WELSH STATUTORY INSTRUMENTS

2011 No. 106 (W.25)

PUBLIC HEALTH, WALES

The Independent Health Care (Fees) (Wales) Regulations 2011

Made - - - -	*20 January 2011*
Laid before the National Assembly for Wales - -	*21 January 2011*
Coming into force - -	*1 April 2011*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 8(4), 12(2), 14(1)(d), 15(3), 16(3), 16(4) and 118(5) to (7) of the Care Standards Act 2000(**1**) hereby make the following regulations.

Title, commencement and application

1.—(1) The title of these Regulations is The Independent Health Care (Fees) (Wales) Regulations 2011.

(2) These Regulations come into force on 1 April 2011.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000;

"acute hospital" ("*ysbyty aciwt*") means an independent hospital of the type referred to in section 2(3)(a)(ii) of the Act, not being a hospice or mental health hospital, whether or not it has approved places, in which at least one listed service may be provided and which provides treatment under general anaesthetic or intravenous sedation;

"annual fee" ("*ffi flynyddol*") means an amount prescribed for the purposes of section 16(3) of the Act;

"applicant" ("*ceisydd*") means a person seeking to be registered under the Care Standards Act 2000;

(**1**) 2000 c. 14. The functions of the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of Paragraph 39 of Schedule 11 to the Government of Wales Act 2006.

"approved places" ("*lleoedd a gymeradwywyd*") means a bed which is available, in accordance with any condition placed upon the registration of any person in respect of the establishment, for the use of a service user at night;

"Class 3B or Class 4 laser product", ("*Cynnyrch laser Dosbarth 3B neu Ddosbarth 4*") has the meaning given in Part 1 of British Standard EN 60825 – 1 (Radiation safety of laser products and systems)(**2**);

"dental treatment ("*triniaeth ddeintyddol*") means any dental treatment provided by a dentist, being a person registered in the dentists register under the Dentists Act 1984(**3**);

"dialysis" ("*dialysis*") includes haemodialysis and peritoneal dialysis;

"due date" ("*dyddiad priodol*") means the anniversary of the date of first registration, or in the first year of registration, a date one month after the date of first registration;

"establishment" ("*sefydliad*") means an independent hospital or independent clinic;

"hospice" ("*hospis*") means an independent hospital the whole or main purpose of which is to provide palliative care;

"hospital providing treatment under local anaesthesia" ("*ysbyty sydd yn darparu triniaeth gan ddefnyddio anaesthesia lleol*") means a hospital by virtue of s.2(3)(a)(ii) of the Act not being an acute hospital and not being an establishment which is excepted from being an independent hospital by virtue of regulation 3(3) of the Independent Health Care (Wales) Regulations 2011 in which medical treatment is provided under local anaesthesia;

"hyperbaric therapy" ("*therapi hyperbarig*") means the administration of oxygen (whether or not combined with one or more other gases) to a service user who is in a sealed chamber which is gradually pressurised with compressed air, where such therapy is carried out by or under the direct supervision or direction of a medical practitioner;

"*in vitro* fertilisation" ("*ffrwythloni in vitro*") means treatment services for which a licence may be granted under paragraph 1 of Schedule 2 to the Human Fertilisation and Embryology Act 1990(**4**);

"independent clinic" ("*clinic annibynnol*") has the same meaning as in s.2(4) of the Act;

"independent hospital" ("ysbyty annibynnol") has the same meaning as in s.2(2) and s.2(3) of the Act;

"independent medical agency" ("*asiantaeth feddygol annibynnol*") means an independent medical agency, as defined in section 2(5) of the Act;

"intense light" ("*golau dwys*") means broadband non-coherent light which is filtered to produce a specified range of wavelengths, such filtered radiation being delivered to the body, with the aim of causing thermal, mechanical or chemical damage to structures such as hair follicles and skin blemishes while sparing surrounding tissues;

"major variation fee" ("*ffi amrwyiad mawr*") means the fee payable in respect of an application to vary a condition of registration where it is necessary for the registration authority to inspect;

"male circumcision" ("*enwaedu gwryw*") means the circumcision of male children by a health care professional, including for the purpose of religious observance;

"maternity hospital" ("*ysbyty mamolaeth*") means an independent hospital, the main purpose of which (whether or not other services are provided) is to provide obstetric services and medical services in connection with childbirth;

(**2**) Copies of BS EN 60825 can be obtained from BS1 Customer Services, 389 Chiswick High Road, London W4 4AL.
(**3**) 1984 c. 24.
(**4**) 1990 c. 37.

