
STATUTORY INSTRUMENTS

2013 No. 257

The National Health Service (Procurement, Patient Choice and Competition) Regulations 2013

PART 2

Requirements as to procurement, patient choice and competition

Award of a new contract without a competition

5.—(1) A relevant body may award a new contract for the provision of health care services for the purposes of the NHS to a single provider without advertising an intention to seek offers from providers in relation to that contract where the relevant body is satisfied that the services to which the contract relates are capable of being provided only by that provider.

(2) The services are to be determined as capable of being provided by a single provider only when—

- (a) for technical reasons, or for reasons connected with the protection of exclusive rights, the contract may be awarded only to that provider; or
- (b) (only if it is strictly necessary) for reasons of extreme urgency brought about by events unforeseeable by, and not attributable to, the relevant body, it is not possible to award the contract to another provider within the time available to the relevant body for securing the provision of the services.

(3) For the purposes of paragraph (1), a relevant body is not to be treated as having awarded a new contract—

- (a) where the rights and liabilities under a contract have been transferred to the relevant body from the Secretary of State, a Strategic Health Authority or a Primary Care Trust; or
- (b) where there is a change in the terms and conditions of a contract as a result of—
 - (i) a change in the terms and conditions drafted by the Board under regulation 17 of the 2012 Regulations (terms and conditions to be drafted by the Board for inclusion in commissioning contracts), or
 - (ii) new terms and conditions drafted by the Board under that regulation.