
WELSH STATUTORY INSTRUMENTS

2002 No. 325

Private and Voluntary Health Care (Wales) Regulations 2002

**PART I
GENERAL**

Meaning of “independent hospital”

3.—(1) Subject to paragraph (2), for the purposes of section 2 of the Act, “listed services” include treatment using any of the following techniques or technology—

- (a) a Class 3B or Class 4 laser product, as defined in Part I of British Standard EN 60825-1 (Radiation safety of laser products and systems)(1);
- (b) an intense light, being broadband non-coherent light which is filtered to produce a specified range of wavelengths, such filtered radiation being delivered to the body, with the aim of causing thermal, mechanical or chemical damage to structures such as hair follicles and skin blemishes while sparing surrounding tissues;
- (c) haemodialysis or peritoneal dialysis;
- (d) endoscopy;
- (e) hyperbaric oxygen therapy, being the administration of pure oxygen through a mask to a patient who is in a sealed chamber which is gradually pressurised with compressed air, except where the primary use of that chamber is—
 - (i) pursuant to regulation 6(3)(b) of the Diving at Work Regulations 1997(2) or regulation 8 or 12 of the Work in Compressed Air Regulations 1996(3); or
 - (ii) otherwise for the treatment of workers in connection with the work which they perform; and
- (f) *in vitro* fertilisation techniques, being treatment services for which a licence may be granted under paragraph 1 of Schedule 2 to the Human Fertilisation and Embryology Act 1990(4).

(2) “Listed services” shall not include treatment using the following techniques or technology—

- (a) treatment for the relief of muscular and joint pain using an infra-red heat treatment lamp;
- (b) treatment using a Class 3B laser product where such treatment is carried out by or under the supervision of a health care professional;
- (c) the use of an apparatus (not being an apparatus falling within paragraph (1)(b)) for acquiring an artificial suntan, consisting of a lamp or lamps emitting ultraviolet rays.

(3) For the purposes of section 2 of the Act, establishments of the following descriptions are excepted from being independent hospitals—

(1) Copies of BS EN 60825-1 may be obtained from BSI Customer Services, 389 Chiswick High Road, London W4 4AL.
(2) S.I.1997/2776.
(3) S.I. 1996/1656.
(4) 1990 c. 37.

- (a) an establishment which is a hospital by virtue of section 2(3)(a)(i) solely because its main purpose is to provide medical or psychiatric treatment for illness or mental disorder but which provides no overnight beds for patients;
 - (b) an establishment which is a service hospital within the meaning of section 13(9) of the Armed Forces Act 1981⁽⁵⁾;
 - (c) an establishment which is, or forms part of, a prison, remand centre, young offender institution or secure training centre within the meaning of the Prison Act 1952⁽⁶⁾;
 - (d) an establishment which is an independent clinic by virtue of regulation 4;
 - (e) an establishment (not being a health service hospital) which has as its sole or main purpose the provision by a general practitioner or practitioners of general medical services within the meaning of Part II of the NHS Act or personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997; and such an establishment shall not become an independent hospital as the result of the provision of listed services to a patient or patients by such a general practitioner or practitioners;
 - (f) the private residence of a patient or patients in which treatment is provided to such patient or patients but to no-one else;
 - (g) sports grounds and gymnasia where health care professionals provide treatment to persons taking part in sporting activities and events; and
 - (h) a surgery or consulting room, not being part of a hospital, where a medical practitioner provides medical services solely under arrangements made on behalf of the patients by their employer or another person.
- (4) Sub-section (7) of section 2 of the Act shall be modified by adding at the end of paragraph (e) (cosmetic surgery) the following—
- “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.”.

⁽⁵⁾ 1981 c. 55.

⁽⁶⁾ 1952 c. 52. See section 53(1) and section 43, as substituted by the Criminal Justice Act 1982 (c. 48) section 11 and amended by the Criminal Justice Act 1988 (c. 33), the Criminal Justice and Public Order Act 1994 (c. 33) and the Criminal Justice Act 1991 (c. 53).