Regulation 19 of this Statutory Instrument has been made in consequence of a defect in S.I. 2022/634 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2024 No. 1205

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

HEALTH AND SOCIAL CARE, NORTHERN IRELAND

The Health and Care Act 2022 (Further Consequential Amendments) Regulations 2024

Made - - - -	*21st November 2024*
Laid before Parliament	*22nd November 2024*
Coming into force - -	*16th December 2024*

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25. Amendment of the National Health Service (Licence Exemptions, etc.) Regulations 2013

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 182(1) and 183(1)(a) of the Health and Care Act 2022(**a**).

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Health and Care Act 2022 (Further Consequential Amendments) Regulations 2024 and come into force on 16th December 2024.

(2) This Part extends to England and Wales and Northern Ireland.

(3) Any amendment or revocation made by Parts 2 and 3 of these Regulations has the same extent as the provision amended or revoked.

(**a**) 2022 c. 31.

PART 2

Provisions consequential on the establishment of integrated care boards and the abolition of clinical commissioning groups

Amendment of the National Health Service Trusts (Membership and Procedure) Regulations 1990

2.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990(**a**) are amended as follows.

(2) In regulation 1, in paragraph (2), in the definition of "health service body", in paragraph (a), after "clinical commissioning group," insert "an integrated care board,"(**b**).

(3) In regulation 11 (disqualification for appointment of chairman, vice-chair and non-executive directors), after paragraph (6A) insert—

> "(6B) A person shall not be disqualified by paragraph (1)(e) from being the chairman or a non-executive director of an NHS trust in England where that person is an ordinary member of an integrated care board mentioned in paragraph 8(2)(a) of Schedule 1B to the 2006 Act(**c**)".

Amendment of the Walsall Hospitals National Health Service Trust (Establishment) Order 1990

3. In the Walsall Hospitals National Health Service Trust (Establishment) Order 1990(**d**), in article 1, in paragraph (2), in the definition of "community health services"—

(a) in paragraph (a), for "a clinical commissioning group under section 3(1)(d) or (e)" substitute "an integrated care board under section 3(1)(g) or (i)";

(b) in paragraph (b), in the words before sub-paragraph (i), for "section 3(1)(d) or (e)" substitute "section 3(1)(g) or (i)".

Amendment of the National Health Service Litigation Authority Regulations 1995

4.—(1) The National Health Service Litigation Authority Regulations 1995(**e**) are amended as follows.

(2) In regulation 1, in paragraph (2), in the definition of "health service body", after "means" insert "an integrated care board,".

(3) In regulation 7 (disqualification for appointment), in paragraph (1), in sub-paragraph (e)—

(a) as it applies to England, after "director of" insert "an integrated care board";

(b) as it applies to Wales, after "director of" insert "an integrated care board or".

(**a**) S.I. 1990/2024, amended by S.I. 2012/1641; there are other amending instruments but none is relevant.

(**b**) Integrated care boards were established under Chapter A3 of Part 2 of the National Health Service Act 2006 (c. 41), which was inserted by section 19(2) of the Health and Care Act 2022. They replaced clinical commissioning groups, which immediately before 1st July 2022 were established in accordance with Chapter A2 of Part 2 of the National Health Service Act 2006, which was inserted by section 25(1) of the Health and Social Care Act 2012 (c. 7).

(**c**) 2006 c. 41; paragraph 8 of Schedule 1B was inserted by Schedule 2(1) of the Health and Care Act 2022 (c. 31).

(**d**) S.I. 1990/2451, amended by S.I. 2011/791 and 2013/593; there are other amending instruments but none is relevant.

(**e**) S.I. 1995/2801, amended by S.I. 2000/696 and 2000/2433; there are other amending instruments but none is relevant.

Amendment of the Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004

5.—(1) The Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004(**a**) are amended as follows.

(2) In regulation 1, in paragraph (2), in the definition of "health service body", after sub-paragraph (ad) insert—

"(ae) an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006(**b**);".

(3) In regulation 4 (disqualification for appointment), in paragraph (1)—

(a) in sub-paragraph (f), omit "(other than a clinical commissioning group)";

(b) omit sub-paragraph (fa).

Amendment of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005

6.—(1) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(**c**) are amended as follows.

(2) In regulation 1, in paragraph (2), in the definition of "health service body", in paragraph (a), after "clinical commissioning group," insert "an integrated care board,".

(3) In regulation 3 (disqualification for appointment), in paragraph (1), after sub-paragraph (j) insert—

";

(k) he is a member of an integrated care board".

Amendment of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005

7. In the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(**d**), in regulation 1, in paragraph (2), in the definition of "health service body", in paragraph (a), after "clinical commissioning group," insert "an integrated care board,".

Amendment of the Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009

8.—(1) The Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009(**e**) are amended as follows.

