
STATUTORY INSTRUMENTS

2013 No. 593

**The National Health Service Trusts
(Establishment) Amendment Order 2013**

Citation and commencement

1. This Order may be cited as the National Health Service Trusts (Establishment) Amendment Order 2013 and comes into force on 1st April 2013.

Amendment of National Health Service Trust establishment Orders

2.—(1) For the definition of “community health services” in article 1(2) of each of the Orders listed in Schedule 1, substitute—

““community health services” means any services—

- (a) whose provision must be arranged by a clinical commissioning group under section 3(1)(d) or (e) of the Act⁽¹⁾;
- (b) which are of a kind mentioned in section 3(1)(d) or (e) of the Act, but—
 - (i) whose provision must be arranged by the Board under regulations made under section 3B of the Act⁽²⁾; or
 - (ii) which may be provided by the Secretary of State or a local authority under section 2B of the Act;
- (c) which a local authority must provide under paragraph 1 of Schedule 1 to the Act⁽³⁾;
- (d) which a local authority may provide under paragraph 2 or 7A of Schedule 1 to the Act⁽⁴⁾; or
- (e) which the Secretary of State must provide under paragraph 8 of Schedule 1 to the Act;”.

(2) In article 1(2) of each of the Orders listed in Schedule 2—

(a) before the definition of “the Act”, insert—

““the 2006 Act” means the National Health Service Act 2006;”, and

(b) for the definition of “community health services” substitute—

““community health services” means any services—

- (a) whose provision must be arranged by a clinical commissioning group under section 3(1)(d) or (e) of the 2006 Act;
- (b) which are of a kind mentioned in section 3(1)(d) or (e) of the 2006 Act, but—

(1) Section 3(1) of the 2006 Act was amended by section 13(1) and (2) of the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”).

(2) Section 3B of the 2006 Act was inserted by section 15 of the 2012 Act. The regulations made under that section are currently the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996).

(3) Paragraph 1 of Schedule 1 to the 2006 Act was amended by section 17(2) and (3) of the 2012 Act.

(4) Paragraph 2 of Schedule 1 to the 2006 Act was amended by section 17(2) and (4) of the 2012 Act, and paragraph 7A of Schedule 1 to the 2006 Act was inserted by section 143(1) of the Health and Social Care Act 2008 (c. 14) and amended by section 17(2) and (7) of the 2012 Act.

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- (i) whose provision must be arranged by the Board under regulations made under section 3B of the 2006 Act; or
- (ii) which may be provided by the Secretary of State or a local authority under section 2B of the 2006 Act;
- (c) which a local authority must provide under paragraph 1 of Schedule 1 to the 2006 Act;
- (d) which a local authority may provide under paragraph 2 or 7A of Schedule 1 to the 2006 Act; or
- (e) which the Secretary of State must provide under paragraph 8 of Schedule 1 to the 2006 Act;”.

Signed by authority of the Secretary of State for Health.

12th March 2013

Earl Howe
Parliamentary Under-Secretary of State,
Department of Health