

2013 No. 235

NATIONAL HEALTH SERVICE, ENGLAND

The National Treatment Agency  
(Abolition) and the Health and  
Social Care Act 2012  
(Consequential, Transitional and  
Saving Provisions) Order 2013

*Made* - - - -

*5th February 2013*

*Laid before Parliament*

*13th February 2013*

*Coming into force* - -

*1st April 2013*



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**The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013**

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| <i>Laid before Parliament</i> |         | <i>13th February 2013</i> |
| <i>Coming into force</i>      | - -     | <i>1st April 2013</i>     |

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 28(1), (2) and (5), 272(7) and (8) and 273(1) of the National Health Service Act 2006(a) and sections 303 and 304(9) and (10) of the Health and Social Care Act 2012(b).

The Secretary of State has, in accordance with section 28(7) of the National Health Service Act 2006, consulted such bodies as the Secretary of State has recognised as representing officers who, in the Secretary of State's opinion, are likely to be transferred, or affected by transfer, in pursuance of Part 2 of this Order.

The Secretary of State has consulted Scottish Ministers in accordance with section 303(4) of the Health and Social Care Act 2012.

**PART 1**

**General**

**Citation, commencement, extent and application**

1.—(1) This Order may be cited as the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013.

(2) This Order comes into force on 1st April 2013.

(3) Subject to paragraphs (4) and (5), this Order extends to England and Wales only.

(4) Any amendment or revocation made by this Order has the same extent as the enactment amended or revoked.

(5) Any transitional or saving provision made by this Order has the same extent as the enactment to which it relates.

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(a) 2006 c. 41. The powers conferred by the National Health Service Act 2006 and exercised by the Secretary of State in making this Order are exercisable only in relation to England by virtue of section 271(1) of that Act; see Part 2 of the Order.  
(b) 2012 c. 7.

(6) Part 2 of this Order applies in relation to England only.

## PART 2

### Abolition of the National Treatment Agency

#### Interpretation

2. In this Part—

“the Agency” means the National Treatment Agency established by article 2 of the National Treatment Agency (Establishment and Constitution) Order 2001(a); and

“the transfer date” means 1st April 2013.

#### Abolition of the Agency

3. The Agency is abolished.

#### Transfer of staff to the Secretary of State

4.—(1) This paragraph applies in relation to any person who—

(a) is employed by the Agency immediately before the transfer date; and

(b) has been notified in writing by the Agency prior to the transfer date that they are to be transferred to the employment of the Secretary of State.

(2) Any person to whom paragraph (1) applies is, on the transfer date, transferred to the employment of the Secretary of State.

(3) The contract of employment of a person whose employment transfers to the Secretary of State under paragraph (2)—

(a) is not terminated by that transfer; and

(b) has effect on and after the transfer date as if originally made between that person and the Secretary of State.

(4) Without prejudice to paragraph (3)—

(a) all the rights, powers, duties and liabilities of the Agency under or in connection with the contract of employment of any person whose employment transfers to the Secretary of State under paragraph (2), are transferred to the Secretary of State; and

(b) any act or omission before the transfer date by, or in relation to, the Agency, in respect of that person or that person’s contract of employment, is deemed to have been an act or omission of, or in relation to, the Secretary of State.

(5) Paragraphs (2) to (4) do not operate to transfer the contract of employment of a person to whom paragraph (1) applies, or any rights, powers, duties and liabilities under or in connection with that contract, if, before the transfer date, the person informs the Agency that they object to becoming employed by the Secretary of State.

(6) Where a person to whom paragraph (1) applies has objected to the transfer of that person’s contract of employment as described in paragraph (5), the transfer operates so as to terminate that person’s contract of employment with the Agency.

(7) Subject to paragraph (8), a person whose contract of employment is terminated in accordance with paragraph (6) is not to be treated, for any purpose, as having been dismissed by the Agency.

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(a) S.I. 2001/713. The relevant amending instrument is S.I. 2003/1827.

(8) Where the transfer involves or would involve a substantial change in working conditions to the material detriment of a person whose employment is or would have transferred under paragraph (2), that person may treat the contract of employment as having been terminated, and that person is to be treated for any purpose as having been dismissed.

(9) No damages are payable by the employer as a result of a dismissal falling within paragraph (8) in respect of any failure by the employer to pay wages to a person in respect of a notice period which the person has failed to work.

(10) Paragraphs (2), (3) and (5) to (8) are without prejudice to any right of a person arising apart from this article to terminate that person's contract of employment without notice in acceptance of a repudiatory breach of contract by the employer.

### **Transfer of property and liabilities**

**5.**—(1) Any property(a) held by the Agency immediately before the transfer date is on the transfer date transferred to the Secretary of State.

(2) Any criminal liabilities of the Agency are on the transfer date transferred to the National Health Service Litigation Authority(b).

(3) All other liabilities of the Agency are on the transfer date transferred to the Secretary of State.

### **Continuity and supplementary provision**

**6.**—(1) Any right relating to property held by the Agency immediately before the transfer date that was enforceable by or against the Agency before the transfer date is, on and after that date, enforceable by or against the Secretary of State.

(2) Any act or omission by, or in relation to, the Agency before the transfer date in respect of—

- (a) the exercise of any of the functions of the Agency;
- (b) under or in connection with any contract or agreement entered into by the Agency; or
- (c) in connection with any of the property or liabilities of the Agency transferred by this Order,

is deemed to have been an act or omission of, or in relation to, the Secretary of State.

(3) Subject to article 7, anything (which may include legal proceedings) which, when this Order comes into force, is in the process of being done by, or in relation to, the Agency in respect of, or in connection with—

- (a) the exercise by the Agency of any of its functions; or
- (b) any property or liabilities of the Agency transferred by this Order,

is deemed to have effect as if done by, or in relation to, and may be continued by, or in relation to, the Secretary of State.

(4) Any reference to the Agency in any agreement (whether written or not), instrument or other document in connection with any of the functions of the Agency or any property or liabilities transferred by this Order is to be treated as a reference to the Secretary of State.

(5) No right to terminate or vary a contract, arrangement or instrument is to operate or become exercisable, and no provision of any contract, arrangement or instrument is to operate or become exercisable or be contravened, by reason of the transfer of any property or liabilities under or by virtue of this Order.

(6) The transfer of any property, rights and liabilities by this Order is to be made—

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(a) "Property" includes rights; see section 275(1) of the National Health Service Act 2006.

(b) The National Health Service Litigation Authority is a Special Health Authority established by S.I. 1995/2800, to which there are amendments not relevant to this Order.

- (a) irrespective of any requirement for consent that would otherwise apply (whether arising under any enactment, instrument, agreement or otherwise); and
- (b) whether or not they would otherwise be capable of being transferred.

### **Complaints**

7.—(1) A complaint made under the Health Service Commissioners Act 1993(a) to the Health Service Commissioner for England in relation to the Agency may be investigated by the Commissioner notwithstanding the abolition of the Agency, and the Commissioner must send a copy of the report of the result of any such investigation to the Secretary of State.

(2) The Secretary of State shall, in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009(b), handle any complaint made under those Regulations in relation to the Agency, as if the Secretary of State was a Special Health Authority and the complaint had been made to that Authority.

(3) This article applies to complaints made before, on or after the transfer date.

### **Winding up of affairs of the Agency**

8. The Secretary of State must take such action as may be necessary for the winding up of the affairs of the Agency, including the preparation of the outstanding accounts of the Agency and the performance of all statutory duties relating to those accounts.