(2) In regulation 1, in paragraph (2)—

(a) in the definition of "former health service body", after "means" insert "a clinical commissioning group,";

(b) in the definition of "health service body", in paragraph (a)—

(i) omit sub-paragraph (iva);

(ii) after sub-paragraph (v) insert—

(**a**) S.R. 2004 No. 37, amended by S.I. 2013/235; there are other amending instruments but none is relevant.
(**b**) 2006 c. 41; Chapter A3 was inserted by section 19(2) of the Health and Care Act 2022 (c. 31).
(**c**) S.I. 2005/2415, amended by S.I. 2012/1641; there are other amending instruments but none is relevant.
(**d**) S.I. 2005/2531, amended by S.I. 2012/1641; there are other amending instruments but none is relevant.
(**e**) S.R. 2009 No. 93, amended by S.I. 2013/235; there are other amending instruments but none is relevant.

"(vi) an integrated care board;".

(3) In regulation 4 (disqualification for appointment)—

(a) in paragraph (1)—

(i) in sub-paragraph (f), omit "(other than a clinical commissioning group)";

(ii) omit sub-paragraph (fa);

(iii) in sub-paragraph (h)—

(aa) omit "(other than a clinical commissioning group)";

(bb) after "former health service body" insert "(other than a clinical commissioning group)";

(b) in paragraph (3)(a)(i)—

(i) omit "(other than a clinical commissioning group)";

(ii) after "former health service body" insert "(other than a clinical commissioning group)".

Amendment of the Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009

9.—(1) The Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009(**a**) are amended as follows.

(2) In regulation 1, in paragraph (2)—

(a) in the definition of "former health service body", after "means" insert "a clinical commissioning group,";

(b) in the definition of "health service body", in paragraph (a)—

(i) omit sub-paragraph (iva);

(ii) after sub-paragraph (v) insert—

"(vi) an integrated care board;".

(3) In regulation 4 (disqualification for appointment)—

(a) in paragraph (1)—

(i) in sub-paragraph (f) omit "(other than a clinical commissioning group)";

(ii) omit sub-paragraph (fa);

(iii) in sub-paragraph (h)—

(aa) omit "(other than a clinical commissioning group)";

(bb) after "former health service body" insert "(other than a clinical commissioning group)";

(b) in paragraph (3)(i)(a)—

(i) omit "(other than a clinical commissioning group)";

(ii) after "former health service body" insert "(other than a clinical commissioning group)".

(**a**) S.R. 2009 No. 97, amended by S.I. 2013/235; there are other amending instruments but none is relevant.

Amendment of the Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009

10.—(1) The Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009(**a**) are amended as follows.

(2) In regulation 1, in paragraph (2)—

(a) in the definition of "former health service body", after "means" insert "a clinical commissioning group,";

(b) in the definition of "health service body", in paragraph (a)—

(i) omit sub-paragraph (iva);

(ii) after sub-paragraph (v) insert—

"(vi) an integrated care board;".

(3) In regulation 3 (disqualification for appointment)—

(a) in paragraph (1)—

(i) in sub-paragraph (f) omit "(other than a clinical commissioning group)";

(ii) omit sub-paragraph (fa);

(iii) in sub-paragraph (h)—

(aa) omit "(other than a clinical commissioning group)";

(bb) after "former health service body" insert "(other than a clinical commissioning group)";

(b) in paragraph (3)(a)(i)—

(i) omit "(other than a clinical commissioning group)";

(ii) after "former health service body" insert "(other than a clinical commissioning group)".

Amendment of the Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009

11.—(1) The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009(**b**) are amended as follows.

(2) In regulation 1, in paragraph (2)—

(a) in the definition of "former health service body", after "means" insert "a clinical commissioning group,";

(b) in the definition of "health service body", in paragraph (a)—

(i) omit sub-paragraph (iva);

(ii) after sub-paragraph (v) insert—

"(vi) an integrated care board;".

(3) In regulation 4 (disqualification for appointment)—

(a) in paragraph (1)—

(i) in sub-paragraph (f) omit "(other than a clinical commissioning group)";

(ii) omit sub-paragraph (fa);

(iii) in sub-paragraph (h)—

(**a**) S.R. 2009 No. 98, amended by S.I. 2013/235; there are other amending instruments but none is relevant.
(**b**) S.R. 2009 No. 395, amended by S.I. 2013/235; there are other amending instruments but none is relevant.

(aa) omit "(other than a clinical commissioning group)";

(bb) after "former health service body" insert "(other than a clinical commissioning group)";

(b) in paragraph (4)(a)(i)—

(i) omit "(other than a clinical commissioning group)";

(ii) after "former health service body" insert "(other than a clinical commissioning group)".

Amendment of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (English language text)

12. In the English language text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(**a**), in regulation 2, in the definition of "health service body", after "means" insert "an integrated care board,".

