



Health and Care Act 2022

2022 CHAPTER 31

PART 1

HEALTH SERVICE IN ENGLAND: INTEGRATION, COLLABORATION AND OTHER CHANGES

NHS England

2 Power to require commissioning of specialised services

(1) Section 3B of the National Health Service Act 2006 (Secretary of State’s power to require commissioning of services) is amended as follows.

(2) For subsection (2) substitute—

“(2) A service or facility may be prescribed under subsection (1)(d) only if the Secretary of State considers that it would be appropriate for NHS England to arrange for the provision of that service or facility (whether by NHS England making arrangements itself or by giving directions under section 13YB or making arrangements under section 65Z5).”

(3) In subsection (3), omit paragraph (d).

(4) After subsection (4) insert—

“(4A) If the Secretary of State refuses a request by NHS England to revoke provision made by regulations under subsection (1)(d) prescribing a service or facility, the Secretary of State must explain why to NHS England.”