### **Amendments and revocations consequential on the abolition of the Agency**

9. The amendments and revocations in Schedule 1 have effect.

## **PART 3**

### **The Health and Social Care Act 2012: consequential, transitional and saving provisions**

#### **Primary medical and dental services**

10.—(1) In this article, “relevant Order” means—

- (a) the General Medical Services Transitional and Consequential Provisions Order 2004(c),
- (b) the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004(d),
- (c) the General Medical Services (Transitional Measure Relating to Non-Clinical Partners) Order 2004(e),
- (d) the General Dental Services and Personal Dental Services Transitional Provisions Order 2005(f), or
- (e) the General Dental Services, Personal Dental Services and Abolition of the Dental Practice Board Transitional and Consequential Provisions Order 2006(g).

(2) The abolition of Primary Care Trusts by section 34 of the Health and Social Care Act 2012 does not affect the continuing operation of any provision of a relevant Order which but for that abolition would be capable of having effect after 31st March 2013.

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(a) 1993 c. 46.

(b) S.I. 2009/309. The relevant amending instrument is S.I. 2009/1768.

(c) S.I. 2004/433, to which there is an amendment not relevant to this Order.

(d) S.I. 2004/865, to which there are amendments not relevant to this Order.

(e) S.I. 2004/1772.

(f) S.I. 2005/3435, to which there is an amendment not relevant to this Order.

(g) S.I. 2006/562, to which there are amendments not relevant to this Order.

- (3) Any provision of a relevant Order—
- (a) which has continuing effect after 31st March 2013, and
  - (b) which refers to a Primary Care Trust,

is to be treated, so far as that provision falls to be applied to any act or omission occurring after that date, as if it referred to the National Health Service Commissioning Board.

(4) Any act or omission by or in relation to a Primary Care Trust before 1st April 2013 under or in connection with a provision of a relevant Order which has continuing effect after 31st March 2013 is, where appropriate, to be treated as an act or omission by or in relation to the National Health Service Commissioning Board.

(5) Anything which is in the process of being done by or in relation to a Primary Care Trust immediately before 1st April 2013 under or in connection with a provision of a relevant Order which has continuing effect after 31st March 2013 is, where appropriate, to be treated as done by or in relation to, and may be continued by or in relation to, the National Health Service Commissioning Board.

### **Consequential amendments and revocations**

**11.** Schedule 2 (which contains amendments and revocations which are consequential on the Health and Social Care Act 2012) has effect.

### **Transitional and saving provisions**

**12.** Schedule 3 (transitional and saving provisions) has effect.

Signed by authority of the Secretary of State for Health.

*Anna Soubry*  
Parliamentary Under-Secretary of State,  
Department of Health

5th February 2013

## **SCHEDULES**

### **SCHEDULE 1**

Article 9

#### **The National Treatment Agency: amendments and revocations**

*Instruments amended*

#### **The National Health Service Trusts (Membership and Procedure) Regulations 1990**

**1.** In the National Health Service Trusts (Membership and Procedure) Regulations 1990(**a**), in regulation 11 (disqualification of appointment for chairman and non-executive directors), omit paragraph (5A).

#### **The Health Service Commissioner for England (Special Health Authorities) Order 2005**

**2.** In the Schedule to the Health Service Commissioner for England (Special Health Authorities) Order 2005 (Special Health Authorities designated as subject to investigation)(**b**), omit the entry for the National Treatment Agency.

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(a) S.I. 1990/2024. The relevant amending instrument is S.I. 2001/4031.

(b) S.I. 2005/251, to which there are amendments not relevant to this Order.

*Instruments revoked*

**The National Treatment Agency (Establishment and Constitution) Order 2001**

3. The National Treatment Agency (Establishment and Constitution) Order 2001(a) is revoked.

**The National Treatment Agency Regulations 2001**

4. The National Treatment Agency Regulations 2001(b) are revoked.

**The National Treatment Agency (Amendment) Regulations 2001**

5. The National Treatment Agency (Amendment) Regulations 2001(c) are revoked

**The National Treatment Agency (Establishment and Constitution) Amendment Order 2003**

6. The National Treatment Agency (Establishment and Constitution) Amendment Order 2003(d) is revoked.

SCHEDULE 2

Article 11

Consequential amendments and revocations

PART 1

Instruments amended

**The Public Trustee Rules 1912**

1. In rule 30(1)(e)(i) of the Public Trustee Rules 1912(e) (corporate bodies as custodian trustees), omit “Strategic Health Authority,”.

**The Health and Personal Social Services (Northern Ireland) Order 1972**

2. In article 15C(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(f) (persons with whom agreements may be made), in the definition of “HSS employee”, in paragraph (b), omit “a Primary Care Trust in England,”.

**The National Health Service (Venereal Diseases) Regulations 1974**

3.—(1) In regulation 2 of the National Health Service (Venereal Diseases) Regulations 1974(g) (confidentiality of information)—

- (a) for “Strategic Health Authority, NHS Trust,” substitute “NHS Trust or”,
- (b) omit “and Primary Care Trust”, and
- (c) omit “Authority or”.

(2) This paragraph applies in relation to England only.

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(a) S.I.2001/713.

(b) S.I.2001/715.

(c) S.I.2001/4044.

(d) S.I.2003/1827.

(e) S.I. 1912/348. Relevant amending instruments are S.I. 1975/1189, S.I. 1984/109 and S.I. 2002/2469.

(f) S.I. 1972/1265. Relevant amending instruments are S.I. 1977/1177 and S.I. 2004/311

(g) S.I. 1974/29. Relevant amending instruments are S.I. 2002/2469 and S.I. 2004/696.

### **The National Health Service (Family Practitioner Committees—Supply of Goods) Regulations 1974**

4.—(1) The National Health Service (Family Practitioner Committees—Supply of Goods) Regulations 1974(a) are amended as follows.

(2) In regulation 2, for “the said section 11(2)” substitute “section 80(5) of the National Health Service Act 2006 or section 38(5) of the National Health Service (Wales) Act 2006”.

(3) In regulation 3, omit “or Primary Care Trust”.

### **The National Health Service (Speech Therapists) Regulations 1974**

5. In regulation 4 of the National Health Service (Speech Therapists) Regulations 1974(b) (authorities to which regulation 3 applies), omit paragraph (b).

### **The Social Security (Medical Evidence) Regulations 1976**

6.—(1) The Social Security (Medical Evidence) Regulations 1976(c) are amended as follows.

(2) In regulation 1(2) (interpretation), omit the definition of “Primary Care Trust”.

(3) In Part 2 of Schedule 2 (form of certificate), for the words from “if the form” to “(or, in Scotland,” substitute “(unless the form has been stamped, in Wales, by the Local Health Board in whose medical performers list you are included or, in Scotland,”.

### **The Health and Safety at Work (Northern Ireland) Order 1978**

7.—(1) The Health and Safety at Work (Northern Ireland) Order 1978(d) is amended as follows.

(2) In article 18(2)(a) (approval of codes of practice by the Executive), omit “and the Health Protection Agency”.

(3) In article 46(3)(a) (regulations under the relevant statutory provisions), omit “and the Health Protection Agency”.

### **The National Health Service (Transfer of Officers) (No. 2) Regulations 1986**

8. In regulation 1(2) of the National Health Service (Transfer of Officers) (No. 2) Regulations 1986(e) (interpretation), in the definition of “Authority”, omit “Strategic Health Authority or”.

### **The Statutory Maternity Pay (Medical Evidence) Regulations 1987**

9.—(1) The Statutory Maternity Pay (Medical Evidence) Regulations 1987(f) are amended as follows.

(2) In regulation 1(2) (interpretation), omit the definition of “Primary Care Trust”.

(3) In Part 2 of the Schedule (form of maternity certificate), for the words from “if the form” to “(or, in Scotland,” substitute “(unless the form has been stamped, in Wales, by the Local Health Board in whose medical performers list you are included or, in Scotland,”.

### **The Income Support (General) Regulations 1987**

10.—(1) The Income Support (General) Regulations 1987(g) are amended as follows.

