

**2009 No. 3258 (W.285)**

**PUBLIC HEALTH, WALES**

**The Private and Voluntary Health  
Care (Wales) (Amendment)  
Regulations 2009**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend regulation 24 (Fitness of premises) of the Private and Voluntary Health Care (Wales) Regulations 2002 by inserting a new regulation 24 (1A).

The Regulations are amended in order to place a limit on the number of beds an independent hospital may provide where long term treatment and nursing is provided for persons with a learning disability, and those with a mental illness.

There is also a requirement that no other independent hospital should be located in close proximity to another independent hospital in such a way as it might be considered a multiple of the original independent hospital, and therefore might affect the rationale and purpose of restricting the number of patients in independent hospitals as provided in these regulations.

Transitional provisions will apply for the coming into force of these Regulations.

**2009 No. 3258 (W.285)**

**PUBLIC HEALTH, WALES**

**The Private and Voluntary Health  
Care (Wales) (Amendment)  
Regulations 2009**

*Made* 8 December 2009

*Laid before the National Assembly for Wales*  
10 December 2009

*Coming into force* 1 February 2010

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 22(1), 22(2)(c), 22(2)(d), 22(5)(a) and 118A of the Care Standards Act 2000<sup>(1)</sup> and now vested in them<sup>(2)</sup> make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Private and Voluntary Health Care (Wales) (Amendment) Regulations 2009 and they come into force on 1 February 2010.

(2) These Regulations apply in relation to Wales.

**Amendment to the Private and Voluntary Health Care (Wales) Regulations 2002<sup>(3)</sup>**

2.—(1) The Private and Voluntary Health Care (Wales) Regulations 2002 are amended as follows:-

(2) After regulation 24(1) insert new regulation 24(1A) as follows:-

“**24(1A).**—(1) The registered person shall ensure that—

- (a) an independent hospital, providing treatment and nursing for patients with a learning

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(1) 2000 c.14.

(2) By virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

(3) 2002/325(W.35).

disability, whose treatment and nursing is anticipated to extend beyond a 12-month period, and for whom overnight accommodation is provided must not exceed 10 beds, and where reasonably practicable, provided in two or more units.

- (b) an independent hospital, providing treatment and nursing for patients with a mental illness (including those in low and medium secure accommodation) and also for patients with a learning disability, whose treatment and nursing is anticipated to extend beyond a 12-month period, and for whom overnight accommodation is provided, must not exceed 15 beds, and where reasonably practicable, provided in two or more units.
- (c) no other independent hospital shall be located in close proximity to an independent hospital of the type mentioned in sub-paragraphs (a) or (b) in such a way as it might be considered a multiple of the original independent hospital, and therefore might affect the rationale and purpose of restrictions on the number of patients in independent hospitals as provided in this regulation.

### **Transitional Provisions**

**3.**—(1) This regulation applies to all new applications to register or vary an existing registration of an independent hospital with the Welsh Ministers which are made on or after 1 February 2010.

(2) Applications made prior to 1 February 2010, which can reasonably be determined by the Welsh Ministers by 1 May 2010 will not need to meet the requirements of these Regulations.

(3) Applications made prior to 1 February 2010, which cannot reasonably be determined by the Welsh Ministers by 1 May 2010 will need to meet the requirements of these Regulations.

*Edwina Hart*

Minister for Health and Social Services, one of the  
Welsh Ministers

8 December 2009