STATUTORY INSTRUMENTS

2010 No. 405

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2010

Made - - - -	*22nd February 2010*
Laid before Parliament	*26th February 2010*
Coming into force - -	*1st April 2010*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 7(1), 8, 272(7) and 273(1) and (4) of the National Health Service Act 2006(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2010 and shall come into force on 1st April 2010.

(2) In these Regulations, "the principal Regulations" means the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002(**b**).

Substitution of Schedule 5 to the principal Regulations

2. For Schedule 5 to the principal Regulations (Secretary of State's functions under section 3(1) of the National Health Service Act 2006 exercisable by Strategic Health Authorities for the purpose of securing the provision of services: specified services)(**c**) substitute the following Schedule—

(**a**) 2006 c.41. By virtue of section 271 of the Act the powers of the Secretary of State as exercised in making these regulations are exercisable only in relation to England. *See* section 275(1) for the definition of "regulations".
(**b**) S.I. 2002/2375.
(**c**) Schedule 5 was added to the principal Regulations by S.I. 2007/559, amended by S.I. 2008/224 and substituted by S.I. 2009/112. *See* also regulation 3(2A) of the principal Regulations, which refers to Schedule 5 and was added by S.I. 2007/559, regulation 3(3).

"SCHEDULE 5 Regulation 3(2A)

SECRETARY OF STATE'S FUNCTIONS UNDER SECTION 3(1) OF THE NATIONAL HEALTH SERVICE ACT 2006 EXERCISABLE BY STRATEGIC HEALTH AUTHORITIES FOR THE PURPOSE OF SECURING THE PROVISION OF SERVICES: SPECIFIED SERVICES

1. Alström syndrome service
2. Ataxia telangiectasia service for children
3. Autoimmune paediatric gut syndromes service
4. Bardet-Biedl syndrome service
5. Barth syndrome service
6. Bladder exstrophy service
7. Choriocarcinoma service
8. Chronic pulmonary aspergillosis service
9. Complex Ehlers Danlos syndrome service
10. Complex neurofibromatosis type 1 service
11. Complex tracheal disease service
12. Congenital hyperinsulinism service
13. Craniofacial service
14. Cryopyrin associated periodic syndrome service
15. Diagnostic service for amyloidosis
16. Diagnostic service for primary ciliary dyskinesia
17. Diagnostic service for rare neuromuscular disorders service
18. Encapsulating sclerosing peritonitis surgical service
19. Epidermolysis bullosa service
20. Extra corporeal membrane oxygenation service for adults
21. Extra corporeal membrane oxygenation service for neonates, infants and children with respiratory failure
22. Gender identity development service for children and adolescents
23. Heart and lung transplantation service (including bridge to transplant using mechanical circulatory support)
24. Islet transplantation service
25. Liver transplantation service
26. Lysosomal storage disorder service
27. McArdle's disease service
28. Mental health service for deaf children and adolescents
29. Neurofibromatosis type 2 service
30. Neuromyelitis optica service
31. Ocular oncology service
32. Ophthalmic pathology service
33. Osteo-odonto-keratoprosthesis service for corneal blindness
34. Pancreas transplantation service
35. Paroxysmal nocturnal haemoglobinuria service
36. Primary malignant bone tumours service
37. Proton beam therapy service
38. Pseudomyxoma peritonei service
39. Pulmonary hypertension service for children
40. Pulmonary thromboendarterectomy service

41. Rare mitochondrial disorders service
42. Reconstructive surgery service for adolescents for congenital malformation of the female genital tract
43. Retinoblastoma service
44. Secure forensic mental health service for young people
45. Severe combined immunodeficiency and related disorders service
46. Severe intestinal failure service
47. Severe obsessive compulsive disorder and body dysmorphic disorder service
48. Small bowel transplantation service
49. Specialist paediatric liver disease service
50. Stem cell transplantation service for juvenile idiopathic arthritis and related connective tissue disorders
51. Vein of Galen malformation service
52. Xeroderma pigmentosum service."

Signed by authority of the Secretary of State for Health

Mike O'Brien
Minister of State
Department of Health

22nd February 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England, further amend the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002 ("the principal Regulations").

Regulation 2 substitutes a new Schedule 5 to the principal Regulations. Schedule 5 lists the specialised services whose provision is to be secured in England by Strategic Health Authorities, rather than Primary Care Trusts. The revised list adds new services and modifies existing references to services.

The new services are—

- Bardet-Biedl syndrome service (item 4)
- Barth syndrome service (item 5)
- Cryopyrin associated periodic syndrome service (item 14)
- McArdle's disease service (item 27)
- Neurofibromatosis type 2 service (item 29)
- Neuromyelitis optica service (item 30)
- Xeroderma pigmentosum service (item 52).

References to certain existing services are modified so as to reflect more accurately the descriptions now used within the health service in England and to correct some spelling errors. The modified references are items 1, 10, 12, 13, 21, 23, 28, 32, 33, 35, 38, 42, 44, 48 and 49.

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

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