
STATUTORY INSTRUMENTS

2010 No. 1881

**The Health and Social Care Act 2008 (Miscellaneous
Consequential Amendments) Order 2010**

Prescription Only Medicines (Human Use) Order 1997

- 9.—(1) The Prescription Only Medicines (Human Use) Order 1997⁽¹⁾ is amended as follows.
- (2) In article 1 (citation, commencement and interpretation)—
- (a) in the definition of “independent clinic” in paragraph (2), for “in relation to England and Wales” in paragraph (a) substitute “in relation to Wales”;
 - (b) in the definition of “independent hospital” in paragraph (2), for paragraph (a) substitute—
 - “(za) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section,
 - (a) in relation to Wales, shall be construed in accordance with section 2(2), (3) and (6) of the Care Standards Act 2000,”;
 - (c) in the definition of “independent medical agency” in paragraph (2), for paragraph (a), substitute—
 - “(a) in relation to England and Wales, means an undertaking (not being an independent hospital, or in Wales an independent clinic) which consists of or includes the provision of services by medical practitioners and the term “undertaking” in this definition is to be interpreted in accordance with paragraph (2A),”;
 - (d) in the definition of “registered provider” in paragraph (2)—
 - (i) after the words “an independent clinic” in paragraph (a) of the definition, insert the words “in Wales, Scotland or Northern Ireland”, and
 - (ii) for sub-paragraph (i) of paragraph (a) of the definition, substitute the following—
 - “(i) in relation—
 - (aa) to England, the person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of regulated activities (within the meaning of that Part) carried on in that hospital or agency, and
 - (bb) to Wales, the person who is registered under Part 2 of the Care Standards Act 2000 as the person carrying on the establishment or agency,”;
 - (e) in the definition of “relevant manager” in paragraph (2)—
 - (i) after the words “an independent clinic” in paragraph (a) of the definition, insert the words “in Wales, Scotland or Northern Ireland”, and

⁽¹⁾ [S.I.1997/1830](#). The definitions of “independent clinic”, “independent hospital” and “independent medical agency” were inserted by [S.I. 2003/696](#), article 2(1), (2)(g) and amended by [S.I. 2007/2178](#), article 2(1), (2)(a) to (c). Article 12D was inserted by [S.I. 2003/696](#), article 11 and further amended by [S.I. 2007/2178](#), article 4(a)(i) to (iii).

(ii) in sub-paragraph (i) of paragraph (a) of the definition, for the words “(i) in relation to England and Wales—” substitute the following—

“(i) in relation to England, a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 as a manager in respect of regulated activities (within the meaning of that Part) carried on in that hospital or agency, and

(ia) in relation to Wales—”; and

(f) after paragraph (2), insert—

“(2A) In paragraph (2), for the purposes of the definition of “independent medical agency”, “undertaking” includes any business or profession and—

(a) in relation to a public or local authority, includes the exercise of any functions of that authority; and

(b) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body.”.

(3) In article 12D (exemption for the supply and administration of prescription only medicines by independent hospitals, clinics and agencies), in paragraph (1)(b), insert “in Wales, Scotland or Northern Ireland,” before “an independent clinic”.