
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part 4 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218) (“the 2013 Regulations”). This is necessary due to the coming into force of Schedule 10A to the National Health Service Act 2006 (c. 41) (“the 2006 Act”) (see the Health and Care Act 2022 (Commencement No. 8 and Transitional and Saving Provision) Regulations 2023 (S.I. 2023/1431)). Paragraph 3(1) of Schedule 10A introduces a new power for the Secretary of State to intervene in respect of proposed reconfigurations of NHS services. Part 4 of the 2013 Regulations makes provision in relation to the functions of local authorities in scrutinising proposed changes to health services in their areas and includes the ability to report certain reconfiguration proposals to the Secretary of State. These Regulations make changes to the local scrutiny procedure set out under the 2013 Regulations in light of the new Secretary of State intervention power.

Regulation 2 inserts a provision into regulation 23 of the 2013 Regulations, which provides that a responsible person (namely NHS England or an integrated care board) must consider any direction given to it under paragraph 3(1) of Schedule 10A to the 2006 Act when discharging its duties under Regulation 23 of the 2013 Regulations. The regulation also omits other provisions within the 2013 Regulations to remove the ability of local authorities and joint overview and scrutiny committees to report proposals to the Secretary of State under regulation 23(9) of the 2013 Regulations and to remove Secretary of State and NHS England powers in relation to those reports.

Regulation 3 contains saving provision such that proposals that have been reported to the Secretary of State by a local authority or joint overview and scrutiny committee before the coming into force of these Regulations are subject to the pre-existing procedures in Part 4 of the 2013 Regulations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.