Amendment of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (Welsh language text)

13. In the Welsh language text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2009), in regulation 2, in the definition of "corff gwasanaeth iechyd", after "yw" insert "bwrdd gofal integredig,".

Amendment of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (English language text)

14. In the English language text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(**b**), in regulation 1, in paragraph (2), in the definition of "health service body", in paragraph (a), after "an NHS foundation trust," insert "an integrated care board,".

Amendment of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (Welsh language text)

15. In the Welsh language text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009), in regulation 1, in paragraph (2), in the definition of "corff gwasanaeth iechyd", in paragraph (a), after "ymddiriedolaeth sefydledig GIG," insert "bwrdd gofal integredig,".

Amendment of the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012 (English language text)

16. In the English language text of the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012(**c**), in regulation 2, in the definition of "health service body", after "means" insert "an integrated care board,".

(**a**) S.I. 2009/779 (W. 67), amended by S.I. 2012/1641; there are other amending instruments but none is relevant.
(**b**) S.I. 2009/1385 (W. 141), to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2012/1261 (W. 156), to which there are amendments not relevant to these Regulations.

Amendment of the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012 (Welsh language text)

17. In the Welsh language text of the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012 (Rheoliadau Pwyllgor Cydwasanaethau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre (Cymru) 2012), in regulation 2, in the definition of "corff gwasanaeth iechyd", after "yw" insert "bwrdd gofal integredig;".

Amendment of the Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012

18.—(1) The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012(**a**) are amended as follows.

(2) In regulation 2—

(a) in the definition of "former health service body", after "means" insert "a clinical commissioning group,";

(b) in the definition of "health service body", in paragraph (a)—

(i) omit (iia);

(ii) after (v) insert—

"(vi) an integrated care board;".

(3) In regulation 5 (disqualification for appointment)—

(a) in paragraph (1)—

(i) in sub-paragraph (f) omit "(other than a clinical commissioning group)";

(ii) omit sub-paragraph (fa);

(iii) in sub-paragraph (h)—

(aa) omit "(other than a clinical commissioning group)";

(bb) after "former health service body" insert "(other than a clinical commissioning group),";

(b) in paragraph (3)(a)(i)—

(i) omit "(other than a clinical commissioning group)";

(ii) after "former health service body" insert "(other than a clinical commissioning group),".

Amendment of the Local Audit (Health Service Bodies Auditor Panel and Independence) Regulations 2015

19. In the Local Audit (Health Service Bodies Auditor Panel and Independence) Regulations 2015(**b**), in regulation 6 (meaning of independent etc.)—

(a) in paragraph (5)(f) for "board members of the health service body" substitute "members of the governing board of the health service body";

(b) in paragraph (5)(g) for "board" substitute "governing board" in each place it occurs;

(c) after paragraph (8) insert—

"(9) For the purposes of paragraph (5)—

(**a**) S.R. 2012 No. 324, amended by S.I. 2013/235; there are other amending instruments but none is relevant.
(**b**) S.I. 2015/18, amended by S.I. 2022/634; there are other amending instruments but none is relevant.

(a) in sub-paragraph (b), in paragraphs (i) and (ii), references to roles in an integrated care board are to be read as including equivalent roles in the predecessor clinical commissioning group for that integrated care board;

(b) in sub-paragraph (b), in paragraph (iii), references to ordinary members of an integrated care board nominated pursuant to paragraphs 8(2)(a) to (c) of Schedule 1B to the National Health Service Act 2006, are to be read as including members of the governing board of the predecessor clinical commissioning group of that integrated care board;

(c) in sub-paragraphs (c) and (d), references to a "health service body" are to be read as including, in the case of an integrated care board, the predecessor clinical commissioning group for that integrated care board;

(d) in sub-paragraph (g), the period of time for which a member has served on the governing board of an integrated care board includes any period of time for which the member has served on the governing body of the predecessor clinical commissioning group for that integrated care board.

(10) For the purposes of paragraph (9), "predecessor clinical commissioning group" in relation to an integrated care board means a body corporate which, immediately before 1st July 2022, was established in accordance with Chapter A2 of Part 2 of the National Health Service Act 2006(**a**), and—

(a) whose area, as it was immediately before 1st July 2022, is wholly contained within the area of the integrated care board, or

(b) in relation to which the integrated care board is a transferee specified in a transfer scheme made pursuant to section 14Z28 of the National Health Service Act 2006(**b**).".

Amendment of the Health Education and Improvement Wales Regulations 2017 (English language text)

20. In the English language text of the Health Education and Improvement Wales Regulations 2017(**c**), in regulation 2, in the definition of "health service body", after paragraph (d) insert—

"(da) an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006(**d**),".

