
STATUTORY INSTRUMENTS

2022 No. 734

**The Health and Care Act 2022 (Commencement No. 2
and Transitional and Saving Provision) Regulations 2022**

PART 1

Citation and interpretation

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1.—(1) These Regulations may be cited as the Health and Care Act 2022 (Commencement No. 2 and Transitional and Saving Provision) Regulations 2022.

(2) In these Regulations—

“the 2006 Act” means the National Health Service Act 2006(1);

“the 2012 Act” means the Health and Social Care Act 2012(2);

“the 2022 Act” means the Health and Care Act 2022;

“the Authority” means the Special Health Authority established in accordance with article 2 of the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012(3);

“financial year” has the meanings given in section 14Z52(8) and 275(1) of the 2006 Act(4);

“predecessor clinical commissioning group”, in relation to an integrated care board, means—

- (a) a clinical commissioning group whose area, as it was immediately before 1st July 2022, is wholly contained within the area of the integrated care board, or
- (b) a clinical commissioning group in relation to which an integrated care board is a transferee specified in a transfer scheme made pursuant to section 14Z28 of the NHS Act 2006(5);

“successor integrated care board”, in relation to a clinical commissioning group, means—

- (a) where the area of an integrated care board contains the entirety of a clinical commissioning group’s area as it was immediately before 1st July 2022, that integrated care board;
- (b) where the area of an integrated care board does not contain the entirety of a clinical commissioning group’s area as it was immediately before 1st July 2022—
 - (i) in relation to—
 - (aa) regulation 22 (transitional provision in relation to primary care services);

(1) 2006 c. 41.

(2) 2012 c. 7.

(3) S.I. 2012/901.

(4) Section 14Z52 of the 2006 Act is inserted by section 25 of the 2022 Act.

(5) Section 14Z28 was inserted by section 19 of the 2022 Act.

- (bb) regulation 31 (transitional and saving provision: complaints about clinical commissioning groups); or
- (cc) regulation 32 (transitional provision: applications to court in respect of children in secure accommodation),
(the “relevant regulation”), the integrated care board which has responsibility (within the meaning of section 14Z31 of the 2006 Act and the National Health Service (Integrated Care Boards: Responsibilities) Regulations 2022⁽⁶⁾) for persons affected by any act or omission under the relevant regulation for which that clinical commissioning group, prior to its abolition, was responsible;

(ii) in relation to—

- (aa) regulation 23 (transitional and saving provision: annual reports of clinical commissioning groups);
- (bb) regulation 28 (transitional and saving provision: clinical commissioning group accounts);
- (cc) regulation 30 (transitional provision: winding up of the affairs of clinical commissioning groups); or
- (dd) regulation 33 (transitional provision: joint forward plans and joint capital resource use plans),

the integrated care board which is the primary transferee of the assets and liabilities of that clinical commissioning group specified in a transfer scheme made pursuant to section 14Z28 of the 2006 Act.