Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012 ISBN 978-0-11-152275-2*

Draft Regulations laid before Parliament under section 162(3) of the Health and Social Care Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 0000

NATIONAL HEALTH SERVICE, ENGLAND

The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2011

Made - - - - 2011

Coming into force - - 30th November 2011

The Secretary of State for Health, in exercise of the powers conferred by sections 8(1) and 161(3) and (4) of the Health and Social Care Act 2008(**1**), makes the following Regulations:

A draft of these Regulations was laid before Parliament in accordance with section 162(3) of the Health and Social Care Act 2008 and approved by resolution of each House.

Citation and commencement

1. These Regulations may be cited as the Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2011 and shall come into force on 30th November 2011.

Amendment to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010

2.—(1) The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010(**2**) are amended as follows.

(2) In regulation 3 (prescribed activities) omit paragraphs (3), (4) and (6).

(3) For paragraph (8) of regulation 3 substitute—

"(8) In Schedule 2, paragraphs 3, 6 and 7 and, in paragraph 4, the words "and except where paragraph 3 applies," shall cease to have effect—

(a) on 1st April 2012 in relation to all activities carried on by providers of out of hours services (whether or not those activities are carried on in the out of hours period); and

(b) on 1st April 2013 for all other purposes."

(4) After paragraph (8) of regulation 3 insert—

(**1**) 2008 c.14. "Prescribed" and "regulations" are defined in section 97(1) of the Act.
(**2**) S.I. 2010/781.

"(9) The following definitions shall apply for the purposes of paragraph (8)—

"bank holiday" means any day that is specified or proclaimed as a bank holiday in England pursuant to section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(**3**);

"out of hours period" means—

(a) in the case of arrangements made pursuant to section 83(2)(b) (primary medical services) of the 2006 Act—

(i) except where sub-paragraph (ii) applies, the period which falls outside the period defined as core hours under the terms of the arrangements, or

(ii) where the primary medical services under the terms of the arrangements are required to be provided only outside the period beginning at 8am and ending at 6.30pm on any day from Monday to Friday unless that day is Good Friday, Christmas Day or a bank holiday, the period which falls outside the period beginning at 8am and ending at 6.30pm on any day from Monday to Friday unless that day is Good Friday, Christmas Day or a bank holiday;

(b) in all other cases—

(i) the period beginning at 6.30pm on any day from Monday to Thursday and ending at 8am on the following day,

(ii) the period between 6.30pm on Friday and 8am the following Monday, and

(iii) Good Friday, Christmas Day and bank holidays;

"out of hours services" means primary medical services provided in all or part of the out of hours period;

"provider of out of hours services" means a person that provides out of hours services —

(a) as a provider of primary medical services under arrangements made pursuant to section 83(2)(b) (primary medical services) of the 2006 Act to patients who are neither registered patients of that provider nor accepted as temporary residents by that provider;

(b) under arrangements made pursuant to section 92 (arrangements by Strategic Health Authorities for the provision of primary medical services) of the 2006 Act to patients who are neither registered patients of that provider nor accepted as temporary residents by that provider; or

(c) as an out of hours services sub-contractor of a provider of primary medical services under—

(i) arrangements made pursuant to section 83(2)(b) (primary medical services) of the 2006 Act;

(ii) a contract entered into pursuant to section 84 (general medical services contracts: introductory) of the 2006 Act; or

(iii) arrangements made pursuant to section 92 (arrangements by Strategic Health Authorities for the provision of primary medical services) of the 2006 Act;

"registered patient" means—

(a) a person who is recorded by the Primary Care Trust as being on the provider's list of patients; or

(**3**) 1971 c.80.