2003/2779](#), regulation 6(1) and (2)(d).

(11) [S.I. 2002/1792](#). The definition of “independent hospital” was inserted by [S.I. 2005/2687](#), Schedule 5, paragraph 1.

### **The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002**

13. In regulation 2 of the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002 (interpretation)(12), for the definition of “independent hospital” in paragraph (1), substitute—

““independent hospital” means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;”.

### **Residential Family Centres Regulations 2002**

14. In regulation 3 of the Residential Family Centres Regulations 2002 (excepted establishments)(13) for paragraph (a) substitute—

“(a) it is a hospital within the meaning of section 275 of the National Health Service Act 2006 or a care home;”.

### **Communications (Television Licensing) Regulations 2004**

15. In paragraph 5 of Part 2 of Schedule 4 to the Communications (Television Licensing) Regulations 2004 (Accommodation for Residential Care Licences)(14)—

(a) for sub-paragraph (1)(c), substitute the following—

“(c) an establishment—

- (i) in England, that is carried on or managed by a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the provision of residential accommodation, together with nursing or personal care, in the establishment, and
- (ii) in Wales, that is carried on or managed by a person who is registered under Part 2 of the Care Standards Act 2000 to carry on or manage the establishment as a care home within the meaning of section 3 of that Act, or who would be so registered but for regulation 3(1)(a) or (d) of the Care Homes (Wales) Regulations 2002;”;

(b) for sub-paragraph (2)(a), substitute the following—

“(a) any establishment—

- (i) in England, that is a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section, and
  - (ii) in Wales, that is carried on or managed by a person who is registered under Part 2 of the Care Standards Act 2000 to carry on or manage the establishment as an independent hospital within the meaning of section 2 of that Act; or”;
- and

(c) in paragraph (3), for the definition of “health service hospital”, substitute the following—

““health service hospital” has the same meaning—

- (a) in England, as in section 275 of the National Health Service Act 2006; and
- (b) in Wales, as in section 206 of the National Health Service (Wales) Act 2006;”.

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(12) [S.I. 2002/2375](#). The definition of “independent hospital” was inserted by [S.I. 2006/359](#), regulation 2.

(13) [S.I. 2002/3213](#).

(14) [S.I. 2004/692](#).

## Blood Safety and Quality Regulations 2005

16. In regulation 1(3) of the Blood Safety and Quality Regulations 2005 (citation, commencement and interpretation)(15)—

(a) for the definition of “independent clinic”, substitute the following—

““independent clinic”—

- (a) in Wales, has the same meaning as in section 2 of the Care Standards Act 2000;
- (b) in Scotland, has the same meaning as in section 2 of the Regulation of Care (Scotland) Act 2001;
- (c) in Northern Ireland, has the same meaning as in article 2 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003; and
- (d) in England, means an establishment of the following kind—
  - (i) a walk-in centre, in which one or more medical practitioners provide services of a kind which, if provided in pursuance of the National Health Service Act 2006, would be provided as primary medical services under Part 4 of that Act; or
  - (ii) a surgery or consulting room in which a medical practitioner who provides no services in pursuance of the National Health Service Act 2006 provides medical services of any kind (including psychiatric treatment), except where such medical services are provided only under arrangements made on behalf of the patients by—
    - (aa) their employer;
    - (bb) a government department or any executive agency of a government department;
    - (cc) a prison or other establishment in which patients are held in custody, other than pursuant to any provision of the Mental Health Act 1983; or
    - (dd) an insurance provider with whom the patients hold an insurance policy, other than an insurance policy which is solely or primarily intended to provide benefits in connection with the diagnosis or treatment of physical or mental illness, disability or infirmity

and where two or more medical practitioners use different parts of the same premises as a surgery or consulting room, or use the same surgery or consulting room at different times, each of the medical practitioners shall be regarded as carrying on a separate independent clinic unless they are in practice together.”;

(b) in the definition of “independent hospital”, for paragraph (a) of the definition, substitute—

“(za) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section,

(a) in Wales, has the same meaning as in section 2 of the Care Standards Act 2000,”; and

(c) for the definition of “registered person”, substitute the following—

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(15) S.I. 2005/50. The definition of “independent clinic” was inserted by S.I. 2006/2013, regulation 2(d); the definition of “independent hospital” was substituted by S.I. 2006/2013, regulation 2(b), the definition of “person responsible for management of a facility” was inserted by 2006/2013, regulation 2(d) and the definition of “registered person” was substituted by S.I. 2006/2013, regulation 2(c).

““registered person” means—

- (a) in England, the person registered as manager under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of regulated activities (within the meaning of that Part) carried on in an independent hospital, a care home or an independent clinic; and
- (b) in Wales, Scotland or Northern Ireland, the person registered as the manager of an independent hospital, a care home or an independent clinic following an application to be registered as such pursuant to—
  - (i) section 12(3) of the Care Standards Act 2000,
  - (ii) section 7(1) of the Regulation of Care (Scotland) Act 2001, or
  - (iii) article 13(1) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;”.