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(a) S.I. 1974/191, as amended by S.I. 2002/2469.

(b) S.I. 1974/495. The relevant amending instrument is S.I. 2002/2469.

(c) S.I. 1976/615. Relevant amending instruments are S.I. 1991/2284, S.I. 2002/2469, S.I. 2004/865 and S.I. 2004/1016.

(d) S.I. 1978/1039. The relevant amending provision is paragraph 10 of Schedule 3 to the Health Protection Agency Act 2004 (2004 c. 17).

(e) S.I. 1986/524. The relevant amending instrument is S.I. 2002/2469.

(f) S.I. 1987/235. Relevant amending instruments are S.I. 1991/2284, S.I. 2002/2469, S.I. 2004/865 and S.I. 2004/1016.

(g) S.I. 1987/1967. Relevant amending instruments are S.I. 1998/563, S.I. 2001/859, S.I. 2008/3157 and S.I. 2009/2655.

(2) In regulation 2(1) (interpretation), in the definition of “service user group”, after paragraph (f) insert—

- “(fa) the National Institute for Health and Care Excellence in consequence of a function under Part 8 of the Health and Social Care Act 2012,
- (fb) a clinical commissioning group in consequence of a function under section 14Z2 of the National Health Service Act 2006,
- (fc) the National Health Service Commissioning Board in consequence of a function under section 13Q of the National Health Service Act 2006;”.

(3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), in paragraph 27—

(a) after sub-paragraph (d) insert—

“(da) a clinical commissioning group established under section 14D of the National Health Service Act 2006;

(db) the National Health Service Commissioning Board; or”, and

(b) omit sub-paragraph (e) (together with the “or” following it).

### **The Social Security (Claims and Payments) Regulations 1987**

11. In regulation 43(7) of the Social Security (Claims and Payments) Regulations 1987(a) (children), omit paragraph (a) of the definition of “health authority”.

### **The National Health Service (Payment of Remuneration—Special Arrangement) Order 1988**

12.—(1) The National Health Service (Payment of Remuneration—Special Arrangement) Order 1988(b), so far as it applies in relation to England, is revoked.

(2) In article 2 of that Order (functions conferred on PCTs etc), so far as it applies in relation to Wales—

(a) omit “, Primary Care Trust”, and

(b) omit “or Trust’s”.

### **The National Health Service Trusts (Membership and Procedure) Regulations 1990**

13.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990(c) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “health service body”, after paragraph (a) insert—

“(aa) the National Institute for Health and Care Excellence;

(ab) the Health and Social Care Information Centre;”.

(3) In regulation 11 (disqualification for appointment of chairman and non-executive directors)—

(a) in paragraph (5), omit sub-paragraphs (e) and (g), and

(b) omit paragraph (7).

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(a) S.I. 1987/1968. Relevant amending instruments are S.I. 2002/2469 and S.I. 2003/492

(b) S.I. 1988/865. The relevant amending instrument is S.I. 2002/2469.

(c) S.I. 1990/2024. Relevant amendment instruments are S.I. 1997/2990, S.I. 2000/2434, S.I. 2005/497, S.I. 2005/1446 and S.I. 2012/1641.

### **The National Health Service (Remuneration and Conditions of Service) Regulations 1991**

14. In regulation 1(2) of the National Health Service (Remuneration and Conditions of Service) Regulations 1991(a) (interpretation), in the definition of “authority”, omit “Strategic Health Authority,”.

### **The Statutory Sick Pay (National Health Service Employees) Regulations 1991**

15.—(1) The Statutory Sick Pay (National Health Service Employees) Regulations 1991(b) are amended as follows.

(2) In regulation 1 (interpretation etc), omit paragraphs (3) and (4).

(3) In regulation 2 (treatment of more than one contract of employment as one contract), omit the words from “, or where an order” to “is so divided,”.

(4) In regulation 5 (treatment of two or more employers as one)—

(a) in paragraph (a), omit “or Primary Care Trust” in each place where it occurs, and

(b) omit paragraph (b) and the “or” immediately preceding it.

### **The Statutory Maternity Pay (National Health Service Employees) Regulations 1991**

16.—(1) The Statutory Maternity Pay (National Health Service Employees) Regulations 1991(c) are amended as follows.

(2) In regulation 1 (interpretation etc), omit paragraphs (3) and (4).

(3) In regulation 2 (treatment of more than one contract of employment as one contract), omit the words from “, or where an order” to “is so divided,”.

(4) In regulation 5 (treatment of two or more employers as one)—

(a) in paragraph (a), omit “or Primary Care Trust” in each place where it occurs, and

(b) omit paragraph (b) and the “or” immediately preceding it.

### **The Children (Secure Accommodation) Regulations 1991**

17.—(1) Regulation 7 of the Children (Secure Accommodation) Regulations 1991(d) (children to whom section 25 of the Children Act 1989 shall apply and have effect subject to modifications) is amended as follows.

(2) In paragraph (1)(a)—

(a) omit “Primary Care Trusts,”, and

(b) after “education functions” insert “or who are accommodated pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006”.

(3) In paragraph (2)—

(a) in sub-paragraph (a)—

(i) omit “a Primary Care Trust,”, and

(ii) after “education functions” insert “or who is being provided with accommodation pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006”, and

(b) in sub-paragraph (b)—

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(a) S.I. 1991/481. Relevant amending instruments are S.I. 1998/564 and S.I. 2002/2469.

(b) S.I. 1991/589. Relevant amending instruments are S.I. 2000/694 and S.I. 2002/2469.

(c) S.I. 1991/590. Relevant amending instruments are S.I. 2000/694 and S.I. 2002/2469.

(d) S.I. 1991/1505. Relevant amending instruments are S.I. 2000/694 and S.I. 2010/1172.

- (i) omit “Primary Care Trusts,” and
- (ii) for “or local authorities” substitute “, local authorities, the Secretary of State, the National Health Service Commissioning Board or clinical commissioning groups”.

#### **The Children (Secure Accommodation) (No. 2) Regulations 1991**

**18.** In regulation 2(1) of the Children (Secure Accommodation) (No. 2) Regulations 1991(a) (applications to court – special cases)—

- (a) omit “a Primary Care Trust,”
- (b) after “education functions” insert “or provided with accommodation pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006”,
- (c) omit “Primary Care Trust,” in the second place where it occurs, and
- (d) after “for the child” insert “or by the person (namely, the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group) who has made arrangements for the provision of accommodation for the child”.

#### **The Health and Social Services Councils Regulations (Northern Ireland) 1991**

**19.** In regulation 1(2) of the Health and Social Services Councils Regulations (Northern Ireland) 1991(b) (interpretation), in the definition of “health service body”, after paragraph (a) insert—

- “(aa) the National Institute for Health and Care Excellence;
- (ab) the Health and Social Care Information Centre;”.

#### **The Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

**20.**—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(c) are amended as follows.

(2) In regulation 1(2) (interpretation)—

- (a) after the definition of “claimant” insert—
  - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and
- (b) omit the definition of “Primary Care Trust”.

(3) In paragraph 30 of Schedule 2 (amounts to be disregarded when calculating or estimating N and M)—

- (a) for “Primary Care Trust” substitute “clinical commissioning group”, and
- (b) after “voluntary organisation” insert “or the National Health Service Commissioning Board”.

#### **The Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992**

**21.** In regulation 7A(2) of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(d) (prescription for the purposes of jurisdiction)—

- (a) after sub-paragraph (aa) insert—
  - “(ab) a clinical commissioning group established under section 14D of the National Health Service Act 2006;

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(a) S.I. 1991/2034. Relevant amending instruments are S.I. 2000/694, S.I. 2002/546 and S.I. 2010/1172.  
 (b) S.R. 1991/70, to which there are amendments not relevant to this Order.  
 (c) S.I. 1992/1815. The relevant amending instrument is S.I. 2002/2469.  
 (d) S.I. 1992/2645. Relevant amending instruments are S.I. 2001/161, S.I. 2002/2469 and S.I. 2004/696.

