EXPLANATORY MEMORANDUM TO

THE HEALTH SERVICE COMMISSIONER FOR ENGLAND (SPECIAL HEALTH AUTHORITIES) (REVOCATION) ORDER 2006

2006 No. 3332

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

2. Description

2.1 The attached order in council has been prepared to remove three abolished Special Health Authorities from the bodies designated as in the Health Service Commissioner's jurisdiction.

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

3.1 None

4. Legislative Background

4.1 This statutory instrument is made under the powers in section 2(5)(b) and (6) of the Health Service Commissioners Act 1993(a).

4.2 This Order revokes the following Statutory Instruments:

- Health Service Commissioner for England (Special Health Authorities) Order 2004 (S.I. 2004/1119);
- Health Service Commissioner for England (National Blood Authority) Order 1994 (S.I. 1994/2954); and
- Health Service Commissioner for England (Rural Dispensing Committee) Order 1983 (S.I. 1983/1115);

and removes the UK Transplant, Retained Organs Commission, National Blood Authority and the Rural Dispensing Committee, Special Health Authorities from the bodies designated as in the Health Service Commissioner's jurisdiction.

4.3 This Order in Council will remove the above named bodies from bodies designated as under the Health Service Commissioner's jurisdiction.

5. Extent

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 Department of Health's Arms Length Body review has recommended comprehensive reforms to its 'Arms Length Bodies'. This has resulted in the dissolution of some Bodies that fell under the Health Service Commissioner's jurisdiction.

7.2 The Health Service Commissioner has the power to investigate NHS complaints, mainly those not resolved at the local resolution or independent review (Healthcare Commission) stages. NHS bodies falling within her jurisdiction include Special Health Authorities to which section 2 of the Health Service Commissioners Act 1993 applies. This Order in Council updates the details of bodies designated to remove the aforementioned bodies as part of the Department of Health's Arms Length Body review.

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.

8.2 The impact on the public sector is minimal. It simply removes these Bodies from those designated as within the remit of the Health Service Commissioner.

9. Contact

Meredith Vivian at the Department of Health (tel: 020 7972 5122 or e-mail: Meredith.vivian@dh.gsi.gov.uk) can answer any queries regarding the instrument.