

SCHEDULE 2

Regulations 3(7) and (8)

Regulated Activities: General exceptions

- 1.—(1) Any activity which is carried on—
 - (a) in the course of a family or personal relationship; and
 - (b) for no commercial consideration.
 - (2) A family relationship includes a relationship between two persons who—
 - (a) live in the same household; and
 - (b) treat each other as though they were members of the same family.
 - (3) A personal relationship is a relationship between or among friends.
 - (4) A friend of a person (A) includes a person who is a friend of a member of A's family.
2. Any activity which involves the carrying on of an establishment or agency within the meaning of the Care Standards Act 2000⁽¹⁾ for which Her Majesty's Chief Inspector of Education, Children's Services and Skills is the registration authority under that Act.
3. The provision of all medical services (including medical services provided otherwise than under the 2006 Act) by a provider whose sole or main purpose is the provision of primary medical services—
 - (a) under arrangements made pursuant to the following sections of the 2006 Act—
 - (i) section 3 (Secretary of State's duty as to provision of certain services),
 - (ii) section 83(2)(b) (primary medical services),
 - (iii) section 92 (arrangements by Strategic Health Authorities for the provision of primary medical services); or
 - (b) under a contract entered into pursuant to section 84 of that Act (general medical services contracts: introductory)⁽²⁾.
4. Subject to paragraph 5, and except where paragraph 3 applies, the provision of treatment in a surgery or consulting room otherwise than under arrangements made pursuant to the 2006 Act by—
 - (a) an individual medical practitioner who also provides services (whether there or elsewhere) under arrangements made pursuant to the 2006 Act; or
 - (b) a group of medical practitioners all of whom also provide services (whether there or elsewhere) under arrangements made pursuant to the 2006 Act.
5. Paragraph 4 does not apply in relation to—
 - (a) treatment carried out under anaesthesia or intravenously administered sedation;
 - (b) dental treatment carried out under general anaesthesia;
 - (c) obstetric services and, in connection with childbirth, medical services;
 - (d) the termination of pregnancies;
 - (e) cosmetic surgery, with the exception of the procedures referred to in paragraph 7(4) of Schedule 1;
 - (f) haemodialysis or peritoneal dialysis;
 - (g) endoscopy; or

(1) 2000 c.14.

(2) This paragraph will cease to have effect on 1st April 2012: *see* regulation 3(8)(a).

Status: This is the original version (as it was originally made).

- (h) the provision of hyperbaric therapy, being the administration of oxygen (whether or not combined with one or more other gases) to a person who is in a sealed chamber which is gradually pressurised with compressed air, where such therapy is carried out by or under the supervision or direction of a medical practitioner.
6. The provision by a general medical practitioner (other than one who is a provider for the purposes of paragraph 3) of—
- (a) primary medical services under arrangements made pursuant to the sections of the 2006 Act referred to in paragraph 3(a) and (b); or
 - (b) any of the services listed in paragraph 5 in premises which are the premises used by that practitioner for the purpose of the provision of primary medical services under the 2006 Act⁽³⁾.
7. The provision of services (other than in a surgery, consulting room or hospital) involving treatment by medical practitioners working for the purposes of an undertaking which also provides such services in pursuance of the 2006 Act⁽⁴⁾.
8. Medical services provided (otherwise than in a hospital) only under arrangements made on behalf of service users by—
- (a) their employer;
 - (b) a government department; or
 - (c) an insurance provider with whom the service users 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.
9. Treatment provided in a vehicle which is operated by an ambulance provider which is not an English NHS body⁽⁵⁾.
10. Forensic medical services provided under arrangements made with a police authority as defined in section 101 (interpretation) of the Police Act 1996⁽⁶⁾.
11. Dental services—
- (a) provided as primary dental services in pursuance of Part 5 of the 2006 Act, except where those services are provided—
 - (i) by a Primary Care Trust under section 99(2) (primary dental services) of that Act, or
 - (ii) by an NHS trust or NHS foundation trust; or
 - (b) of a kind which, if provided in pursuance of that Act, would be provided as primary dental services under Part 5, except where those services are provided in a hospital⁽⁷⁾.
12. Primary ophthalmic services provided under Part 6 of the 2006 Act and services of a kind which, if provided in pursuance of that Act, would be provided as primary ophthalmic services under that Part.
13. Pharmaceutical services and local pharmaceutical services provided under Part 7 of the 2006 Act and services of a kind which, if provided in pursuance of that Act, would be provided as pharmaceutical services or local pharmaceutical services under that Part.
14. The provision of first aid by—

(3) This paragraph will cease to have effect on 1st April 2012: *see* regulation 3(8)(a).

(4) This paragraph will cease to have effect on 1st April 2012: *see* regulation 3(8)(a).

(5) This paragraph will cease to have effect on 1st April 2011: *see* regulation 3(8)(b).

(6) 1996 c.16. The definition of police authority in section 101 was amended by the Greater London Authority Act 1999 (c. 29), section 312(2).

(7) This paragraph will cease to have effect on 1st April 2011: *see* regulation 3(8)(b).

- (a) health care professionals where it is provided in unexpected or potentially dangerous situations requiring immediate action;
- (b) organisations established for that purpose; or
- (c) non-health care professionals trained to deliver such treatment.

15. Defence medical and dental services being—

- (a) health or dental care provided by the Armed Services;
- (b) education and training provided by the Armed Services to service and other personnel in connection with the provision of health or dental care, including the maintenance of the clinical skills of such personnel; and
- (c) any service or facility falling within sub-paragraph (a) or (b) provided on behalf of the Armed Services under any agreement or arrangement made with the Armed Services.

16. Treatment provided in a school to the pupils of that school by a nurse who is engaged and directed by the school.

17. In this Schedule—

- (a) “insurance provider” means—
 - (i) a person regulated by the Financial Services Authority who sells insurance, or underwrites the risk of such insurance, or
 - (ii) the agent of such a person; and
- (b) “primary dental services” includes the provision of dental implants.