
STATUTORY INSTRUMENTS

2010 No. 1881

**The Health and Social Care Act 2008 (Miscellaneous
Consequential Amendments) Order 2010**

Blood Safety and Quality Regulations 2005

16. In regulation 1(3) of the Blood Safety and Quality Regulations 2005 (citation, commencement and interpretation)(1)—

(a) for the definition of “independent clinic”, substitute the following—

““independent clinic”—

- (a) in Wales, has the same meaning as in section 2 of the Care Standards Act 2000;
- (b) in Scotland, has the same meaning as in section 2 of the Regulation of Care (Scotland) Act 2001;
- (c) in Northern Ireland, has the same meaning as in article 2 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003; and
- (d) in England, means an establishment of the following kind—
 - (i) a walk-in centre, in which one or more medical practitioners provide services of a kind which, if provided in pursuance of the National Health Service Act 2006, would be provided as primary medical services under Part 4 of that Act; or
 - (ii) a surgery or consulting room in which a medical practitioner who provides no services in pursuance of the National Health Service Act 2006 provides medical services of any kind (including psychiatric treatment), except where such medical services are provided only under arrangements made on behalf of the patients by—
 - (aa) their employer;
 - (bb) a government department or any executive agency of a government department;
 - (cc) a prison or other establishment in which patients are held in custody, other than pursuant to any provision of the Mental Health Act 1983; or
 - (dd) an insurance provider with whom the patients 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

and where two or more medical practitioners use different parts of the same premises as a surgery or consulting room, or use the same surgery

(1) *S.I. 2005/50*. The definition of “independent clinic” was inserted by *S.I. 2006/2013*, regulation 2(d); the definition of “independent hospital” was substituted by *S.I. 2006/2013*, regulation 2(b), the definition of “person responsible for management of a facility” was inserted by *2006/2013*, regulation 2(d) and the definition of “registered person” was substituted by *S.I. 2006/2013*, regulation 2(c).

or consulting room at different times, each of the medical practitioners shall be regarded as carrying on a separate independent clinic unless they are in practice together.”;

(b) in the definition of “independent hospital”, for paragraph (a) of the definition, substitute—

“(za) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section,

(a) in Wales, has the same meaning as in section 2 of the Care Standards Act 2000,”;
and

(c) for the definition of “registered person”, substitute the following—

““registered person” means—

(a) in England, the person registered as manager under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of regulated activities (within the meaning of that Part) carried on in an independent hospital, a care home or an independent clinic; and

(b) in Wales, Scotland or Northern Ireland, the person registered as the manager of an independent hospital, a care home or an independent clinic following an application to be registered as such pursuant to—

(i) section 12(3) of the Care Standards Act 2000,

(ii) section 7(1) of the Regulation of Care (Scotland) Act 2001, or

(iii) article 13(1) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;”.