- (ac) the National Health Service Commissioning Board;
- (ad) the National Institute for Health and Care Excellence;
- (ae) the Health and Social Care Information Centre;”,
- (b) omit sub-paragraph (b), and
- (c) omit sub-paragraph (da).

**The Residential Accommodation (Determination of District Health Authority) Regulations 1992**

**22.**—(1) Regulation 2 of the Residential Accommodation (Determination of District Health Authority) Regulations 1992(a) is amended as follows.

(2) In paragraph (1), for “or Primary Care Trust”, in each place where it occurs, substitute “or clinical commissioning group”.

(3) In paragraph (2)—

- (a) for “or Primary Care Trust” substitute “or clinical commissioning group”, and
- (b) for “or Primary Care Trust’s”, in each place where it occurs, substitute “or clinical commissioning group’s”.

**The Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992**

**23.** In regulation 7A(2) of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(b) (prescription for the purposes of jurisdiction)—

(a) after sub-paragraph (e) insert—

“(ea) a clinical commissioning group established under section 14D of the National Health Service Act 2006;

(eb) the National Health Service Commissioning Board;

(ec) the National Institute for Health and Care Excellence;

(ed) the Health and Social Care Information Centre;”, and

(b) omit sub-paragraph (f).

**The Redundancy Payments (National Health Service) (Modification) Order 1993**

**24.** After paragraph 2A of Schedule 1 to the Redundancy Payments (National Health Service) (Modification) Order 1993(c) (employment to which Order applies) insert—

“**2B.** a clinical commissioning group established under section 14D of the National Health Service Act 2006.

**2C.** the National Health Service Commissioning Board.

**2D.** the National Institute for Health and Care Excellence.

**2E.** the Health and Social Care Information Centre.”

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(a) S.I. 1992/3182. Relevant amending instruments are S.I. 1993/582 and S.I. 2002/2469.  
 (b) S.R. 1992/466. The relevant amending instrument is S.R. 2001/16.  
 (c) S.I. 1993/3167. The relevant amending instrument is S.I. 2000/694.

### **The Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994**

25. In regulation 1(2) of the Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994(a) (interpretation), in the definition of “health service body”, after paragraph (a) insert—

- “(aa) the National Institute for Health and Care Excellence;
- (ab) the Health and Social Care Information Centre;”.

### **The National Health Service Litigation Authority Regulations 1995**

26.—(1) The National Health Service Litigation Authority Regulations 1995(b) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “health service body”, after “means” insert “the National Institute for Health and Care Excellence, the Health and Social Care Information Centre,”.

(3) In regulation 7(1) (disqualification for appointment)—

- (a) in sub-paragraph (e), omit “a Primary Care Trust,”, and
- (b) after sub-paragraph (e) insert—

“(ea) he is the chair, chief executive or a member of the National Institute for Health and Care Excellence or the Health and Social Care Information Centre;”.

(4) This paragraph applies in relation to England only.

### **The Jobseeker’s Allowance Regulations 1996**

27.—(1) The Jobseeker’s Allowance Regulations 1996(c) are amended as follows.

(2) In regulation 1(3) (interpretation), in the definition of “service user group”, after paragraph (f) insert—

- “(fa) the National Institute for Health and Care Excellence in consequence of a function under Part 8 of the Health and Social Care Act 2012,
- (fb) a clinical commissioning group in consequence of a function under section 14Z2 of the National Health Service Act 2006,
- (fc) the National Health Service Commissioning Board in consequence of a function under section 13Q of the National Health Service Act 2006,”.

(3) In paragraph 28 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—

(a) after sub-paragraph (d) insert—

“(da) a clinical commissioning group established under section 14D of National Health Service Act 2006;

(db) the National Health Service Commissioning Board; or”, and

(b) omit sub-paragraph (e) (together with the “or” following it).

### **The National Health Service (Existing Liabilities Scheme) Regulations 1996**

28.—(1) In regulation 3(a) of the National Health Service (Existing Liabilities Scheme) Regulations 1996(d) (eligible bodies), omit sub-paragraphs (zi), (iia) and (iv).

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(a) S.R. 1994/63, to which there are amendments not relevant to this Order.

(b) S.I. 1995/2801. Relevant amending instruments are S.I. 2000/696, S.I. 2000/2433 and S.I. 2012/1641.

(c) S.I. 1996/207. Relevant amending instruments are S.I. 1998/563, S.I. 2001/859 and S.I. 2008/3157.

(d) S.I. 1996/686. Relevant amending instruments are S.I. 2002/2469 and S.I. 2005/604.

(2) The omission of regulation 3(a)(iv) of those Regulations by sub-paragraph (1) applies in relation to England only.

### **The National Health Service (Appointment of Consultants) Regulations 1996**

**29.**—(1) The National Health Service (Appointment of Consultants) Regulations 1996(a) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “Authority”, omit “a Strategic Health Authority, a Primary Care Trust,”.

(3) In regulation 5(1)(g) (exempt appointments)—

(a) after “Act 2004,” insert “or at Public Health England, an executive agency of the Department of Health,”, and

(b) for “or Agency” substitute “, Agency or agency”.

(4) In paragraph 2(b) of Schedule 1 (constitution of an advisory appointments committee), omit paragraphs (i) and (ia).

(5) Sub-paragraph (3) applies in relation to England only.

### **The Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996**

**30.** In article 1(2)(b) of the Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996(b) (definition of health service employers), after paragraph (viiia) insert—

“(viib) a clinical commissioning group established under section 14D of the National Health Service Act 2006;

(viic) the National Health Service Commissioning Board;

(viid) the National Institute for Health and Care Excellence;

(viie) the Health and Social Care Information Centre;”.

### **The National Health Service (Appointment of Consultants) (Wales) Regulations 1996**

**31.** In regulation 5(1)(g) of the National Health Service (Appointment of Consultants) (Wales) Regulations 1996(c) (exempt appointments)—

(a) after “Act 2004,” insert “or at Public Health England, an executive agency of the Department of Health,”, and

(b) for “or Agency” substitute “, Agency or agency”.

### **The Social Security Benefit (Computation of Earnings) Regulations 1996**

**32.**—(1) The Social Security Benefit (Computation of Earnings) Regulations 1996(d) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “claimant” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

(b) omit the definition of “Primary Care Trust”.

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(a) S.I. 1996/701. Relevant amending instruments are S.I. 2002/2469 and S.I. 2004/3365.

(b) S.I. 1996/1023. Relevant amending instruments are S.I. 2002/2469 and S.I. 2004/696.

(c) S.I. 1996/1313. The relevant amending instrument is S.I. 2005/3039.

(d) S.I. 1996/2745. The relevant amending instrument is S.I. 2002/2469.

(3) In paragraph 7 of Schedule 1 (sums to be disregarded in the calculation of earnings), for “or Primary Care Trust, local authority or voluntary organisation” substitute “a clinical commissioning group, the National Health Service Commissioning Board, a local authority or a voluntary organisation”.

### **The Housing Renewal Grants Regulations 1996**

**33.**—(1) The Housing Renewal Grants Regulations 1996(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “child tax credit” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

(b) omit the definition of “Primary Care Trust”.

(3) In regulation 26 (earnings of self-employed earners), in paragraph (b) of the definition of “earnings”, for “or Primary Care Trust, local authority or voluntary organisation” substitute “a clinical commissioning group, the National Health Service Commissioning Board, a local authority or a voluntary organisation”.

