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STATUTORY INSTRUMENTS

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**2022 No. 1189**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (NHS Payment Scheme – Consultation) Regulations 2022**

<i>Made</i>	- - - -	<i>15th November 2022</i>
<i>Laid before Parliament</i>		<i>16th November 2022</i>
<i>Coming into force</i>	- -	<i>12th December 2022</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 114C(8)(b), 150(1), and 304(1) and (9) of the Health and Social Care Act 2012<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (NHS Payment Scheme – Consultation) Regulations 2022.

(2) These Regulations come into force on 12th December 2022.

**Meaning of “relevant provider”**

2.—(1) For the purposes of section 114C(8)(b) of the Health and Social Care Act 2012 (the NHS payment scheme: impact assessment and consultation), “relevant provider” means a person who provides a relevant service for which the proposed NHS payment scheme contains rules for determining the price payable by a commissioner.

(2) In this regulation, “relevant service” means—

- (a) a health care service for the purposes of the NHS<sup>(2)</sup>, or
- (b) a service provided in pursuance of arrangements made by NHS England or an integrated care board, by virtue of section 7A or 7B of the National Health Service Act 2006 (Secretary of State’s public health functions).

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(1) 2012 c. 7. Section 114C was inserted by the Health and Care Act 2022 (c. 31), section 77 and Schedule 10, paragraphs 1 and 3. Section 150(1) is cited for the meaning of “prescribed”.

(2) See section 150(1) of the Act for the meaning of “health care services” and “the NHS”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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15th November 2022

*Will Quince*  
Minister of State,  
Department of Health and Social Care

## **EXPLANATORY NOTE**

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

These Regulations make provision concerning the consultation that NHS England must conduct prior to publishing the NHS payment scheme.

Regulation 2 prescribes the descriptions of persons who are to be considered “relevant providers” for the purpose of section 114C(8)(b) of the Health and Social Care Act 2012, and who must therefore be consulted by NHS England on the proposed NHS payment scheme under the process set out in sections 114C to 114F of that Act.