Amendment of the Health Education and Improvement Wales Regulations 2017 (Welsh language text)

21. In the Welsh language text of the Health Education and Improvement Wales Regulations 2017 (Rheoliadau Addysg a Gwella Iechyd Cymru 2017), in regulation 2, in the definition of "corff gwasanaeth iechyd", after paragraph (d) insert—

"(da) bwrdd gofal integredig a sefydlir o dan Bennod A3 o Ran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006,".

(**a**) 2006 c. 41; chapter A2 was inserted by section 25(1) of the Health and Social Care Act 2012 (c. 7).
(**b**) 2006 c. 41; section 14Z28 was inserted by section 19 of the Health and Care Act 2022 (c. 31).
(**c**) S.I. 2017/909 (W. 221), to which there are amendments not relevant to these Regulations.
(**d**) 2006 c. 41; chapter A3 was inserted by section 19(2) of the Health and Care Act 2022 (c. 31).

Amendment of the NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017

22. The NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017(**a**), in Schedule 2, in paragraph 3(2) (disqualification of persons for appointment (chairperson and non-officer members)), after paragraph (o) insert—

";

(p) an integrated care board".

Amendment of the Digital Health and Care Wales (Membership and Procedure) Regulations 2020 (English language text)

23. In the English language text of the Digital Health and Care Wales (Membership and Procedure) Regulations 2020(**b**), in regulation 2, in the definition of "health service body", after paragraph (e) insert—

"(ea) an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006,".

Amendment of the Digital Health and Care Wales (Membership and Procedure) Regulations 2020 (Welsh language text)

24. In the Welsh language text of the Digital Health and Care Wales (Membership and Procedure) Regulations 2020 (Rheoliadau Iechyd a Gofal Digidol Cymru (Aelodaeth a Gweithdrefn) 2020), in regulation 2, in the definition of "corff gwasanaeth iechyd", after paragraph (e) insert—

"(ea) bwrdd gofal integredig a sefydlir o dan Bennod A3 o Ran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006,".

PART 3

Provisions consequential on the licensing of NHS Trusts

Amendment of the National Health Service (Licence Exemptions, etc.) Regulations 2013

25. In the National Health Service (Licence Exemptions, etc.) Regulations 2013(**c**), in regulation 3 (exemptions from the requirement under section 81(1) of the 2012 Act to hold a licence: application to NHS foundation trusts)—

(a) in the heading, after "NHS foundation trusts" insert "and NHS trusts";

(b) after "NHS foundation trust" insert "or to an NHS trust".

Signed by authority of the Secretary of State for Health and Social Care

Karin Smyth
Minister of State
Department of Health and Social Care

21st November 2024

(**a**) S.I. 2017/958, to which there are amendments not relevant to these Regulations.
(**b**) S.I. 2020/1469 (W. 315), to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2013/2677, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments all of which are consequential on the Health and Care Act 2022 ("the 2022 Act").

Part 2 contains amendments consequential on section 19(2) of the 2022 Act, which establishes integrated care boards (ICB) and abolishes clinical commissioning groups (CCG) by inserting Chapter A3 into the National Health Service Act 2006 ("the 2006 Act"). ICBs replaced CCGs, which immediately before 1st July 2022 were established in accordance with Chapter A2 of Part 2 of the 2006 Act, which was inserted by section 25(1) of the Health and Social Care Act 2012. ICBs have taken on the commissioning functions of their predecessor CCGs.

Regulations 2, 4-18 and 20-24 amend disqualification provisions that govern the circumstances in which certain persons are prevented from appointment to the boards of health service bodies (e.g. if they have previously been disqualified from either CCG or ICB employment). CCGs were formed of a wider membership than ICBs, and had a separate governing board.

Regulation 3 amends the Walsall Hospitals National Health Service Trust (Establishment) Order 1990 (S.I 1990/2451) to reflect ICB establishment, which includes the changes made by section 21 of the 2022 Act to section 3(1) of the 2006 Act (duties as to commissioning certain health services). The services under former section 3(1)(d) or (e) of the 2006 Act are the same as under new section 3(1)(g) or (i) of that Act.

Regulation 19 amends the Local Audit (Health Service Bodies Auditor Panel and Independence) Regulations 2015 (S.I 2015/18), including to reflect on a transitional basis the continuing relevance of former CCG roles to auditor panel appointment after CCG abolition by the 2022 Act.

Part 3 amends the National Health Service (Licence Exemptions, etc.) Regulations 2013 (S.I. 2013/2677) consequential on section 51(1) of the 2022 Act, which introduced parity between NHS trusts and foundation trusts in the requirement to hold a licence.

A full impact assessment has not been produced for this instrument because a full impact assessment was prepared in relation to the 2022 Act. A copy is available at www.gov.uk/government/publications/health-and-care-bill-combined-impact-assessments. A hard copy can be obtained by writing to the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU.

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