
DRAFT STATUTORY INSTRUMENTS

2012 No.

**The National Health Service (Clinical Commissioning Groups
— Disapplication of Responsibility) Regulations 2012**

Persons for whom a CCG does not have responsibility in relation to its duty to commission services

2.—(1) For the purposes of section 3 of the 2006 Act⁽¹⁾ (duties of CCGs as to commissioning certain health services), subsection (1A) of that section⁽²⁾ does not apply—

- (a) to the persons listed in paragraph (2); or
- (b) in the circumstances prescribed in paragraph (3).

(2) The list of persons referred to in paragraph (1)(a) is as follows—

- (a) a person usually resident in Northern Ireland who is provided with primary medical services by a member of the CCG;
- (b) a person usually resident in Scotland who is provided with primary medical services by a member of the CCG;
- (c) a person usually resident in Wales who is provided with primary medical services by a member of the CCG;
- (d) a person for whom the CCG would normally have responsibility under section 3(1A)(a) of the 2006 Act but who has been accepted as a temporary resident by a member of another CCG;
- (e) a person provided, by a member of the CCG, only with primary medical services other than those of a description prescribed under section 14A(4) of the 2006 Act⁽³⁾ (general duties of Board in relation to clinical commissioning groups);
- (f) a person detained in—
 - (i) an immigration removal centre;
 - (ii) a secure training centre; or
 - (iii) a young offender institution;
- (g) a person for whom another CCG is responsible by virtue of—
 - (i) regulation 4 of, and paragraph 2(c) of Schedule 1 to, the Responsibilities Regulations 2012;
 - (ii) regulation 4 of, and paragraph 2(g) of Schedule 1 to, the Responsibilities Regulations 2012; or
 - (iii) regulation 4 of, and paragraph 2(j) of Schedule 1 to, the Responsibilities Regulations 2012.

(1) Section 3 is amended by section 13 of the 2012 Act.

(2) Subsection (1A) is part of the insertion made by section 13(3) of the 2012 Act.

(3) Section 14A is part of the insertion into the 2006 Act of a new Chapter A2. The insertion is made by section 25(1) of the 2012 Act. By virtue of section 14A(4), a “provider of primary medical services” for the purposes of Chapter A2 is a party to an arrangement to provide primary medical services of a prescribed description. That power has been exercised in making the [National Health Service \(Clinical Commissioning Groups\) Regulations 2012 S.I 2012/1631](#) - see regulation 2.

- (3) The circumstances referred to in paragraph (1)(b) are—
- (a) the provision to a person of ambulance services or accident and emergency services, whether provided at a hospital accident and emergency department, a minor injuries unit, a walk-in centre or elsewhere (but excluding any services provided after the person has been accepted as an in-patient, or at an out-patient appointment) where another CCG has responsibility for such provision by virtue of regulation 4 of, and paragraph 2(a) of Schedule 1 to, the Responsibilities Regulations 2012;
 - (b) the provision of accommodation or services in a care home, children’s home or independent hospital where another CCG has responsibility for such provision by virtue of regulation 4 of, and paragraph 2(b), 2(d), 2(e) or 2(f) of Schedule 1 to, the Responsibilities Regulations 2012.
- (4) In paragraph (2)(d), the reference to a person who has been accepted as a temporary resident means—
- (a) a person accepted by a contractor as a temporary resident under paragraph 16 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004⁽⁴⁾ or under paragraph 15 of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004⁽⁵⁾, and for whom that contractor’s responsibility has not been terminated in accordance with the relevant one of those two paragraphs, or
 - (b) a person accepted by a provider of services as a temporary resident under the terms of an arrangement under section 83 of the 2006 Act (primary medical services), and for whom that contractor’s responsibility has not been terminated in accordance with that arrangement.

(4) [S.I. 2004/291](#) to which there are amendments not relevant to these Regulations.

(5) [S.I. 2004/627](#) to which there are amendments not relevant to these Regulations.