
STATUTORY INSTRUMENTS

2022 No. 634

The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022

PART 7

Other consequential and transitional provisions

Amendment of the National Health Service (Property Expenses Scheme) (England) Regulations 2018

219.—(1) The National Health Service (Property Expenses Scheme) (England) Regulations 2018(1) are amended as follows.

(2) In regulation 5, at the beginning insert—

“(A1) Every integrated care board is a member of the Scheme from the beginning of 1st July 2022 (subject to any cancellation of the membership under regulation 6 (cancellation by a member) or 7 (cancellation by the Secretary of State)).”.

(3) After regulation 17 insert—

“Provision that is consequential on the Health and Care Act 2022: liabilities transferred to integrated care boards and NHS England

18.—(1) A claim for an expense of a CCG that was made and not determined or paid before 1st July 2022 continues as a claim of the relevant integrated care board.

(2) An expense of a CCG that arose and was not claimed before 1st July 2022 may be the subject of a claim on or after that date by the relevant integrated care board.

(3) A claim for an expense of NHS TDA which was made and not determined or paid before 1st July 2022 continues as a claim of NHS England.

(4) An expense of NHS TDA which arose and was not claimed before 1st July 2022 may be the subject of a claim on or after that date by NHS England.

(5) An expense of Monitor which—

(a) arose before 1st July 2022, and

(b) is an expense of the kind which may be claimed by a member under the Scheme, may be claimed on or after that date by NHS England.

(6) In this Regulation—

“a CCG” means a body corporate which, immediately before 1st July 2022, was established in accordance with Chapter A2 of Part 2 of the 2006 Act;

“claim” means a claim under the Scheme;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“expense” means an expense to which the Scheme applies;

“Monitor” means the body corporate which, immediately before 1st July 2022, was known as Monitor in accordance with section 61 of the Health and Social Care Act 2012;

“NHS TDA” means the Special Health Authority which, immediately before 1st July 2022, was established in accordance with article 2 of the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012;

“relevant integrated care board” means the integrated care board to whom the liability was transferred under section 14Z28 of the 2006 Act.”.