
STATUTORY INSTRUMENTS

2023 No. 223

The National Health Service (Joint Working and Delegation Arrangements) (England) (Amendment) Regulations 2023

Amendment of the National Health Service (Joint Working and Delegation Arrangements) (England) Regulations 2022

2.—(1) The National Health Service (Joint Working and Delegation Arrangements) (England) Regulations 2022(1) are amended as follows.

(2) After regulation 1 insert—

“Interpretation

1A. In these Regulations—

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

“relevant body” has the meaning given in regulation 2(1) of the Standing Rules;

“the Standing Rules” means the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(2).”

(3) In regulation 2 (joint working and delegation arrangements)—

(a) for “the National Health Service Act 2006” substitute “the 2006 Act”;

(b) in paragraph (a), for “the National Health Service Act 2006” substitute “the 2006 Act”;

(c) at the end of sub-paragraph (b)(iii), omit “and”;

(d) at the end of paragraph (c), for “.” substitute “; and”; and

(e) after paragraph (c) insert—

“(d) regulation 23 of the Standing Rules (the Board’s duty: reviewing decisions).”.

(4) After regulation 2 insert—

“Functions relating to NHS Continuing Healthcare and NHS funded nursing care

3. The power in section 65Z5(1) of the 2006 Act does not apply in relation to the functions of NHS England and integrated care boards arising under or by virtue of sections 3, 3A or 3B of the 2006 Act insofar as they relate to—

(1) [S.I. 2022/642](#).

(2) [S.I. 2012/2996](#). Under the Health and Care Act 2022, the NHS Commissioning Board was renamed NHS England (section 1) and NHS England was required to establish integrated care boards to take on the commissioning functions of clinical commissioning groups (section 19, which inserts new Chapter A3 into Part 2 of the 2006 Act), which it did on 1st July 2022 in accordance with [S.I. 2022/632](#). As a consequence of those changes, paragraph 1(1) of the Schedule to [S.I. 2022/634](#) substitutes “CCG” with “integrated care board” in regulation 23 and in the definition of “relevant body” in regulation 2(1) of [S.I. 2012/2996](#). In addition, under paragraph 1(3) of Schedule 1 to the Health and Care Act 2022, the references to the National Health Service Commissioning Board (defined as “the Board” in regulation 2(1)) in regulation 23 and in the definition of “relevant body” in regulation 2(1) of [S.I. 2012/2996](#) are to be read, in relation to any time on or after 1st July 2022, as a reference to NHS England.

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

- (a) deciding whether a person has a primary health need in accordance with paragraph (5)(b) of regulation 21(3) of the Standing Rules (duty of relevant bodies: assessment and provision of NHS Continuing Healthcare); and
- (b) determining whether a person has a need for nursing care in accordance with regulation 28(4) of the Standing Rules (persons who enter relevant premises or who develop a need for nursing care) but the power continues to apply in relation to an assessment of the need for nursing care under paragraph (1) of that regulation.”.

(3) Paragraph (5)(a)(ii) of regulation 21, which contains information about the Decisions Support Tool, was amended by regulation 2(3)(b) of [S.I. 2018/283](#).

(4) Regulation 28 was amended by [S.I. 2014/1611](#) and [2015/415](#).