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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

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

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011 and come into force on 1st April 2011.

(2) In these Regulations—

“the Act” means the National Health Service (Scotland) Act 1978;

“adult” means any person who is not a child;

“children” means persons under the age of 18 and “child” is to be construed accordingly;

“HIS” means Healthcare Improvement Scotland;

“health care professional” means—

- (a) a registered medical practitioner;
- (b) a registered dentist, or dental practitioner registered with the General Dental Council;
- (c) a registered pharmacist as defined in section 108(1) of the Act<sup>(1)</sup>;
- (d) an ophthalmic optician, as defined in section 108(1) of the Act but excluding a body corporate enrolled in the list kept under section 9 of the Opticians Act 1989<sup>(2)</sup>;
- (e) a registered nurse, midwife or health visitor (being a person registered in the register maintained under article 5 of the Nurses and Midwives Order 2001<sup>(3)</sup>);
- (f) a person who is registered as a member of a profession to which the Health Professions Order 2001<sup>(4)</sup> extends;
- (g) a registered chiropractor as defined in section 43 of the Chiropractors Act 1994<sup>(5)</sup>; or
- (h) a registered osteopath as defined in section 41 of the Osteopaths Act 1993<sup>(6)</sup>;

“manager” in relation to an independent health care service<sup>(7)</sup> means the person for the time being appointed to manage that service;

“provider” in relation to an independent health care service means the person registered to provide that service;

“representative” means any person having legal authority, or the consent of the service user, to act on the service user’s behalf;

“service user” in relation to an independent health care service means any person to whom that service is provided.

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(1) Section 108 was amended by the European Qualifications (Health and Social Care Professions) Regulations S.I. 2007/3101.  
(2) 1989 c.44.  
(3) S.I. 2002/253, as amended by S.I. 2009/1182.  
(4) S.I. 2002/254, as amended by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), the Health Act 2006 (c.28) and S.I. 2002/1124, 2003/3148, 2004/2033, 2004/1947, 2007/3101, 2009/1182 and 2010/233.  
(5) 1994 c.17.  
(6) 1993 c.21.  
(7) Section 10F of the Act defines an independent health care service.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment and whether under a contract of service, a contract for services or otherwise than under a contract, and allowing a person to work as a volunteer; and references to an employee or to a person being employed are to be construed accordingly and includes a registered medical practitioner or registered dentist having practising privileges who provides medical or dental care within the independent health care service.