EXPLANATORY MEMORANDUM TO

THE HEALTH SERVICE COMMISSIONER FOR ENGLAND (SPECIAL HEALTH AUTHORITIES) ORDER 2005

2005 No.251

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

2. Description

2.1 This Order brings the bodies listed in column 1 of the Schedule within the jurisdiction of the Health Service Commissioner for England.

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

3.1 None.

4. Legislative Background

4.1 The Order is made under the powers in section 2(5)(b) and (6)(b) of the Health Service Commissioners Act 1993.

5. Extent

5.1 The bodies which the Order places under jurisdiction of the Health Service Commissioner all operate only in England, with the exception of the NHS Pensions Agency, which is a cross border body, that is to say it operates in both England and Wales. The policy, which is reflected in the provisions of the Health Service Commissioners Act, is that complaints in relation to such bodies should come within the remit of the Health Service Commissioner for England.

6. European Convention on Human Rights

6.1 Ministers consider this Statutory Instrument is fully compatible with Convention Rights.

7. Policy background

7.1 This is part of an on-going exercise to bring the jurisdiction of the Health Service Commissioner for England up to date. It is being done in conjunction with a similar exercise being led by the Cabinet Office in relation to the Parliamentary Commissioner for Administration.

7.2 The Commissioner has made clear her view that all public bodies should come within the jurisdiction of an Ombudsman scheme, unless there are compelling reasons why this should not be the case. Department of Health Ministers share this view. This Order in Council brings within the jurisdiction of the Health Service Commissioner for England a number of special health authorities not previously within jurisdiction as the necessary Order in Council had not been sought at their inception.

8. 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.

9. Contact

Adrian Landon at the Department of Health 0113 254 5679 or adrian.landon@dh.gsi.gov.uk can answer any queries regarding the instrument.