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STATUTORY INSTRUMENTS

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**2012 No. 2996**

**The National Health Service Commissioning  
Board and Clinical Commissioning Groups  
(Responsibilities and Standing Rules) Regulations 2012**

**PART 8**

Standing rules: choice of health service provider

**[<sup>F1</sup>Qualification of providers: criteria**

**42C.** The criteria referred to in regulation 42B(4) to (6) are that—

- (a) the provider must be registered with the Care Quality Commission under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the regulated activities which are relevant to the services to be provided;
- (b) the provider must, unless exempt, hold a provider licence issued by NHS England under Chapter 3 of Part 3 of the 2012 Act;
- (c) the provider must demonstrate to the satisfaction of the relevant body that it will be able to comply with the terms and conditions of the NHS Standard Contract, including those in any supporting schedules, in respect of the services to be provided and in relation to the location from which those services will be provided;
- (d) the provider must demonstrate that it—
  - (i) is a member of an NHS Clinical Negligence Scheme under the National Health Service (Clinical Negligence Scheme) Regulations 2015 or the National Health Service (Clinical Negligence Scheme for General Practice) Regulations 2019,
  - (ii) has undertaken to join such a scheme, or
  - (iii) has put in place equivalent alternative indemnity arrangements to the satisfaction of the relevant body.]

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**Textual Amendments**

- F1** [Regs. 42A-42D inserted \(1.1.2024\) by The National Health Service Commissioning Board and Clinical Commissioning Groups \(Responsibilities and Standing Rules\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/1105\), regs. 1\(b\), 2\(4\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012, Section 42C.