Draft Regulations laid before Parliament under section 304(5)(g) of the Health and Social Care Act 2012, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2015 No. 000

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Licensing and Pricing) (Amendment) Regulations 2015

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 118(14)(b), 120(2), 120(6), 150(1) and 304(9) and (10) of the Health and Social Care Act 2012(**a**).

A draft of these Regulations was laid before Parliament in accordance with section 304(5)(g) of the Health and Social Care Act 2012, and was approved by resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the National Health Service (Licensing and Pricing) (Amendment) Regulations 2015 and come into force on the day after the day on which they are made.

Amendment of the National Health Service (Licensing and Pricing) Regulations 2013

2.—(1) The National Health Service (Licensing and Pricing) Regulations 2013(**b**) are amended as follows.

(2) In regulation 5 (consultation on the proposed national tariff)—

(a) in paragraph (1), for "51 per cent" substitute "66 per cent";

(b) in paragraph (2), for "51 per cent" substitute "66 per cent"; and

(c) omit paragraphs (3) to (8).

(3) In regulation 6 (meaning of "relevant provider")—

(a) in paragraph (1), for "sections 118(14)(b) and 120(2)(b) and 3(a)" substitute "section 118(14)(b)"; and

(b) omit paragraphs (2) to (4).

Signed by authority of the Secretary of State for Health.

(**a**) 2012 c. 7. *See* section 150(1) of the Health and Social Care Act 2012 for the meaning of "prescribed".
(**b**) S.I. 2013/2214.

Name
Parliamentary Under-Secretary of State,
Date Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Regulations 5 and 6 of the National Health Service (Licensing and Pricing) Regulations 2013 ("the 2013 Regulations"). (Regulation 5 of the 2013 Regulations prescribes the "objection percentage" and the "share of supply percentage" for the purposes of section 120(2) of the Health and Social Care Act 2012 (responses to consultation) ("the Act"). Regulation 6 of the 2013 Regulations prescribes the description of relevant provider for the purposes of section 118(14)(b) of the Act (consultation on proposals for the national tariff), which description is also relied on in sections 120 and 121 to, and Schedule 12 of, the Act, by virtue of section 120(7).)

Regulation 2(2) amends the prescribed percentages for objection thresholds in regulation 5 (consultation on the proposed national tariff) of the 2013 Regulations to increase the clinical commissioning group and provider objection percentages from 51 per cent to 66 per cent, and to remove the share of supply percentage. Regulation 2(3) amends the definition of relevant provider in regulation 6 (meaning of "relevant provider") of the 2013 Regulations as a consequence of removing the share of supply percentage.

A full impact assessment has not been produced for this instrument as no significant effect on business, charities, voluntary bodies or the public sector is foreseen. A full Impact Assessment was produced in relation to the provisions of the Act and a copy is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/215819/dh_129916.pdf. A hard copy can be obtained by writing to the Department of Health, 79 Whitehall, London, SW1A 2NS.

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