

## EXPLANATORY NOTE

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

These Regulations amend Regulations 5 and 6 of the National Health Service (Licensing and Pricing) Regulations 2013 (“the 2013 Regulations”). (Regulation 5 of the 2013 Regulations prescribes the “objection percentage” and the “share of supply percentage” for the purposes of section 120(2) of the Health and Social Care Act 2012 (responses to consultation) (“the Act”). Regulation 6 of the 2013 Regulations prescribes the description of relevant provider for the purposes of section 118(14) (b) of the Act (consultation on proposals for the national tariff), which description is also relied on in sections 120 and 121 to, and Schedule 12 of, the Act, by virtue of section 120(7).)

Regulation 2(2) amends the prescribed percentages for objection thresholds in regulation 5 (consultation on the proposed national tariff) of the 2013 Regulations to increase the clinical commissioning group and provider objection percentages from 51 per cent to 66 per cent, and to remove the share of supply percentage. Regulation 2(3) amends the definition of relevant provider in regulation 6 (meaning of “relevant provider”) of the 2013 Regulations as a consequence of removing the share of supply percentage.

A full impact assessment has not been produced for this instrument as no significant effect on business, charities, voluntary bodies or the public sector is foreseen. A full Impact Assessment was produced in relation to the provisions of the Act and a copy is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/215819/dh\\_129916.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/215819/dh_129916.pdf). A hard copy can be obtained by writing to the Department of Health, 79 Whitehall, London, SW1A 2NS.