



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART I

#### INTRODUCTORY

##### *Preliminary*

## 2 Independent hospitals etc.

- (1) Subsections (2) to (6) apply for the purposes of this Act [<sup>F1</sup>as it applies in relation to Wales].
- (2) A hospital which is not a health service hospital is an independent hospital.
- (3) “Hospital” (except in the expression health service hospital) means—
  - (a) an establishment—
    - (i) the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or
    - (ii) in which (whether or not other services are also provided) any of the listed services are provided;
  - (b) any other establishment in which treatment or nursing (or both) are provided for persons liable to be detained under the <sup>M1</sup>Mental Health Act 1983.
- (4) “Independent clinic” means an establishment of a prescribed kind (not being a hospital) in which services are provided by medical practitioners (whether or not any services are also provided for the purposes of the establishment elsewhere).

But an establishment in which, or for the purposes of which, services are provided by medical practitioners in pursuance of the [<sup>F2</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006] is not an independent clinic.
- (5) “Independent medical agency” means an undertaking (not being an independent clinic [<sup>F3</sup>or an independent hospital]) which consists of or includes the provision of services by medical practitioners.

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But if any of the services are provided for the purposes of an independent clinic, or by medical practitioners in pursuance of the <sup>F2</sup>National Health Service Act 2006 or the National Health Service (Wales) Act 2006], it is not an independent medical agency.

- (6) References to a person liable to be detained under the <sup>M2</sup>Mental Health Act 1983 do not include a person absent in pursuance of leave granted under section 17 of that Act.
- (7) In this section “listed services” means—
- (a) medical treatment under anaesthesia or sedation;
  - (b) dental treatment under general anaesthesia;
  - (c) obstetric services and, in connection with childbirth, medical services;
  - (d) termination of pregnancies;
  - (e) cosmetic surgery <sup>F4</sup>other than—
    - (i) ear and body piercing;
    - (ii) tattooing;
    - (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; and
    - (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current];
  - (f) treatment using prescribed techniques or prescribed technology.
- (8) Regulations may—
- (a) except any description of establishment from the definitions in subsections (2) to (4);
  - (b) except any description of undertaking from the definition in subsection (5);
  - (c) modify the definition in subsection (7).

#### Textual Amendments

- F1** Words in s. 2(1) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, **Sch. 5 para. 3**; S.I. 2010/807, **art. 2(2)**, Sch. 1 (with arts. 3-22)
- F2** Words in s. 2(4)(5) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 199** (with Sch. 3 Pt. 1)
- F3** Words in s. 2(5) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), **ss. 106, 199**; S.I. 2004/759, art. 3(1); S.I. 2004/873, **art. 2**
- F4** Words in s. 2(7)(e) added (1.4.2002) by Private and Voluntary Health Care (Wales) Regulations 2002 (S.I. 2002/325), regs. 1(1), **3(4)** (with reg. 1(2))

#### Commencement Information

- I1** S. 2 wholly in force at 1.4.2002; s. 2 not in force at Royal Assent see s. 122; s. 2 in force for W. at 1.7.2001 by S.I. 2001/2190, **art. 2, Sch.** Table; s. 2 in force for E. at 20.11.2001 by S.I. 2001/3852, arts. 1(4), **3(2)(3)(a)(i)** (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 2 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, arts. 1(4), **3(2)(4)(a)(i)(5)** (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 2 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, arts. 1(4), **3(2)(7)(a)** (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

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**Marginal Citations**

**M1** 1983 c. 20.

**M2** 1983 c. 20.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(1)(a)(iii) words substituted by [2008 c. 23 s. 4\(2\)\(a\)](#)
- Sch. 2A para. 8A inserted by [2022 asc 1 Sch. 4 para. 13\(2\)\(b\)](#)
- Sch. 2B para. 11 inserted by [2022 asc 1 Sch. 4 para. 13\(3\)](#)