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STATUTORY INSTRUMENTS

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**2014 No. 2827**

**The Care and Support (Assessment) Regulations 2014**

**NHS Continuing Healthcare**

7.—(1) Where it appears to a local authority carrying out a needs assessment that the individual to whom the assessment relates may be eligible for NHS continuing healthcare<sup>(1)</sup>, the local authority must refer the individual to the relevant body.

(2) Where it appears to a local authority carrying out a child’s needs assessment that the child may, after becoming 18, be eligible for NHS continuing healthcare, the local authority must refer the individual to the relevant body.

(3) In performing its duties under this regulation, a local authority must have regard to the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care issued by the Secretary of State and dated 28 November 2012<sup>(2)</sup>.

(4) The “relevant body” means the National Health Service Commissioning Board<sup>(3)</sup> or a clinical commissioning group<sup>(4)</sup> as the case may be, which appears to the local authority to have responsibility for the individual by reason of regulation 20(2) of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012<sup>(5)</sup>.

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(1) See section 12(10) of the Act for the meaning of “NHS continuing healthcare”.

(2) (C)opies available from the Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS and at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/213137/National-Framework-for-NHS-CHC-NHS-FNC-Nov-2012.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213137/National-Framework-for-NHS-CHC-NHS-FNC-Nov-2012.pdf).

(3) The National Health Service Commissioning Board is established by section 1H of the National Health Service Act 2006 (c.41). Section 1H was inserted by section 9(1) of the Health and Social Care Act 2012 (c.7).

(4) A clinical commissioning group is a body established under section 14D of the National Health Service Act 2006. Section 14D was inserted by section 25(1) of the Health and Social Care Act 2012.

(5) S.I. 2012/2996.