### **Children Act 2004 (Children’s Services) Regulations 2005**

17.—(1) Regulation 2 of the Children Act 2004 (Children’s Services) Regulations 2005 (children’s services)(16) is amended as follows.

(2) For regulation 2(1)(j), substitute the following—

“(j) in an independent hospital within the meaning of paragraph (3);”.

(3) Omit sub-paragraph (k) of regulation 2(1).

(4) For sub-paragraph (l) of regulation 2(1) substitute the following—

“(l) by an independent medical agency within the meaning of paragraph (4);”.

(5) After paragraph (2) of regulation 2, insert the following—

“(3) For the purposes of these Regulations, “independent hospital” means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section.

(4) For the purposes of these Regulations, “independent medical agency” means an undertaking (not being an independent hospital) which consists of or includes the provision of services by medical practitioners and the term “undertaking” in this definition is to be interpreted in accordance with paragraph (5).

(5) For the purposes of the definition of “independent medical agency” in paragraph (4), “undertaking” includes any business or profession and—

- (a) in relation to a public or local authority, includes the exercise of any functions of that authority; and
- (b) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body.”.

### **National Health Service (General Dental Services Contracts) Regulations 2005**

18. In Schedule 3 to the National Health Service (General Dental Services Contracts) Regulations 2005 (other contractual terms)(17), for paragraph 46 (entry and inspection by the Care Quality Commission), substitute the following—

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(16) S.I. 2005/1972, to which there are amendments not relevant to this Order.

(17) S.I. 2005/3361. Paragraph 46 was substituted by S.I. 2009/462, Schedule 5, paragraph 17(b).

“46. Subject to paragraph 44(3), the contractor shall allow persons authorised by the Care Quality Commission to enter and inspect the premises in accordance with section 62 of the Health and Social Care Act 2008 (entry and inspection).”.

### **National Health Service (Personal Dental Services Agreements) Regulations 2005**

19. In Schedule 3 to the National Health Service (Personal Dental Services Agreements) Regulations 2005 (other contractual terms)(18), for paragraph 46 (entry and inspection by the Care Quality Commission), substitute the following—

“46. Subject to paragraph 44(3), the contractor shall allow persons authorised by the Care Quality Commission to enter and inspect the premises in accordance with section 62 of the Health and Social Care Act 2008 (entry and inspection).”.

### **Housing Benefit Regulations 2006**

20. In regulation 2 of the Housing Benefit Regulations 2006 (interpretation)(19), for the definition of “independent hospital” in paragraph (1), substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

### **Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

21. In regulation 2 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (interpretation)(20), for the definition of “independent hospital” in paragraph (1), substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

### **Council Tax Benefit Regulations 2006**

22. In regulation 2 of the Council Tax Benefit Regulations 2006 (interpretation)(21), for the definition of “independent hospital” in paragraph (1), substitute—

““independent hospital”—

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(18) S.I. 2005/3373. Paragraph 46 was substituted by S.I. 2009/462, Schedule 5, paragraph 18(b).

(19) S.I. 2006/213, to which there are amendments not relevant to this Order.

(20) S.I. 2006/214, to which there are amendments not relevant to this Order.

(21) S.I. 2006/215, to which there are amendments not relevant to this Order.

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

### **Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**23.** In regulation 2 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (interpretation)(**22**), for the definition of “independent hospital” in paragraph (1), substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

### **Digital Switchover (Disclosure of Information) Act 2007 (Prescription of Information) Order 2007**

**24.** In article 3 of the Digital Switchover (Disclosure of Information) Act 2007 (Prescription of Information) Order 2007 (prescription of information: “social security information” and “war pensions information”)(**23**), in the definition of “independent hospital” in paragraph (4) of that article, for paragraph (a) of the definition, substitute—

- “(za) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (a) in relation to Wales, has the meaning given to it by section 2 of the Care Standards Act 2000;”.

### **Employment and Support Allowance Regulations 2008**

**25.** In regulation 2 of the Employment and Support Allowance Regulations 2008 (interpretation)(**24**), for the definition of “independent hospital” in paragraph (1), substitute—

““independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent healthcare service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;”.

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(22) [S.I. 2006/216](#), to which there are amendments not relevant to this Order.

(23) [S.I. 2007/1768](#), to which there are amendments not relevant to this Order.

(24) [S.I. 2008/794](#), to which there are amendments not relevant to this Order.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Health.

21st July 2010

*Simon Burns*  
Minister of State,  
Department of Health

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, which is to come into force on 1st October 2010, makes amendments to certain secondary legislation consequential on the replacement, for England, of the system of registration of health and social care providers under Part 2 of the Care Standards Act 2000 with a new registration system under Part 1 of the Health and Social Care Act 2008.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.