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STATUTORY INSTRUMENTS

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**2022 No. 635**

**The National Health Service (Integrated Care Boards: Responsibilities) Regulations 2022**

**PART 2**

**Additional persons for whom an integrated care board has responsibility**

**Additional persons for whom an ICB has responsibility: general**

**3.—**(1) For the purposes of sections 3 and 3A of the NHS Act 2006 (duties and powers of ICBs to commission certain health services), in addition to the group of people for whom it has core responsibility (see section 14Z31 of that Act), an ICB has responsibility for the persons listed in paragraph 2 of the Schedule.

(2) In the case of a person listed in paragraph 2(a), (b), (d), (e), (f), (h) or (j) of the Schedule, an ICB has responsibility only in relation to the provision of accommodation or services specified in the relevant sub-paragraph.

(3) The responsibility for a person listed in paragraph 2(c), (g), (i) or (k) of the Schedule does not apply in relation to the provision of emergency ambulance services or accident and emergency services, whether provided at a hospital accident and emergency department, an urgent treatment centre or elsewhere (but excluding any services provided after the person has been accepted as an in-patient, or at an out-patient appointment).

**Additional persons for whom an ICB has responsibility: arrangements for the provision of vehicles**

**4.** For the purposes of paragraph 9 of Schedule 1 to the NHS Act 2006 (arrangements for the provision of vehicles (including wheelchairs) for people for whom an ICB has responsibility), in addition to the group of people for whom it has core responsibility (see section 14Z31 of that Act), an ICB has responsibility for the persons listed in paragraph 2 of the Schedule.

**Additional persons for whom an ICB has responsibility: persons detained under the Mental Health Act 1983 pursuant to an application made on or after the coming into force of these Regulations**

**5.—**(1) For the purposes of sections 3 and 3A of the NHS Act 2006 (duties and powers of ICBs to commission certain health services), in addition to the group of people for whom it has core responsibility (see section 14Z31 of that Act), an ICB has responsibility to arrange for the provision of mental health services during the course of the person's detention under the Mental Health Act 1983 for each person—

- (a) who is detained under the Mental Health Act 1983 in a hospital or registered establishment pursuant to a relevant application made on or after the coming into force of these Regulations;

- (b) who is a qualifying patient within the meaning of section 130C of the Mental Health Act 1983; and
- (c) for whom the ICB had core responsibility when the relevant application resulting in the person's detention was made.

(2) In this regulation, an application for detention, made in respect of a person, is an application for the person's admission to a hospital or registered establishment made in accordance with Part 2 of the Mental Health Act 1983.

(3) In this regulation—

“exclusion period”, in relation to a person who is detained under the Mental Health Act 1983, means a period—

- (a) beginning with the person's detention under the Mental Health Act 1983; and
- (b) ending with the person's next discharge from after-care services;

“relevant application” means an application for detention made outside of the exclusion period.

**Additional persons for whom an ICB has responsibility: other persons detained, or in detention, under the Mental Health Act 1983**

6.—(1) For the purposes of sections 3 and 3A of the NHS Act 2006 (duties and powers of ICBs to commission certain health services), in addition to the group of people for whom it has core responsibility (see section 14Z31 of that Act), an ICB has responsibility to arrange for the provision of mental health services during the course of the person's detention under the Mental Health Act 1983 for each person—

- (a) to whom paragraph (2), (3) or (4) applies;
- (b) who is a qualifying patient within the meaning of section 130C of the Mental Health Act 1983; and
- (c) for whom the ICB has core responsibility on the coming into force of these Regulations.

(2) This paragraph applies to a person who—

- (a) was in detention under the Mental Health Act 1983 on the coming into force of these Regulations; and
- (b) either—
  - (i) has not been discharged from that detention; or
  - (ii) where the person has been discharged from that detention, has not been discharged from after-care services subsequent to that detention prior to being further detained under the Mental Health Act 1983.

(3) This paragraph applies to a person who—

- (a) is detained under the Mental Health Act 1983 on or after the coming into force of these Regulations in pursuance of an application for detention made before these Regulations came into force; and
- (b) either—
  - (i) has not been discharged from that detention; or
  - (ii) where the person has been discharged from that detention, has not been discharged from after-care services subsequent to that detention prior to being further detained under the Mental Health Act 1983.

(4) This paragraph applies to a person who—

- (a) was being provided with after-care services on the coming into force of these Regulations in relation to a period of detention under the Mental Health Act 1983 occurring before these Regulations came into force;
  - (b) has not been discharged from those after-care services;
  - (c) is detained under that Act after the coming into force of these Regulations (“detention 2”) (regardless of when the application for detention relating to detention 2 was made); and
  - (d) either—
    - (i) has not been discharged from detention 2; or
    - (ii) where the person has been discharged from detention 2, has not been discharged from after-care services subsequent to detention 2 prior to being further detained under the Mental Health Act 1983.
- (5) In this regulation—
- (a) an application for detention, made in relation to a person, is an application for the person’s admission to a hospital or registered establishment made in accordance with Part 2 of the Mental Health Act 1983;
  - (b) references to a person’s detention are to a person’s detention in a hospital or registered establishment.