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STATUTORY INSTRUMENTS

2010 No. 2224

**PUBLIC HEALTH, ENGLAND AND WALES
SOCIAL CARE, ENGLAND AND WALES**

**The Health and Social Care Act 2008
(Consequential Amendments No.3) Order 2010**

Made - - - - 7th September 2010

Coming into force - - 1st October 2010

The Secretary of State makes the following Order in exercise of the powers conferred by section 167(1) and (3) of the Health and Social Care Act 2008⁽¹⁾.

A draft of this Order was laid before Parliament in accordance with section 162(3) of the Health and Social Care Act 2008 and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Consequential Amendments No.3) Order 2010 and comes into force on 1st October 2010.

(2) This Order extends to England and Wales.

Amendment of the Water Industry Act 1991

2. In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges)⁽²⁾, in paragraph 8—

(a) in sub-paragraph (2), omit the definition of “independent hospital”; and

(b) after sub-paragraph (2), insert—

“(3) In this paragraph “independent hospital”, in relation to England, means—

(a) an establishment, not being a health service hospital as defined by section 275 of the National Health Service Act 2006⁽³⁾,—

(1) 2008 c. 14.

(2) 1991 c. 56; Schedule 4A was inserted by Schedule 1 to the Water Industry Act 1999 (c. 9) and paragraph 8 was substituted by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 18.

(3) 2006 c. 41.

- (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 provided) any of the services listed in sub-paragraph (5) are provided; or
- (b) any other establishment, not being a health service hospital as so defined, in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983⁽⁴⁾.
- (4) In this paragraph “independent hospital”, in relation to Wales, means an independent hospital within the meaning of the Care Standards Act 2000⁽⁵⁾.
- (5) The services referred to in sub-paragraph (3)(a)(ii) 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 sub-paragraph (3)(a)(i)—
 - (a) “illness” includes any injury; and
 - (b) “mental disorder” has the same meaning as in the Mental Health Act 1983.”.

Signed by authority of the Secretary of State for Health.

7th September 2010

Simon Burns
Minister of State,
Department of Health

⁽⁴⁾ 1983 c. 20.

⁽⁵⁾ 2000 c. 14; section 2, which contains the definition of “independent hospital”, was amended by the Health and Social Care Act 2008, Schedule 5, paragraphs 1 and 3.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is to come into force on 1st October 2010, makes an amendment to the Water Industry Act 1991 consequential on the replacement, for England, of the registration of health and social care providers under Part 2 of the Care Standards Act 2000 with a new registration system under Part 1 of the Health and Social Care Act 2008.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.