**EXPLANATORY MEMORANDUM TO**

**THE HEALTH AND SOCIAL CARE (MISCELLANEOUS REVOCATIONS ETC.) ORDER 2015**

**2015 No. 864**

**1.** This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

## 2. Purpose of the instrument

2.1 The purpose of this order is to remove a number of historic instruments relating to public health and the National Health Service (NHS), which are no longer applicable, in order to tidy up the statute book. This makes it easier for the user to navigate through the statute book and view regulations which are still applicable.

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

## 4. Legislative Context

4.1 The instruments being revoked by this Order were made under a range of powers (as listed in the Schedule to the Order) relating to the NHS and public health services. They laid down provisions which are now either spent or no longer needed.

4.2 For example there are a number of abolition orders for various hospitals e.g. Ashworth and organisations e.g. health education which are no longer applicable due to changes in the structure of health and social care. There are also a number of orders where it is not appropriate to remove the entire regulation but it is possible to improve them by removing articles which no longer apply e.g. the revocation of articles within the Health and Social Care Act 2008 (Miscellaneous Consequential Amendments) Order 2010.

## 5. Territorial Extent and Application

5.1 The whole of this instrument extends to England and Wales. It extends in part to the whole of the United Kingdom and in part to England and Wales and to Scotland.

## 6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- What is being done and why

7.1 The Red Tape Challenge gave business and the general public the opportunity to challenge the Government to get rid of or improve burdensome regulations and those which are no longer applicable. The Red Tape Challenge put a 'spotlight' on different areas of regulation in turn collecting comments from the public and putting proposals together for regulatory reform.

The instruments included in the Order were identified as part of the Government's Red Tape Challenge as being no longer applicable and in need of revoking in all or part to ensure that: the statute book is easier to navigate; the law is clear; and it is easy to understand which instruments still need to be complied with.

The Department of Health is responsible for key areas of public protection, including: patient safety in hospitals and care homes, as well as broader areas including for example protection against exposure to radiation and against communicable disease hazards. Many of its regulations and other instruments are therefore essential to protect patients and the public by ensuring essential standards are maintained. Nevertheless there are a raft of health and social care instruments that have built up over the years which are no longer applicable in whole or in part and in need of tidying up. Through the Red Tape Challenge and an internal audit of the stock of regulation, the Department of Health identified the instruments listed in this Order as no longer being needed.

With the changing landscape of health and social care it is important that the statute book makes it as clear and easy for users to navigate through the current instruments which apply to the sector.

These statutory instruments are consolidating the Department of Health's stock of regulations and other instruments. This tidying of the statute book will save the public time and allow for a clearer understanding and navigation of the department's statutory instruments.

- Consolidation

7.2 This instrument revokes all or part of a number of miscellaneous orders, there is no need for consolidation.

## 8. Consultation outcome

8.1 The Red Tape Challenge put a 'spotlight' on different areas of regulation in turn. For each spotlight theme, there was a five week window during which anyone could submit their views on regulation. The six cross-cutting themes were open for comment throughout the whole Red Tape Challenge crowd-sourcing process. Everyone could 'join the debate' on any of the live themes, and post their comments and thoughts on the regulation and rules that affect them. The Health Living & Social Care theme ran from December 2012 to January 2013. Once comments were collected they were used by the Department of Health as part of producing a set of proposals on regulatory reform.

## 9. Guidance

9.1 No guidance or any other form of publicity is required as this instrument doesn't alter current health and social care arrangements. It simply removes other instruments which are no longer needed.

## 10. Impact

10.1 This Order may have efficiency savings for civil society by virtue of there being fewer health related instruments to look through. It is very difficult to quantify what this efficiency saving may be.

10.1 This Order has no impact on business, charities or voluntary bodies.

10.2 This Order has no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## 11. Regulating small business

11.1 The legislation is no longer applicable and so does not apply to small business.

## 12. Monitoring & review

12.1 The Department of Health will continue to monitor other legislation that is no longer applicable and could usefully be removed from the statute book.

## 13. Contact

Tim Wouters at the Department of Health Tel: 0113 2546454 or email: tim.wouters@dh.gsi.gov.uk can answer any queries regarding the instrument.