(4) In paragraph 24 of Schedule 3 (sums to be disregarded in the determination of income other than earnings)—

(a) after sub-paragraph (b) insert—

“(ba) a clinical commissioning group;

(bb) the National Health Service Commissioning Board;”, and

(b) omit sub-paragraph (e) and the “or” immediately preceding it.

### **The Education (Publication of Local Education Authority Inspection Reports) Regulations 1998**

**34.** In regulation 4(1)(j) of the Education (Publication of Local Education Authority Inspection Reports) Regulations 1998(b), omit “or Primary Care Trust (within the meaning of section 16A of that Act),”.

### **The Prison Rules 1999**

**35.** In rule 2(1) of the Prison Rules 1999(c) (interpretation), in the definition of “health care provider”, for “section 28(6)” substitute “section 275(1)”.

### **The Control of Major Accident Hazards Regulations 1999**

**36.**—(1) The Control of Major Accident Hazards Regulations 1999(d) are amended as follows.

(2) In regulation 2(1) (interpretation), in paragraph (a) of the definition of “health authority”, for “a Primary Care Trust established under section 16A of the National Health Service Act 1977” substitute “a clinical commissioning group established under section 14D of the National Health Service Act 2006”.

(3) In regulation 9(3) (on-site emergency plan), after sub-paragraph (b) insert—

“(ba) if the establishment is situated in England, the National Health Service Commissioning Board and Public Health England, an executive agency of the Department of Health;”.

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(a) S.I. 1996/2890. Relevant amending instruments are S.I. 1999/1523, S.I.2002/530, S.I. 2002/2469, S.I. 2002/2798, S.I. 2003/2504 and S.I. 2004/253.

(b) S.I. 1998/880. The relevant amending instrument is S.I. 2002/2469.

(c) S.I. 1999/728. The relevant amending instrument is S.I. 2009/3082.

(d) S.I. 1999/743. The relevant amending instrument is S.I. 2002/2469.

(4) After regulation 10(6) (off-site emergency plan) insert—

“(6A) If the establishment is situated in England, the local authority shall also consult the National Health Service Commissioning Board and Public Health England, an executive agency of the Department of Health, on the preparation of the emergency off-site plan.”

### **The National Health Service (Liabilities to Third Parties Scheme) Regulations 1999**

**37.** In regulation 3 of the National Health Service (Liabilities to Third Parties Scheme) Regulations 1999(a) (eligible bodies)—

- (a) after paragraph (ab) insert—
  - “(ac) the National Institute for Health and Care Excellence,
  - (ad) the Health and Social Care Information Centre,”
- (b) omit paragraph (b) (together with the “or” following it),
- (c) omit paragraph (d) (together with the “or” following it), and
- (d) omit paragraph (e).

### **The National Health Service (Property Expenses Scheme) Regulations 1999**

**38.** In regulation 3 of the National Health Service (Property Expenses Scheme) Regulations 1999(b) (eligible bodies)—

- (a) after paragraph (ab) insert—
  - “(ac) the National Institute for Health and Care Excellence,
  - (ad) the Health and Social Care Information Centre,”
- (b) omit paragraph (b) (together with the “or” following it),
- (c) omit paragraph (d) (together with the “or” following it), and
- (d) omit paragraph (e).

### **The Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999**

**39.** In the Schedule to the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999(c), in the table, omit the entries relating to the Alcohol Education and Research Council in columns 1 and 2.

### **The Education (Special Educational Needs) (Information) (England) Regulations 1999**

**40.**—(1) The Education (Special Educational Needs) (Information) (England) Regulations 1999(d) are amended as follows.

(2) In regulation 2 (interpretation) —

- (a) after the definition of “the 1998 Act” insert—
  - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and
- (b) omit the definition of “Primary Care Trust”.

(3) In regulation 4(1)(a)(ii) (manner of publication of information)—

- (a) for “Primary Care Trust” substitute “clinical commissioning group”, and
- (b) after “situated” insert “and to the National Health Service Commissioning Board”.

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(a) S.I. 1999/873. Relevant amending instruments are S.I. 2000/2385, S.I. 2002/2469, S.I. 2005/604 and S.I. 2012/1641.

(b) S.I. 1999/874. Relevant amending instruments are S.I. 2000/2342, S.I. 2002/2469, S.I. 2005/604 and S.I. 2012/1641

(c) S.I. 1999/1319, to which there are amendments not relevant to this Order.

(d) S.I. 1999/2506. The relevant amending instrument is S.I. 2002/2469.

### **The Data Protection (Subject Access Modification) (Social Work) Order 2000**

**41.** In paragraph 1(1) of the Schedule to the Data Protection (Subject Access Modification) (Social Work) Order 2000(a) (personal data to which Order applies)—

- (a) omit paragraph (zi),
- (b) after paragraph (iiza) insert—

“(iizb) a clinical commissioning group established under section 14D of the National Health Service Act 2006,
- (iizc) the National Health Service Commissioning Board, or”, and
- (c) omit paragraph (iia) (together with the “or” following it).

### **The NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000**

**42.**—(1) The NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000(b) are amended as follows.

(2) In regulation 5 (functions of NHS bodies), for the “and” following paragraph (bb) substitute—

“(bc) the function of arranging the provision of Healthy Start vitamins under regulation 8A of the Healthy Start Scheme and Welfare Foods (Amendment) Regulations 2005; and”.

(3) In regulation 6 (health-related functions of local authorities), after paragraph (a) insert—

“(aa) the function of providing Healthy Start vitamins under regulation 8A of the Healthy Start Scheme and Welfare Foods (Amendment) Regulations 2005;”.

(4) This paragraph applies in relation to England only.

### **The Water Supply (Water Quality) Regulations 2000**

**43.**—(1) The Water Supply (Water Quality) Regulations 2000(c) are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “Health Protection Agency”.

(3) In regulation 20(4) (authorisation of temporary supply of water that is not wholesome), for sub-paragraph (b) substitute—

“(b) Public Health England, an executive agency of the Department of Health;”.

(4) In regulation 24(2) (revocation and modification of authorisations), for sub-paragraph (c) substitute—

“(c) Public Health England, an executive agency of the Department of Health;”.

(5) In regulation 35(6)(a) (provision of information), for paragraph (ii) substitute—

“(ii) Public Health England, an executive agency of the Department of Health;”.

### **The Young Offender Institution Rules 2000**

**44.** In rule 2(1) of the Young Offender Institution Rules 2000(d) (interpretation), in the definition of “health care provider”, for “section 28(6)” substitute “section 275(1)”.

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(a) S.I. 2000/415. Relevant amending instruments are S.I. 2002/2469 and S.I. 2004/696.

(b) S.I. 2000/617. Relevant amending instruments are S.I. 2010/1000 and S.I. 2012/3094.

(c) S.I. 2000/3184. The relevant amending instrument is S.I. 2007/2734.

(d) S.I. 2000/3371. The relevant amending instrument is S.I. 2009/3082.

### **The Immigration and Asylum Act 1999 (Part V Exemption: Educational Institutions and Health Sector Bodies) Order 2001**

**45.** In Schedule 3 to the Immigration and Asylum Act 1999 (Part V Exemption: Educational Institutions and Health Sector Bodies) Order 2001(a) (health sector bodies), in paragraph 1—

- (a) omit sub-paragraph (za),
- (b) after paragraph (bb) insert—
  - “(bc) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
  - (bd) the National Health Service Commissioning Board;”, and
- (c) omit paragraph (c).

### **The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001**

**46.**—(1) The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001(b) are amended as follows.

- (2) In regulation 1(2) (interpretation)—
  - (a) after “In these Regulations—” insert—
    - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and
  - (b) omit the definition of “Primary Care Trust”.
- (3) In regulation 3 (manner of publication of information)—
  - (a) in paragraph (1)(a), for “to any Primary Care Trust” substitute “to the National Health Service Commissioning Board and to any clinical commissioning group”, and
  - (b) in paragraph (4)(a), for “to a Primary Care Trust” substitute “to the National Health Service Commissioning Board and to a clinical commissioning group”.

