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STATUTORY INSTRUMENTS

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**2023 No. 1348**

**The Health Care Services (Provider Selection Regime) Regulations 2023**

**PART 1**

**General**

**Interpretation**

2.—(1) In these Regulations—

“basic selection criteria” means the selection criteria determined by the relevant authority<sup>(1)</sup> in accordance with regulation 19 and Schedule 16;

“Competitive Process” means the process set out in regulation 11 for the award of a contract with a competition;

“contract or framework award criteria” means the criteria on which the award of a contract, or conclusion of a framework agreement, is based;

“CPV” means the Common Procurement Vocabulary, as adopted by Regulation (EC) No. 2195/2002 of the European Parliament and of the Council<sup>(2)</sup>;

“Direct Award Process A” means the process set out in regulation 7 for the award of a contract without a competition;

“Direct Award Process B” means the process set out in regulation 8 for the award of a contract without a competition;

“Direct Award Process C” means the process set out in regulation 9 for the award of a contract without a competition;

“existing provider”—

- (a) means a provider with whom a relevant authority has a contract for the provision of relevant health care services which has not expired or otherwise been terminated; and
- (b) in a case where the identity of a provider with whom a relevant authority has such a contract is expected to change due to succession into the position of provider following corporate changes including takeover, merger, acquisition or insolvency, includes the provider in its changed identity;

“framework agreement” means an agreement between one or more relevant authorities and one or more providers concluded and operated in accordance with Part 3;

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(1) “Relevant authority” is defined in section 12ZB(7) of the National Health Service Act 2006. It means a combined authority, an integrated care board, a local authority in England, NHS England, an NHS foundation trust or an NHS trust established under section 25 of that Act.

(2) EUR 2002/2195. The codes have been amended by S.I. 2023/601.

“health-related services” has the same meaning as in section 13N of the National Health Service Act 2006(3);

“key criteria” means the criteria set out in regulation 5;

“Most Suitable Provider Process” means the process set out in regulation 10 for the award of a contract without a competition;

“procurement principles” means the principles in regulation 4;

“provider” means a person who provides, or offers to provide, relevant health care services for the purposes of the health service(4) in England;

“relevant health care services” means health care services(5) which fall within one or more of the CPV codes specified in the table in Schedule 1, to the extent described in that table (and see regulation 3(5));

“social care services” has the same meaning as in section 13N of the National Health Service Act 2006;

“standstill period” has the meaning given by regulation 12;

“UK e-notification service” means a single web-based portal which is provided, for purposes which include the purposes of these Regulations, by or on behalf of the Cabinet Office.

(2) Nothing in these Regulations prevents the award of a contract to more than one provider, either jointly or otherwise.

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(3) Section 13N was inserted by section 23 of the Health and Social Care Act 2012 and relevant amendments made by section 3(6) of the Care Act 2014 (c. 23) and Schedules 1 and 4 to the Health and Care Act 2022.

(4) “The health service” is defined in section 275(1) of the National Health Service Act 2006 as the health service continued under section 1(1) of that Act.

(5) “Health care service” is defined in section 12ZB(7) of the National Health Service Act 2006 as having the same meaning as in Part 3 of the Health and Social Care Act 2012 (c. 7; see section 150 of that Act).