
STATUTORY INSTRUMENTS

2013 No. 373

**The Controlled Drugs (Supervision of
Management and Use) Regulations 2013**

PART 1

Introductory

Meaning of “Scottish independent hospital”

4.—(1) For the purposes of these Regulations, “Scottish independent hospital” means a body that runs a hospital in Scotland and which is an “independent hospital” or a “private psychiatric hospital” within the meanings given to those expressions in section 10F(2) of the 1978 Act ^{MI} (meaning of “independent healthcare services”), unless—

- (a) fewer than 10 individuals work at the hospital (whether as employees, volunteers or otherwise); or
- (b) following a request from that body for a determination under this sub-paragraph, HIS has determined that requiring that body to appoint or nominate an accountable officer would give rise to difficulties that would be disproportionate to the benefits to be derived from such an appointment or nomination, having regard to—
 - (i) the usual number of relevant individuals who work at the hospital,
 - (ii) the usual level of relevant activities at or provided from the hospital, and
 - (iii) any difficulties there may be in identifying a suitable individual to act as an accountable officer for that hospital, taking into account the size of the business being carried on at or from the hospital and any possibility of a joint appointment or nomination by that hospital together with other hospitals,

and that determination has not been rescinded in accordance with paragraph (2)(b).

(2) A determination by HIS under paragraph (1)(b) is to be for such duration as HIS specifies when it makes the determination, but the determination may thereafter—

- (a) be renewed for such further period as HIS specifies (if it does renew the determination); or
- (b) be rescinded, after HIS has given the body that runs the hospital to which the determination relates reasonable notice of the rescission.

Marginal Citations

MI Section 10F was inserted by the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [section 108](#).

Changes to legislation:

There are currently no known outstanding effects for the The Controlled Drugs (Supervision of Management and Use) Regulations 2013, Section 4.