### **The Radiation (Emergency Preparedness and Public Information) Regulations 2001**

**47.**—(1) The Radiation (Emergency Preparedness and Public Information) Regulations 2001(c) are amended as follows.

(2) In regulation 2(1) (interpretation), in paragraph (a) of the definition of “health authority”, for “a Primary Care Trust established under section 16A of the National Health Service Act 1977” substitute “a clinical commissioning group established under section 14D of the National Health Service Act 2006”.

(3) In regulation 7(6) (operator’s emergency plan), for the “and” at the end of sub-paragraph (a) substitute—

- “(aa) if the premises of the operator are situated in England, the National Health Service Commissioning Board;
- (ab) if the premises of the operator are situated in England or Wales, Public Health England, an executive agency of the Department of Health; and”.

(4) In regulation 8(7) (carrier’s emergency plan), for the “and” at the end of sub-paragraph (a) substitute—

- “(aa) the National Health Service Commissioning Board and Public Health England, an executive agency of the Department of Health; and”.

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(a) S.I. 2001/1403. Relevant amending instruments are S.I. 2002/2469 and S.I. 2004/696.  
(b) S.I. 2001/2218. Relevant amending instruments are S.I. 2002/2469 and S.I. 2010/1172.  
(c) S.I. 2001/2975. The relevant amending instrument is S.I. 2002/2469.

(5) In regulation 9(12) (off-site emergency plan), for the “and” at the end of sub-paragraph (a) substitute—

“(aa) if the premises of the operator are situated in England, the National Health Service Commissioning Board;

(ab) if the premises of the operator are situated in England or Wales, Public Health England, an executive agency of the Department of Health; and”.

(6) In regulation 13(3)(a) (implementation of emergency plans)—

(a) in paragraph (i), after “the health authority,” insert “the National Health Service Commissioning Board (if the premises of the operator are situated in England), Public Health England, an executive agency of the Department of Health, (if the premises of the operator are situated in England or Wales),” and

(b) in paragraph (ii), for “the Agency” substitute “the Agency, the National Health Service Commissioning Board and Public Health England, an executive agency of the Department of Health,”.

### **The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001**

**48.**—(1) The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “Careers Service” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

(ii) omit the definition of “Primary Care Trust”, and

(b) in paragraph (3), for “Primary Care Trust”, in each place where it occurs, substitute “clinical commissioning group”.

(3) In regulation 6(2)(b) (notices relating to assessment), for “Primary Care Trust” substitute “clinical commissioning group and the National Health Service Commissioning Board”.

(4) In regulation 7(1)(c) (advice to be sought), for “Primary Care Trust” substitute “clinical commissioning group or the National Health Service Commissioning Board (or both)”.

(5) In regulation 9 (medical advice), for “Primary Care Trust, who” substitute “clinical commissioning group or the National Health Service Commissioning Board (or both), which”.

(6) In regulation 12 (time limits and prescribed information)—

(a) in paragraph (7)(e), for “Primary Care Trust”, in each place where it occurs, substitute “clinical commissioning group or the National Health Service Commissioning Board (or both)”,

(b) in paragraph (8), for “Primary Care Trust”, in each place where it occurs, substitute “clinical commissioning group or the National Health Service Commissioning Board”,

(c) in paragraph (9), for “Primary Care Trust”, in each place where it occurs, substitute “clinical commissioning group or the National Health Service Commissioning Board”, and

(d) in paragraph (10), for “Primary Care Trust” substitute “clinical commissioning group or the National Health Commissioning Board”.

(7) In regulation 18 (reviews of statements)—

(a) in paragraph (6), for “Primary Care Trust”, in each place where it occurs, substitute “clinical commissioning group”, and

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(a) S.I. 2001/3455. Relevant amending instruments are S.I. 2002/2469 and S.I. 2010/1172.

(b) after that paragraph insert—

“(7) A copy of any notice served on the clinical commissioning group under paragraph (6) shall be served on the National Health Service Commissioning Board not less than two weeks before the first day of every school term.”

(8) In Part 6 of Schedule 2 (statement of special educational needs), for “Primary Care Trust” substitute “clinical commissioning group, the National Health Service Commissioning Board”.

(9) This paragraph applies in relation to England only.

### **The Children’s Homes Regulations 2001**

**49.**—(1) The Children’s Homes Regulations 2001(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “children’s guide” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

(b) omit the definition of “Primary Care Trust”.

(3) In Schedule 5 (events and notifications), in the table—

(a) in the column relating to a local authority, in the row relating to the outbreak of any infectious disease, insert “yes”, and

(b) in the column relating to Primary Care Trusts, for “Primary Care Trusts” substitute “Clinical commissioning groups and the National Health Service Commissioning Board”.

(4) This paragraph applies in relation to England only.

### **The Misuse of Drugs Regulations 2001**

**50.**—(1) The Misuse of Drugs Regulations 2001(b) are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “Primary Care Trust”.

(3) In regulation 15 (form of prescriptions)—

(a) in paragraph (1)(aa), for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or an”.

(b) in paragraph (1A), for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or an”, and

(c) in paragraph (1B), for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or an”.

(4) In regulation 16(1D)(a) (provisions as to supply on prescription), for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or an”.

### **The Nursing and Midwifery Order 2001**

**51.**—(1) The Nursing and Midwifery Order 2001(c) is amended as follows.

(2) In Schedule 1 (the Nursing and Midwifery Council and Committees), in paragraph 1A (membership: general), omit sub-paragraphs (4) and (5).

(3) In Schedule 4 (interpretation), in paragraph (a) of the definition of “local supervising authority”, for “Strategic Health Authorities established under section 8 of the National Health Service Act 1977” substitute “the National Health Service Commissioning Board”.

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(a) S.I. 2001/3967. Relevant amending instruments are S.I. 2002/2469 and S.I. 2011/583.

(b) S.I. 2001/3998. The relevant amending instrument is S.I. 2006/1450.

(c) S.I. 2002/253. Relevant amending instruments are S.I. 2002/2469 and S.I. 2008/1485.

### **The Health and Social Work Professions Order 2001**

52. In Schedule 1 to the Health and Social Work Professions Order 2001(a) (the Health Professions Council and Committees), in paragraph 1A (membership: general), omit subparagraph (4).

### **The Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001**

53. In regulation 1(2) of the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(b) (interpretation), in the definition of “health service body”—

- (a) in paragraph (a), after “a health authority,” insert “a clinical commissioning group, the National Health Service Commissioning Board,”, and
- (b) after paragraph (d) insert—
  - “(da) the National Institute for Health and Care Excellence;
  - (db) the Health and Social Care Information Centre;”.

### **The State Pension Credit Regulations 2002**

54.—(1) The State Pension Credit Regulations 2002(c) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “service user group”, after paragraph (f) insert—

- “(fa) the National Institute for Health and Care Excellence in consequence of a function under Part 8 of the Health and Social Care Act 2012,
- (fb) a clinical commissioning group in consequence of a function under section 14Z2 of the National Health Service Act 2006,
- (fc) the National Health Service Commissioning Board in consequence of a function under section 13Q of the National Health Service Act 2006;”.

(3) In regulation 17B (earnings of self-employed earners), in paragraph (4)(b), in the added paragraph (2)(d)—

- (a) after paragraph (iv) insert—
  - “(iva) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
  - (ivb) the National Health Service Commissioning Board; or”,
- (b) omit paragraph (v) (together with the “or” following it).

