
STATUTORY INSTRUMENTS

2010 No. 813

**The Health and Social Care Act 2008
(Consequential Amendments No.2) Order 2010**

Amendments of the Safeguarding Vulnerable Groups Act 2006

19.—(1) The Safeguarding Vulnerable Groups Act 2006⁽¹⁾ is amended as follows.

(2) In section 6 (regulated activity providers)⁽²⁾, in subsection (4)(b), for “arises under section 11 of the Care Standards Act 2000 (c. 14)”, substitute—

“arises—

- (i) in relation to England, under section 10 of the Health and Social Care Act 2008, or
- (ii) in relation to Wales, under section 11 of the Care Standards Act 2000.”.

(3) In section 16 (exception to requirement to make monitoring check), in subsection (4), after paragraph (e) insert—

“(f) the activity is carried out in connection with an activity in respect of which a requirement to register arises under section 10 of the Health and Social Care Act 2008.”.

(4) In section 21 (controlled activity relating to children)⁽³⁾—

(a) in subsection (8)—

- (i) in paragraph (b), omit the word “or” at the end of the paragraph, and
- (ii) after paragraph (c) insert—

“, or

(d) as an activity in respect of which a requirement to register arises under section 10 of the Health and Social Care Act 2008.”; and

(b) in subsection (10), after paragraph (g) insert—

“(h) for, or on behalf of, a person in respect of whom a requirement to register in respect of any activity arises under section 10 of the Health and Social Care Act 2008.”.

(5) In section 22 (controlled activity relating to vulnerable adults)—

(a) in subsection (6)—

(i) in the definition of “adult placement scheme”, in paragraph (b), for “arises under section 11 of the Care Standards Act 2000 (c. 14)” substitute—

“arises—

- (i) in relation to England, under section 10 of the Health and Social Care Act 2008, or
- (ii) in relation to Wales, under section 11 of the Care Standards Act 2000;”,

(ii) in the definition of “hospital services”—

⁽¹⁾ 2006 c. 47.

⁽²⁾ There are amendments to section 6 which are not relevant to this Order.

⁽³⁾ There are amendments to section 21 which are not relevant to this Order.

- (aa) in paragraph (e), omit “(within the meaning of section 2 of the Care Standards Act 2000)”,
- (bb) for paragraph (f) substitute—
 - “(f) in Wales, an independent clinic (within the meaning of section 2 of the Care Standards Act 2000);”, and
- (cc) in paragraph (g) omit “(within the meaning of that section)”,
- (iii) after the definition of “hospital services” insert—
 - ““independent hospital”—
 - (a) in relation to England, means—
 - (i) 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, or
 - (ii) any other establishment in which any of the services listed in subsection (7) are provided and which is not a health service hospital as so defined; and
 - (b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;
 - “independent medical agency” means an undertaking (not being an independent hospital, or in Wales an independent clinic) which consists of or includes the provision of services by medical practitioners;”, and
- (iv) after the definition of “primary care services” insert—
 - ““undertaking” includes any business or profession and—
 - (a) in relation to a public or local authority, includes the exercise of any functions of that authority; and
 - (b) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body.”; and
- (b) after subsection (6) add—
 - “(7) The services referred to in paragraph (a)(ii) of the definition of “independent hospital” are as follows—
 - (a) medical treatment under anaesthesia or intravenously administered sedation;
 - (b) dental treatment under general anaesthesia;
 - (c) obstetric services and, in connection with childbirth, medical services;
 - (d) termination of pregnancies;
 - (e) cosmetic surgery, other than—
 - (i) ear and body piercing;
 - (ii) tattooing;
 - (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; or
 - (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current.”.
- (6) In Schedule 7 (vetting information), in paragraph 6, in sub-paragraph (b), for “arises under section 11 of the Care Standards Act 2000 (c. 14) substitute—
 - “arises—

- (i) in relation to England, under section 10 of the Health and Social Care Act 2008, or
- (ii) in relation to Wales, under section 11 of the Care Standards Act 2000.”.