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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 148**

**The National Health Service (Scotland) Act 1978  
(Independent Clinic) Amendment Order 2016**

**Modification of section 10F of the National Health Service (Scotland) Act 1978**

2.—(1) Section 10F (meaning of “independent health care services”) of the National Health Service (Scotland) Act 1978 is modified as follows.

(2) In subsection (2), for the definition of “independent clinic”, substitute—

““independent clinic” means, subject to subsection (2A), a clinic which is not comprised in a hospital and in or from which services are provided by a medical practitioner, dental practitioner, registered nurse, registered midwife or dental care professional;”.

(3) After subsection (2), insert—

“(2A) A clinic does not fall within the definition of “independent clinic” in subsection (2) if it—

- (a) is comprised in a post-16 education body;
- (b) is comprised in a school;
- (c) is provided by an employer and services are provided only to the employees of that employer;
- (d) provides general dental services in accordance with an agreement pursuant to section 25 of this Act<sup>(1)</sup>;
- (e) provides primary medical services in accordance with an agreement pursuant to section 17C of this Act<sup>(2)</sup>;
- (f) provides services under a general medical services contract pursuant to section 17J of this Act<sup>(3)</sup>; or
- (g) only provides one or both of the following services—
  - (i) first aid in situations requiring medical treatment or medical care;
  - (ii) therapy effected only through the provider of the therapy and the recipient communicating through speech.

(2B) In the definition of “independent clinic” in subsection (2), “dental care professional” means a person registered in the dental care professionals register under the Dentists Act 1984<sup>(4)</sup>.

(2C) In subsection (2A)—

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(1) Section 25 was relevantly amended by sections 15 and 17 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13).  
(2) Section 17C was inserted by section 21 of the National Health Service (Primary Care) Act 1997 (c.46) and relevantly amended by section 2 of the Primary Medical Services (Scotland) Act 2004 (asp 1).  
(3) Section 17J was inserted by section 4 of the Primary Medical Services (Scotland) Act 2004.  
(4) 1984 c.24.

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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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“post-16 education body” has the same meaning as in section 35(1) of the Further and Higher Education (Scotland) Act 2005<sup>(5)</sup>; and

“school” has the same meaning as in section 135(1) of the Education (Scotland) Act 1980<sup>(6)</sup>.”.

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- (5) [2005 asp 6](#). Section 35(1) was relevantly amended by paragraph 8(23) of schedule 1 to the Post-16 Education (Scotland) Act 2013 ([asp 12](#)).
- (6) [1980 c.44](#). Section 135(1) was relevantly amended by section 2 of the Registered Establishments (Scotland) Act 1987 ([c.4](#)) and schedule 3 to the Standards in Scotland’s Schools etc. Act 2000 ([asp 6](#)).