### **The Tax Credits (Definition and Calculation of Income) Regulations 2002**

55. In regulation 19(2) of the Tax Credits (Definition and Calculation of Income) Regulations 2002(d) (general disregards in the calculation of income), in column 1 of item 3 of Table 8—

- (a) after paragraph (d) insert—
  - “(da) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
  - (db) the National Health Service Commissioning Board.”, and
- (b) omit paragraph (e).

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(a) S.I. 2002/254. Relevant amending provisions are S.I. 2009/1182 and section 213(5) of the Health and Social Care Act 2012 (c. 7). The title of the Order was amended by section 213(6) of that Act.  
(b) S.R. 2001/313, to which there are amendments not relevant to this Order.  
(c) S.I. 2002/1792. Relevant amending instruments are S.I. 2002/3019, S.I. 2008/3157 and S.I. 2009/2655.  
(d) S.I. 2002/2006, to which there are amendments not relevant to this Order.

### **The Statutory Paternity Pay and Statutory Adoption Pay (National Health Service Employees) Regulations 2002**

**56.**—(1) The Statutory Paternity Pay and Statutory Adoption Pay (National Health Service Employees) Regulations 2002(a) are amended as follows.

(2) In regulation 1(2) (interpretation etc), omit the definition of “Primary Care Trust”.

(3) In regulation 2 (treatment of more than one contract of employment as one contract), omit the words from “, or where an order” to “is so divided,”.

(4) In regulation 5 (treatment of two or more employers as one)—

(a) in paragraph (a), omit “or Primary Care Trust” in each place where it occurs, and

(b) omit paragraph (b) and the “or” immediately preceding it.

### **The Residential Family Centres Regulations 2002**

**57.** In Schedule 5 to the Residential Family Centres Regulations 2002(b) (events and notifications), in the table—

(a) in the column relating to a local authority, in the row relating to the outbreak of any infectious disease, insert “yes”, and

(b) in the column relating to a Primary Care Trust—

(i) for “Primary Care Trust” substitute “Clinical commissioning group and the National Health Service Commissioning Board”, and

(ii) in the row relating to the outbreak of any infectious disease, omit “yes”.

### **The Misuse of Drugs Regulations (Northern Ireland) 2002**

**58.**—(1) The Misuse of Drugs Regulations (Northern Ireland) 2002(c) are amended as follows.

(2) In regulation 2(2) (interpretation), omit the definition of “Primary Care Trust”.

(3) In regulation 15 (form of prescriptions)—

(a) in paragraph (1)(aa), for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or an”,

(b) in paragraph (1A), for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or an”, and

(c) in paragraph (1B), for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or an”.

(4) In regulation 16(1D)(a) (provisions as to supply on prescription), for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or an”.

### **The Health, Social Care and Well-being Strategies (Wales) Regulations 2003**

**59.**—(1) In the English text of the Health, Social Care and Well-being Strategies (Wales) Regulations 2003(d), in regulation 2 (interpretation)—

(a) in the definition of “health and well-being services” (“*gwasanaethau iechyd a llesiant*”), after “provided by an NHS body;” insert “any services provided under or in connection with the public health functions of a local authority (within the meaning of the National Health Service Act 2006: see sections 1H(5)(b) and 2B(5));”,

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(a) S.I. 2002/2819, to which there is an amendment not relevant to this Order.

(b) S.I. 2002/3213, to which there are amendments not relevant to this Order.

(c) S.R. 2002/1. The relevant amending instrument is S.R. 2006/264.

(d) S.I. 2003/154 (W. 24), to which there are amendments not relevant to this Order.

- (b) in the definition of “local authority” (“*awdurdod lleol*”), after “*lleol*” insert “, except in the case of the first reference to a local authority in the definition of “health and well-being services” (“*gwasanaethau iechyd a llesiant*”),”, and
- (c) in the definition of “NHS body” (“*corff GIG*”), omit “, Strategic Health Authority, Primary Care Trust”.

(2) In the Welsh text of the Health, Social Care and Well-being Strategies (Wales) Regulations 2003, in regulation 2 (dehongli) —

- (a) in the definition of “gwasanaethau iechyd a llesiant” (“*health and well-being services*”), after “*sy’n cael eu darparu gan gorff GIG;*” insert “*unrhyw wasanaethau sy’n cael eu darparu o dan neu mewn cysylltiad â swyddogaethau iechyd y cyhoedd awdurdod lleol (o fewn ystyr Deddf y Gwasanaeth Iechyd Gwladol 2006: gweler adrannau 1H(5)(b) a 2B(5));*”,
- (b) in the definition of “awdurdod lleol” (“*local authority*”), after “*lleol*” insert “, ac eithrio yn achos y cyfeiriad cyntaf at awdurdod lleol yn y diffiniad o “gwasanaethau iechyd a llesiant” (“*health and well-being services*”),”, and
- (c) in the definition of “corff GIG” (“*NHS body*”), omit “, Awdurdod Iechyd Strategol, Ymddiriedolaeth Iechyd Sylfaenol”.

### **The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003**

**60.**—(1) The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003(a) are amended as follows.

(2) In regulation 19(3) (notifiable events)—

- (a) after the definition of “area authority” insert—
  - ““clinical commissioning group” means the clinical commissioning group in whose area the child is placed for adoption by the agency;”, and
- (b) omit the definition of “Primary Care Trust” (but not the “and” following it).

(3) In regulation 24K (notifiable events), in the added paragraph (1B)—

- (a) in sub-paragraph (b), for “Primary Care Trust” substitute “clinical commissioning group”, and
- (b) after that sub-paragraph insert—
  - “(ba) the National Health Service Commissioning Board;”.

(4) In Schedule 4 (events and notifications), in column 2 of the table, for “Primary Care Trust” substitute “Clinical commissioning group and the National Health Service Commissioning Board”.

### **The School Organisation Proposals by the Learning and Skills Council for England Regulations 2003**

**61.**—(1) The School Organisation Proposals by the Learning and Skills Council for England Regulations 2003(b) are amended as follows.

(2) In regulation 4(7)(b) (publication of preliminary notice), for “any Strategic Health Authority who act” substitute “the National Health Service Commissioning Board and any clinical commissioning group which acts”.

(3) In regulation 16(2)(d) (other bodies to whom information should be sent: special schools), for “any Strategic Health Authority who act” substitute “the National Health Service Commissioning Board and any clinical commissioning group which acts”.

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(a) S.I. 2003/367. The relevant amending instrument is S.I. 2005/3341.

(b) S.I. 2003/507, to which there are amendments not relevant to this Order.

### **The Delayed Discharges (England) Regulations 2003**

- 62.**—(1) The Delayed Discharges (England) Regulations 2003(a) are amended as follows.
- (2) In regulation 2 (interpretation), in the definition of “health service body”, omit paragraph (a).
  - (3) Omit regulation 12 (lists of persons).
  - (4) Omit regulation 13 (inclusion on and removal of a person’s name from a list).
  - (5) Omit regulation 14 (application for assistance with resolution of a dispute).
  - (6) Omit regulation 15 (appointment of a panel to assist with resolution of a dispute).
  - (7) Omit regulation 16 (procedure of the panel).
  - (8) Omit regulation 17 (legal proceedings).

### **The Registration of Establishments (Laying Hens) (England) Regulations 2003**

**63.** In regulation 4(1) of the Registration of Establishments (Laying Hens) (England) Regulations 2003(b) (exchange of information), omit “and the Health Protection Agency”.

