
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the membership, name, establishment and governance of a Clinical Commissioning Group (“CCG”), and also for the variation of a CCG’s constitution, and for the merger and dissolution of CCGs.

Under section 14A of the National Health Service Act 2006 (“the 2006 Act”), inserted by section 25(1) of the Health and Social Care Act 2012 (“the 2012 Act”), each “provider of primary medical services” must be a member of a CCG, and the areas of all CCGs must cover the whole of England but must not coincide or overlap with each other. A “provider of primary medical services” for this purpose is confined to GPs and others who provide essential primary medical services to registered patients of theirs during core hours (regulation 2).

The name of a CCG must begin with “NHS” and end with “Clinical Commissioning Group”, and must also include a geographical reference which fairly and accurately represents the CCG’s area (regulations 3 to 6).

Schedules 1 to 3 set out various factors which the National Health Service Commissioning Board will consider in connection with an application to establish a CCG, or when an established one seeks to vary its constitution, to be dissolved, or to merge with another CCG (regulations 7 and 9). The Board may choose in certain circumstances to grant an application for establishment only conditionally: regulation 8. The procedure to be followed by the Board in considering such applications must be published, and comply with the requirements of regulation 10.

Regulations 11 to 16 set out various requirements relating to the governance of a CCG. Regulations 11 and 12 provide for each CCG to have a governing body with at least six members including the CCG’s accounting officer, a professionally qualified accountant, a registered nurse, an NHS consultant (or retired consultant) and two lay persons, one of whom must have knowledge of financial management and audit, and the other knowledge of the local area. Certain descriptions of individual are not to count as lay persons, but may otherwise be members of a CCG’s governing body: these are listed in Schedule 4; and certain descriptions of individual are disqualified from membership of the governing body: these are listed in Schedule 5. The chair and deputy chair of the governing body are to be appointed by the CCG as a whole: regulation 13, and provision is made in regulations 14 and 15 for the chair and membership of the CCG’s audit and remuneration committees. Regulation 16 requires the CCG’s governing body to publish the papers which it considers at meetings of that body, and also certain information about the remuneration of senior employees, unless the governing body considers publication not to be in the public interest in any particular case.

An impact assessment has not been produced for this instrument as the instrument itself has no impact on the private sector or civil society organisations. A full impact assessment has been produced in relation to the provisions of the 2012 Act and a copy is available at http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_123583.