EXPLANATORY MEMORANDUM TO

THE HEALTH SERVICE COMMISSIONER FOR ENGLAND (AUTHORITIES FOR THE ASHWORTH, BROADMOOR AND RAMPTON HOSPITALS) (REVOCATION) ORDER 2009

2009 No. 883

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 This order revokes a previous order which made the hospital authorities for the three high secure hospitals subject to the jurisdiction of the Health Service Commissioner. These hospital authorities no longer exist.

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

3.1 None

4. Legislative Context

4.1 The Health Service Commissioner for England (Authorities for the Ashworth, Broadmoor and Rampton Hospitals) Order 1996 lists Ashworth, Broadmoor and Rampton hospital authorities as authorities which come under the jurisdiction of the Health Service Commissioner.

4.2 These hospital authorities were abolished under the Rampton Hospital Authority (Abolition) Order 2001, the Broadmoor Hospital Authority (Abolition) Order 2001 and the Ashworth Hospital Authority (Abolition) Order 2002.

4.3 These hospitals are part of NHS mental health trusts which fall under the jurisdiction of the Health Service Commissioner under the Health Service Commissioners Act 1993.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Ashworth, Broadmoor and Rampton Hospital Authorities were abolished in 2001 and 2002 and the hospitals are now part of integrated mental health NHS trusts.

7.2 Mental health NHS trusts fall under the jurisdiction of the Health Service Commissioner which has the power to investigate complaints.

7.3 The order removes the now abolished authorities from the Health Service Commissioners' remit given that the authorities no longer exist and that NHS mental health trusts fall under the remit of the Commissioner.

8. Consultation outcome

8.1 Not applicable.

9. Guidance

9.1 Not applicable.

10. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector as the order simply removes already abolished bodies from the Health Service Commissioner's remit.

11. Regulating small businesses

11.1 The legislation does not apply to small businesses.

12. Monitoring and review

12.1 As the order removes already abolished bodies from the Health Service Commissioner's remit, there are no plans to monitor or review this legislation.

13. Contact

Helen Causley at the Department of Health Tel: 020 79724757 or email: Helen.causley@dh.gsi.gov.uk can answer any queries regarding the instrument.