
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out requirements which must be complied with by providers of independent healthcare services under the National Health Service (Scotland) Act 1978. An independent healthcare service must be provided in accordance with the general principles set out in regulation 2.

Regulation 3 imposes requirements on providers which relate to the welfare of service users. In accordance with regulation 4 the provider is required to prepare a patient care record for each service user setting out how the service user's care will be delivered.

The Regulations specify persons who are not fit to provide (regulation 5), manage (regulation 6) or be employed in an independent healthcare service (regulation 8). Regulation 7 requires a provider to notify Healthcare Improvement Scotland where the provider becomes aware that the manager of the independent health care service becomes unfit to manage the service.

The Regulations also make provision as to whether persons listed in either the children's or adults list in the Protection of Vulnerable Groups (Scotland) Act 2007 are fit to provide, manage or be employed in an independent healthcare service (regulation 9).

Regulation 10 makes provision as to fitness of premises.

Regulation 11 imposes requirements as to facilities for service users. Regulation 12 imposes requirements as to staffing.

Regulation 13 requires providers to ensure the service delivered is of an appropriate quality.

Regulation 14 makes provision as to the manager of an independent healthcare service.

Regulation 15 requires the establishment of a complaints service and regulation 16 provides that contravening or failing to comply with certain provisions of these Regulations is an offence. A person who commits an offence under these Regulations is liable on summary conviction to a fine not exceeding level 5 on the standard scale.