

SCHEDULE 2

Regulation 3(4)

Regulated Activities: General Exceptions

- 1.—(1) Any activity which is carried on—
 - (a) in the course of a family or personal relationship, and
 - (b) for no commercial consideration.
 - (2) A family relationship includes a relationship between two persons who—
 - (a) live in the same household, and
 - (b) treat each other as though they were members of the same family.
 - (3) A personal relationship is a relationship between or among friends.
 - (4) A friend of a person (A) includes a person who is a friend of a member of A's family.
2. Any activity which involved the carrying on of an establishment or agency within the meaning of the Care Standards Act 2000(1) for which Her Majesty's Chief Inspector of Education, Children's Services and Skills is the registration authority under that Act.
- 3.—(1) Subject to paragraph 4, the provision of treatment in a surgery or consulting room by a medical practitioner who is (or a group of medical practitioners who are)—
 - (a) a service provider in respect of a regulated activity specified in paragraph 4 of Schedule 1 (treatment of disease, disorder or injury) or employed by such a service provider, and
 - (b) either on the medical performers list for a designated body or employed by a service provider that is a designated body.
- (2) In this paragraph, "designated body" means a body prescribed by regulation 4 of the Medical Profession (Responsible Officers) Regulations 2010(2).
4. Paragraph 3 does not apply in relation to—
 - (a) treatment carried out under anaesthesia (other than local anaesthesia for the purposes of a procedure mentioned in paragraph 6(2) of Schedule 1) or intravenously administered sedation,
 - (b) medical services provided in connection with childbirth,
 - (c) the termination of pregnancies,
 - (d) cosmetic surgery, with the exception of the procedures referred to in paragraph 6(4) of Schedule 1,
 - (e) haemodialysis or peritoneal dialysis,
 - (f) endoscopy other than using a device which does not have a lumen or other channel for the purpose or design of passing fluid or instruments through, or removing body tissue or fluid or any other item from, a person's body,
 - (g) the provision of hyperbaric therapy, being the administration of oxygen (whether or not combined with one or more other gases) to a person who is in a sealed chamber which is gradually pressurised with compressed air, where such therapy is carried out by or under the supervision or direction of a medical practitioner,
 - (h) intravenous, intrathecal or epidural administration of medicines or diagnostic agents,

(1) 2000 c. 14. See section 5 (registration authorities), as amended by the Adoption and Children Act 2002 (c. 38), section 139(1) and paragraphs 103 and 105 of Schedule 3, the Health and Social Care Act 2008, section 95 and paragraphs 1 and 6 of Schedule 5, and section 4(2)(b) of the Children and Young Persons Act 2008 (c. 23).

(2) S.I. 2010/2841. Relevant amendments were made by S.I. 2011/2581 and 2013/391.

Status: This is the original version (as it was originally made).

- (i) the therapeutic or diagnostic use of x-rays, radiation, protons or magnetic resonance imaging, or
- (j) invasive cardiac physiology tests.

5.—(1) Medical or dental services provided (otherwise than in conjunction with the provision of accommodation in a hospital) only under arrangements made on behalf of service users by—

- (a) their employer,
- (b) a government department, or
- (c) an insurance provider with whom the service users 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.

(2) In this paragraph, “insurance provider” means—

- (a) a person regulated by the Financial Conduct Authority or the Prudential Regulation Authority who sells insurance, or underwrites the risk of such insurance, or
- (b) the agent of such a person.

6. Forensic medicine or dental services provided under arrangements made with a local policing body as defined in section 101 of the Police Act 1996⁽³⁾ (interpretation).

7. Primary ophthalmic services provided under Part 6 of the 2006 Act and services of a kind which, if provided in pursuance of that Act, would be provided as primary ophthalmic services under that Part.

8. Services which are provided at or from premises that are a registered pharmacy (within the meaning given by section 74 of the Medicines Act 1968⁽⁴⁾) and which are—

- (a) pharmaceutical services and local pharmaceutical services provided under Part 7 of the 2006 Act, or
- (b) services of a kind which, if provided in pursuance of that Act, would be provided as pharmaceutical services or local pharmaceutical services under that Part or services provided in pursuance of that Act.

9. The provision of first aid by—

- (a) health care professionals where it is provided in unexpected or potentially dangerous situations requiring immediate action,
- (b) organisations established for that purpose, or
- (c) non-health care professionals trained to deliver such treatment.

10.—(1) Defence medical and dental services being—

- (a) health or dental care provided by the armed services,
- (b) education and training provided by the armed services to service and other personnel in connection with the provision of health or dental care, including the maintenance of the clinical skills of such personnel, and
- (c) any service or facility falling within sub-paragraph (a) or (b) provided on behalf of the armed services under any agreement or arrangement made with the armed services.

(2) In sub-paragraph (1), “armed services” means the naval, military and air forces of the Crown and includes the reserve forces.

⁽³⁾ 1996 c. 16. Relevant amendments were made by section 96(2)(a) of the Police Reform and Social Responsibility Act 2011 (c. 13).

⁽⁴⁾ 1968 c. 67. Section 74 was amended by the Statute Law (Repeals) Act 1993 (c. 50) and S.I. 2010/231.

11. Treatment provided in a school to the pupils of that school by a nurse who is engaged and directed by the school.