

*Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform
Act 2006, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2014 No.

REGULATORY REFORM

NATIONAL HEALTH SERVICE, ENGLAND

The Legislative Reform (Clinical
Commissioning Groups) Order 2014

Made - - - - - ***
Coming into force - - - - - 1st October 2014

The Secretary of State for Health (“the Secretary of State”) makes the following Order, in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(1).

For the purposes of section 3(1) of the Legislative and Regulatory Reform Act 2006 the Secretary of State considers, where relevant, that the conditions under section 3(2) are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State has laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation and commencement

1.—(1) This Order may be cited as the Legislative Reform (Clinical Commissioning Groups) Order 2014.

(2) This Order comes into force on 1st October 2014.

Amendment of the National Health Service Act 2006

2. In section 14Z3 of the National Health Service Act 2006(2) (arrangements by clinical commissioning groups in respect of the exercise of functions), after subsection (2) insert—

(1) 2006 c.51; section 1(6) was amended by S.I. 2007/1388. See section 32 for the definition of “Minister of the Crown”.
(2) 2006 c.41; sections 14Z3 and 14Z9 were inserted by the Health and Social Care Act 2012 (c.7), section 26.

“(2A) Where any functions are, by virtue of subsection (2)(b), exercisable jointly by two or more clinical commissioning groups, they may be exercised by a joint committee of the groups.”

3.—(1) Section 14Z9 of the National Health Service Act 2006 is amended as follows.

(2) For the heading substitute “Exercise of functions by, or jointly with, the Board”.

(3) After subsection (1) insert—

“(1A) The Board and one or more clinical commissioning groups may make arrangements for any functions of the group or groups under section 3 or 3A, and any other functions of the group or groups which are related to the exercise of those functions, to be exercised jointly by the Board and the group or groups.

(1B) Where any functions are, by virtue of subsection (1A), exercisable jointly by the Board and a clinical commissioning group or groups, they may be exercised by a joint committee of the Board and the group or groups.”

(4) In subsection (2), after “subsection (1)” insert “or (1A)”.

(5) In subsection (3)—

(a) for “this section” substitute “subsection (1) or (1A)”, and

(b) after “clinical commissioning group” insert “or groups”.

(6) In subsection (4), for “this section” substitute “subsection (1) or (1A)”.

Signed by authority of the Secretary of State for Health.

Date

Name
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Legislative and Regulatory Reform Act 2006 (c.51). It amends sections 14Z3 and 14Z9 of the National Health Service Act 2006 (c.41) (“the 2006 Act”).

This Order amends section 14Z3 so that, where two or more clinical commissioning groups are exercising their commissioning functions jointly, those functions may be exercised by a joint committee of the groups. Clinical commissioning groups were established under section 1I and Chapter A2 of Part 2 of the 2006 Act. They have the function of commissioning certain health services for the persons for whom they are responsible.

The amendment to section 14Z9 allows the National Health Service Commissioning Board and one or more clinical commissioning groups to exercise the functions of the group, or groups, under section 3 or 3A of the 2006 Act, and any related functions, jointly and to form a joint committee for that purpose. The National Health Service Commissioning Board was established under section 1H of the 2006 Act. The Board has the function of arranging for the provision of services for the purposes of the health service in England and also has functions in relation to clinical commissioning groups.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Department of Health website (www.dh.gov.uk) and is published with the Explanatory Memorandum alongside the instrument at www.legislation.gov.uk.