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## EXPLANATORY NOTE

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

These Regulations prescribe the consultation which must take place in accordance with section 25(3) of, and paragraphs 28(3) and 29(4) of Schedule 4 to the National Health Service Act 2006 where an NHS trust is established, dissolved or its establishment order is amended, or an order is made transferring property and liabilities of a dissolving trust.

In particular—

- regulation 2 provides for the consultation which must take place before the Secretary of State makes an establishment or dissolution order, or an order amending an establishment order, and disapplies the requirements where an order is made to designate the trust as a Care Trust or following the publication of a final report of a trust special administrator;
- regulation 3 provides for the consultation which must take place before the Secretary of State makes a transfer order;
- regulation 4 makes provision for combined and joint consultations in specified circumstances and disapplies the consultation requirements relating to the making of a dissolution order and related establishment and transfer orders where that order is to be made following the publication of a final report of a trust special administrator;
- regulation 5 revokes the National Health Service Trusts (Consultation on Establishment and Dissolution) Regulations 1996 and regulation 9 of the Care Trusts (Applications and Consultation Regulations 2001 in so far as they relate to England.

A full impact assessment has not been produced for this instrument as no impact on private or voluntary sectors is foreseen.