
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 121

The Public Services Reform (Scotland) Act 2010 (Health and Social Care) Savings and Transitional Provisions Order 2011

PART III

INDEPENDENT HEALTH CARE SERVICES

TRANSITIONAL PROVISIONS

Registration

10.—(1) Where on the appointed day, a person provides an independent health care service which immediately before the appointed day was registered under Part 1 of the 2001 Act, that independent health care service is to be treated for all purposes as if it had been registered under section 10P(1) of the NHS Act and is subject to the same conditions as the registration under the 2001 Act was subject.

(2) Paragraph (1) does not apply to a registration to which article 18(1) applies.

Improvement notices

11. Where prior to the appointed day, an improvement notice has been given under section 10 of the 2001 Act to a person providing an independent health care service, that notice is to be treated for all purposes as if it had been given by HIS under section 10R of the NHS Act, and any reference to section 12 of the 2001 Act in that notice is to be treated as a reference to section 10S of the NHS Act.

Cancellation notice

12. Where prior to the appointed day the Commission has proposed under section 12 of the 2001 Act to cancel the registration of an independent health care service, that proposal is to be treated for all purposes as if it had been made by HIS under section 10S of the NHS Act and as if any reference to a relevant offence or a relevant requirement in that section were to a relevant offence or relevant requirement as defined in section 12 of the 2001 Act.

Condition notices

13. Where prior to the appointed day, a person providing an independent health care service is given a condition notice by the Commission under section 13 of the 2001 Act, that notice is to be treated for all purposes as if it had been given by HIS under section 10U of the NHS Act.

Applications in respect of conditions

14. Where prior to the appointed day a person providing an independent healthcare service registered in accordance with Part 1 of the 2001 Act has applied to the Commission in accordance with section 14 of the 2001 Act for the variation or removal of a condition in force in relation to

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the registration, or for cancellation of the registration, and that application has not been granted or refused prior to the appointed day, that application is to be treated for all purposes as if it were an application made to HIS under section 10Y of the NHS Act by a person providing a independent healthcare service registered under section 10P of that Act.