
STATUTORY INSTRUMENTS

2023 No. 223

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

Saving provision: decisions and determinations relating to NHS Continuing Healthcare and NHS funded nursing care

3.—(1) This regulation applies where NHS England or an integrated care board has entered into a relevant delegation or joint working arrangement in the period beginning with 1st July 2022 and ending when this instrument comes into force.

(2) Any determination or decision made on behalf of, or jointly with, NHS England or an integrated care board (“the delegating authorities”) pursuant to a relevant delegation or joint working arrangement continues to be effective as if the decision or determination was a decision or determination of the relevant delegating authority alone.

(3) For the purposes of this regulation, a “relevant delegation or joint working arrangement” is an arrangement entered into by NHS England or an integrated care board with a relevant body pursuant to section 65Z5(1) of the 2006 Act for the exercise of their respective functions under or by virtue of sections 3, 3A of 3B of the 2006 Act insofar as they relate to—

- (a) deciding whether a person has a primary health need in accordance with paragraph (5) (b) of regulation 21 of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (“the Standing Rules”); or
- (b) determining whether a person has a need for nursing care as prescribed by regulation 28 of the Standing Rules.