

SCHEDULE

Regulation 4

Designated Bodies

Regulation 4(2)

PART 1

Designated bodies

1. Primary Care Trusts.
2. Local Health Boards.
3. National Health Service trusts.
4. NHS foundation trusts.
5. Strategic Health Authorities.
6. Health Boards.
7. The Department of Health.
8. The Scottish Ministers.
9. The Welsh Ministers.
10. Postgraduate medical deaneries in England and Wales.
11. Any Scottish training governance body.
12. The Royal Navy.
13. The regular army within the meaning of section 374 of the Armed Forces Act 2006.
14. The Royal Air Force.

Regulation 4(3)

PART 2

Designated bodies which employ or contract with medical practitioners

15. Special Health Boards.
16. Special Health Authorities.
17. The Common Services Agency for the Scottish Health Service(1).
18. Bodies which provide independent health care services within the meaning of section 2(5) of the Regulation of Care (Scotland) Act 2001(2).
19. A Government department or any executive agency of a Government department.
20. The following locum agencies—

(1) The Common Services Agency is a non-departmental public body, known as the NHS National Services Scotland. See <http://www.nhsns.org/index.php?id=2>.

(2) 2001 asp 8; section 2(5) was amended by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13).

- (a) limited companies with shares owned wholly by the Secretary of State for Health, which are concerned with the contracting of locum doctors⁽³⁾; and
 - (b) locum agencies in England and Wales which are participants in the NHS Purchasing and Supply Agency's national framework agreement for the supply of medical locums⁽⁴⁾.
21. A non-departmental public body.
22. Any body whose principal office is located in the United Kingdom and whose President or Dean is a member of the Academy of Medical Royal Colleges.
23. Bodies which have functions under the Act in relation to the regulation of medical practitioners⁽⁵⁾.
24. The Independent Doctors' Federation.
25. Any organisation engaged in the provision of treatment for disease, disorder or injury by or under the supervision of a medical practitioner.
- 26.—(1) Any organisation which carries out surgical procedures (including any pre-operative and post-operative care associated with such procedures) undertaken by or under the supervision of a medical practitioner who is employed by, or who contracts with, that organisation for—
- (a) the purpose of treating disease, injuries or disorders;
 - (b) subject to sub-paragraph (2), cosmetic purposes, where the procedure involves the use of instruments or equipment which are inserted into the body; or
 - (c) the purpose of religious observance.
- (2) The following cosmetic procedures are excepted from sub-paragraph (1)(b)—
- (a) ear and body piercing;
 - (b) tattooing; and
 - (c) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current.
- 27.—(1) Subject to sub-paragraph (2), any organisation which carries out diagnostic and screening procedures involving—
- (a) the use of X-rays and other methods in order to examine the body through the use of radiation, ultrasound or magnetic resonance imaging;
 - (b) the use of instruments and equipment which are inserted into the body to—
 - (i) view its internal parts; or
 - (ii) gather physiological data; and
 - (c) the use of equipment in order to measure and monitor complex physiological characteristics in major organ systems of the body and to examine bodily tissues, fluids and cells for the purposes of obtaining information on—
 - (i) the causes and extent of disease; or
 - (ii) the response to a therapeutic intervention.

(3) Currently the sole member of this class is NHS Professionals Ltd, company number 06704614; see also www.nhsprofessionals.nhs.uk.

(4) Contract reference number CM/AMN/07/4820: period of contract 1 July 2008 to 30 June 2011; responsibility for this agreement transferred from the NHS Purchasing and Supply Agency to Buying Solutions, an executive agency of the Office of Government Commerce, in October 2009. The agreement can be viewed at the following website: <http://www.buyingsolutions.gov.uk/healthcms/Productsandservices/Agencystaffandoutsourcedservices/temporarystaff/Medicallocums/>.

(5) These bodies are the General Medical Council and the Office of the Health Professions Adjudicator.

- (2) The taking and analysis of blood samples is excepted from sub-paragraph (1) where—
- (a) the procedure is carried out by means of a pin prick; or
 - (b) it is not necessary to send such samples to a specialist facility for analysis.
- 28.** Any organisation which is engaged in the analysis and reporting of the results of the procedures referred to in paragraph 27.
- 29.** Any organisation which engages in the management of—
- (a) supply of blood, blood components and blood derived products intended for transfusion;
 - (b) the supply of tissues and tissue-derived products intended for transplant, grafting or use in a surgical procedure; and
 - (c) the matching and allocation of donor organs intended for transplant, and of stem cells and bone marrow intended for transfusion.
- 30.** Any organisation engaged in the termination of pregnancies.
- 31.** Any organisation engaged in the provision of medical services in slimming clinics, including the prescribing of medicines for the purposes of weight reduction.
- 32.** A body engaged in the provision of residential accommodation together with nursing care.
- 33.** A body engaged in the provision of first aid treatment and established for that purpose.
- 34.** A body engaged in the provision of treatment in a sports ground or gymnasium where it is provided for the sole benefit of persons taking part in sporting activities and events.
- 35.** A body engaged in the carrying out of any of the activities authorised by a licence granted by the Human Fertilisation and Embryology Authority under paragraph 1 of Schedule 2 to the Human Fertilisation and Embryology Act 1990⁽⁶⁾.
- 36.** A body engaged in the provision of residential accommodation for a person, together with treatment for drug or alcohol misuse, where acceptance by the person of such treatment is a condition of the provision of the accommodation.
- 37.** A body engaged in the provision of medical advice in cases where immediate action or attention is needed, or triage provided, over the telephone or by electronic mail and established for that purpose, and for the purposes of this provision “triage” means the assignment of degrees of urgency to diseases, disorders or injuries in order to decide the order and place of treatment of patients.
- 38.** An organisation engaged in the provision of medical services (otherwise than in a hospital) in which such services are provided only under arrangements made on behalf of service users by 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.

⁽⁶⁾ 1990 c. 37. Paragraph 1 of Schedule 2 was amended by the Human Fertilisation and Embryology Act 2008 (c. 22), section 11(2), Schedule 2, paragraphs 1 and 2 and section 66, Schedule 8, Part I and by S.I. 2007/1522.