
STATUTORY INSTRUMENTS

2013 No. 373

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

PART 1

Introductory

Meaning of “English independent hospital”

3.—(1) For the purposes of these Regulations, “English independent hospital” means a body that runs a hospital in England at or from which health care is provided to individuals and which is not a “health service hospital” within the meaning given in section 275(1) of the 2006 Act (interpretation), 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, the CQC 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and that determination has not been rescinded in accordance with paragraph (3)(b).

(2) For the purposes of paragraph (1), “health care” means any form of health care, whether relating to physical or mental health, and including procedures that are similar to forms of medical or surgical care but are not provided in connection with medical conditions⁽¹⁾.

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

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- (b) be rescinded, after the CQC has given the body that runs the hospital to which the determination relates reasonable notice of the rescission.

⁽¹⁾ This definition is based on section 9(2) of the Health and Social Care Act 2008 (c. 14), but in these Regulations, for other purposes, “health care” has the meaning given in section 25(1) of the Health Act 2006 (c. 28).