STATUTORY INSTRUMENTS

2022 No. 316

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Clinical Commissioning Groups) (Amendment) Regulations 2022

Made - - - -	*16th March 2022*
Laid before Parliament	*17th March 2022*
Coming into force	*14th April 2022*

The Secretary of State, in exercise of the powers conferred by sections 14N and 272(7) and (8) of the National Health Service Act 2006(**a**), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (Clinical Commissioning Groups) (Amendment) Regulations 2022 and come into force on 14th April 2022.

(2) These Regulations extend to England and Wales.

Amendment of the National Health Service (Clinical Commissioning Groups) Regulations 2012

2.—(1) The National Health Service (Clinical Commissioning Groups) Regulations 2012(**b**) are amended as follows.

(2) In regulation 11—

(a) in paragraph (1), for "six" substitute "four";

(b) for paragraphs (3)(b) to (e) substitute—

"(b) a registered nurse or an individual who is a secondary care specialist, in either case other than one who falls within regulation 12(1),

(c) a lay person who is qualified for membership by virtue of regulation 12(3).";

(c) in paragraph (6), for "paragraph (3)(c)" substitute "paragraph (3)(b)".

(3) In regulation 12 for paragraphs (3) and (4) substitute—

"(3) The lay person mentioned in regulation 11(3)(c) must—

(a) have qualifications, expertise or experience such as to enable the person to express informed views about financial management and audit matters; or

(b) be a person who has knowledge about the area specified in the CCG's constitution such as to enable the person to express informed views about the discharge of the CCG's functions.".

(**a**) 2006 c. 41. Section 14N was inserted by section 25(1) of the Health and Social Care Act 2012. By virtue of section 271(1) the powers of the Secretary of State are exercisable only in relation to England.

(**b**) S.I. 2012/1631.

(4) In regulation 13—

(a) omit paragraphs (2) and (3);

(b) in paragraph (4), omit "subject to paragraph (3),".

(5) In regulation 14 omit paragraphs (2) and (3).

(6) After regulation 16 insert—

"Consultation requirement

17.—(1) The Board may nominate a person or persons to be consulted by a CCG for the purposes of this regulation.

(2) The Board must notify the CCG in writing of any nomination.

(3) The CCG's governing body must consult the nominated person or persons before making any decision in the exercise of the CCG's functions in arranging for the provision of services as part of the health service.".

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

Edward Argar
Minister of State,
Department of Health and Social Care

16th March 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to facilitate clinical commissioning groups ("CCGs") in continuing to exercise their functions. It is proposed (subject to Parliamentary approval) to abolish CCGs later this year and for them to be superseded by new statutory bodies. These Regulations put in place measures to enable CCGs to continue to function effectively in the event that relevant personnel depart from CCGs prior to the establishment of their anticipated successor bodies.

The Regulations amend the National Health Service (Clinical Commissioning Groups) Regulations 2012 to reduce the minimum number of members of a CCG's governing body, to remove certain disqualifications from holding governance positions in the context of a potentially smaller governing body, and to introduce a requirement on governing bodies to consult with a person or persons nominated by the Board before making commissioning decisions.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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