"mental health hospital" ("*ysbyty iechyd meddwl*") means an independent hospital of the type referred to in section 2(3)(a)(i) or (b) of the Act, which has approved places and whose main purpose is to provide medical treatment for mental illness or mental disorder;

"minor variation fee" ("*ffi mân amrwyiad*") means the fee payable in respect of an application to vary a condition of registration where it is not necessary for the registration authority to inspect;

"non-acute hospital" ("*ysbyty nad yw'n aciwt*") means an independent hospital of the type mentioned in section 2(3)(a)(i) of the Act, with approved places, providing medical treatment for illness but which is not a hospice or mental health hospital and does not provide any listed service;

"quarter of the year" ("*chwarter o'r flwyddyn*") means a period of three consecutive calendar months;

"registered" ("*cofrestredig*", "*ei gofrerstru*" ac "*ei chofrestru*") means registered under Part 2 of the Act;

"registration authority" ("*awdurdod cofrestru*") means the Welsh Ministers;

"registration" ("*cofrestriad*" a "*cofrestru*") means registration under Part 2 of the Act;

"relevant authority" ("*awdurdod perthnasol*") means any Local Health Board established under section 11 of the National Health Service (Wales) Act 2006, any NHS trust established under section 18 of the National Health Service (Wales) Act 2006(**5**), and any county council or county borough council;

"service user" ("*defnyddiwr gwasanaeth*") means any person who is to be provided with accommodation or services in an establishment but excludes registered persons or persons employed or intended to be employed in an establishment;

"termination of pregnancy hospital" ("*ysbyty terfynu beichiogrwydd*") means an independent hospital whose main purpose (whether or not other services are provided) is to provide termination of pregnancy.

Registration fees

3.—(1) For the purposes of section 12(2) of the Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the Act in relation to an establishment or agency in column 1 of the table below is the sum specified in column 2 for an application to be registered as the provider, or the sum specified in column 3 for an application to be registered as the manager.

Column 1 *Category of establishment, agency or treatment provided*	**Column 2** *Application fee for registration as provider*	**Column 3** *Application fee for registration as manager*
An acute hospital	£2,500	£100
Non-acute hospital	£1,500	£100
Mental health hospital	£2,500	£100
Termination of pregnancy hospital	£750	£100
Maternity hospital	£1,500	£100
Hospital providing treatment under local anaesthesia	£750	£100

(**5**) 2006 c. 42.

Column 1 *Category of establishment, agency or treatment provided*	**Column 2** *Application fee for registration as provider*	**Column 3** *Application fee for registration as manager*
Hospice	£0	£0
Dental treatment under general anaesthesia	£750	£100
Cosmetic surgery	£2,500	£100
Independent hospital whose main purpose is providing treatment using a Prescribed Technique or Prescribed Technology		
In Vitro Fertilisation	£750	£100
Class 3B or 4 laser products for non-surgical purposes	£500	£100
Class 3B or 4 laser products for a surgical purpose	£750	£100
Intense light	£500	£100
Dialysis	£750	£100
Endoscopy	£750	£100
Hyperbaric oxygen therapy .	£750	£100
Male circumcision	£500	£100
Independent Medical Agencies and Independent Clinics		
Independent Medical Agency	£500	£100
Independent Clinic	£500	£100

Fees in respect of applications to vary a condition of registration

4. For the purposes of section 15(3) of the Act, the fee to accompany an application by the registered person under section 15(1)(a) of the Act to vary a condition of registration in respect of an establishment or agency specified in column 1 of the table below, is to be the sum specified in column 2.

Column 1 *Category of applicant*	**Column 2** *Fees for applications to vary conditions of registration*
Registered providers of all establishments and agencies (except hospices)	Major variation fee : £500 Minor variation fee : £250
Registered Managers	£0