### **The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

**64.**—(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(c) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) in the definition of “chemist”, for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”,
  - (b) after the definition of “childhood vaccinations and immunisations” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”,
  - (c) in the definition of “medical card”—
    - (i) omit “Primary Care Trust,” and
    - (ii) after “Social Services Board” insert “or the National Health Service Commissioning Board”,
  - (d) after the definition of “the NHS dispute resolution procedure” insert—

““NHSLA” means the National Health Service Litigation Authority established as a Special Health Authority by the National Health Service Litigation Authority (Establishment and Constitution) Order 1995;”,
  - (e) omit the definition of “NPSA”, and
  - (f) omit the definition of “Primary Care Trust”.
- (3) In regulation 4 (conditions: general)—
  - (a) in paragraph (2)(b)(ii), omit “Primary Care Trust,” and
  - (b) in paragraph (3)(b)(ii), omit “a Primary Care Trust,”.
- (4) In regulation 5 (general condition relating to all contracts), after paragraph (5) insert—

“(6) References in paragraph (2)(c) to a health service body include a Strategic Health Authority and a Primary Care Trust.”
- (5) Schedule 6 (other contractual terms) is amended as follows.
  - (6) In paragraph 22(1)(b) (removal from lists if patients registered elsewhere), for “a Primary Care Trust,” substitute “the National Health Service Commissioning Board,”.

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(a) S.I. 2003/2277, to which there are amendments not relevant to this Order.

(b) S.I. 2003/3100, to which there are amendments not relevant to this Order.

(c) S.I. 2004/478 (W. 48). The relevant amending instrument is S.I. 2006/358.

(7) In paragraph 67(1)(b) (appraisal and assessment), for “NPSA” substitute “NHSLA”.

(8) In paragraph 95(2) (co-operation with investigations), in the definition of “NHS body”, for “a Strategic Health Authority, a Primary Care Trust,” substitute “a clinical commissioning group, the National Health Service Commissioning Board,”.

(9) In paragraph 111 (other grounds for termination by the Local Health Board), after subparagraph (5) insert—

“(6) References in subparagraph (2)(d) to a health service body include a Strategic Health Authority and a Primary Care Trust.”

#### **The National Health Service (Performers Lists) (Wales) Regulations 2004**

**65.**—(1) The National Health Service (Performers Lists) (Wales) Regulations 2004(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “equivalent body”—

(i) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and

(ii) after “Health Authority in Wales,” insert “in relation to any time prior to 1st April 2013 and after 30th September 2002, a Primary Care Trust in England,”,

(b) after the definition of “the NCAA” insert—

““NICE” means the National Institute for Health and Clinical Excellence established as a Special Health Authority by the National Institute for Clinical Excellence (Establishment and Constitution) Order 1999;

“the NHSLA” means the National Health Service Litigation Authority established as a Special Health Authority by the National Health Service Litigation Authority (Establishment and Constitution) Order 1995;”,

(c) in the definition of “primary care organisation”, for “a Primary Care Trust,” substitute “the National Health Service Commissioning Board,”, and

(d) in the definition of “suspended”, for “by a Primary Care Trust” substitute “by the National Health Service Commissioning Board or, after 30th September 2002 and prior to 1st April 2013, by a Primary Care Trust”.

(3) In regulation 4(3)(d) (application for inclusion in performers list), for “NPSA” substitute “NHSLA”.

(4) In regulation 11(6)(e) (criteria for decision on removal), for “or thereafter by the NPSA” substitute “, by the NPSA after 31st March 2005 and on or before 31st March 2012, by NICE after 31st March 2012 and on or before 31st March 2013, or by the NHSLA thereafter”.

(5) In regulation 16(2)(g) (notification), for “NPSA” substitute “NHSLA”.

(6) In regulation 20(1)(f) (disclosure of information), for “NPSA” substitute “NHSLA”.

#### **The Medicines for Human Use (Clinical Trials) Regulations 2004**

**66.**—(1) The Medicines for Human Use (Clinical Trials) Regulations 2004(b) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “health service body”—

(a) in paragraph (a), omit “Strategic Health Authority,”, and

(b) in paragraph (b), omit “Primary Care Trust,”.

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(a) S.I. 2004/1020 (W. 117). Relevant amending instruments are S.I. 2005/258 and S.I. 2006/358.

(b) S.I. 2004/1031. The relevant amending instrument is S.I. 2012/1641.

(3) In Schedule 2 (additional provisions relating to ethics committees), in paragraph 3 (membership), after sub-paragraph (5) insert—

“(6) References in sub-paragraph (5) to a health service body include—

- (a) a Strategic Health Authority,
- (b) a Primary Care Trust,
- (c) the National Institute for Health and Care Excellence, and
- (d) the Health and Social Care Information Centre.”

#### **The Registration of Establishments (Laying Hens) (Wales) Regulations 2004**

**67.**—(1) In the English text of the Registration of Establishments (Laying Hens) (Wales) Regulations 2004(a), in regulation 5(1) (exchange of information), for “and the Health Protection Agency are” substitute “is”.

(2) In the Welsh text of the Registration of Establishments (Laying Hens) (Wales) Regulations 2004, in regulation 5(1) (cyfnewid gwybodaeth), omit “a’r Asiantaeth Diogelu Iechyd”.

#### **The Justification of Practices Involving Ionising Radiation Regulations 2004**

**68.**—(1) The Justification of Practices Involving Ionising Radiation Regulations 2004(b) are amended as follows.

(2) In regulation 18(1)(a) (consultation), for paragraph (iii) (together with the “and” following it) substitute—

“(iii) Public Health England, an executive agency of the Department of Health; and”.

(3) In regulation 22(3) (contravention notices), for sub-paragraph (d) substitute—

“(d) Public Health England, an executive agency of the Department of Health;”.

#### **The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004**

**69.** In regulation 2 of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(c) (interpretation), in the definition of “equivalent body”, after “in England,” insert “the National Health Service Commissioning Board or, in relation to any time prior to 1st April 2013,”.

#### **The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004**

**70.**—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(d) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “childhood vaccinations and immunisations” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”,

(b) in the definition of “medical card”—

(i) omit “Primary Care Trust,” and

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(a) S.I. 2004/1432 (W. 145).

(b) S.I. 2004/1769. The relevant amending instrument is S.I. 2005/525.

(c) S.S.I. 2004/114, to which there are amendments not relevant to this Order.

(d) S.S.I. 2004/115. Relevant amending instruments are S.S.I. 2010/394 and S.S.I. 2012/36.

- (ii) after “Health and Social Services Board” insert “ or by the National Health Service Commissioning Board”, and
- (c) omit the definition of “Primary Care Trust”.
- (3) In Schedule 5 (other contractual terms)—
  - (a) in paragraph 22(1)(b) (removals from the list of patients registered elsewhere)—
    - (i) omit “Primary Care Trust,”, and
    - (ii) after “Health and Social Services Board” insert “or the National Health Service Commissioning Board,”, and
  - (b) in paragraph 87(2) (co-operation with investigations), in the definition of “NHS body”—
    - (i) for “a Primary Care Trust,” substitute “a clinical commissioning group,”, and
    - (ii) for “a Strategic Health Authority,” substitute “the National Health Service Commissioning Board,”.

### **The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004**

**71.**—(1) The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(a) are amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) after the definition of “childhood vaccinations and immunisations” insert—
    - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”,
  - (b) in the definition of “medical card”—
    - (i) omit “Primary Care Trust,”, and
    - (ii) after “Health and Social Services Board” insert “or by the National Health Service Commissioning Board”, and
  - (c) omit the definition of “Primary Care Trust”.
- (3) In paragraph 52(2) of Schedule 1 (co-operation with investigations), in the definition of “NHS body”—
  - (a) for “Primary Care Trust,” substitute “clinical commissioning group,”, and
  - (b) for “a Strategic Health Authority,” substitute “the National Health Service Commissioning Board,”.
- (4) In paragraph 15(1)(b) of Schedule 2 (removals from the list of patients registered elsewhere)—
  - (a) omit “Primary Care Trust,”, and
  - (b) after “Health and Social Services Board” insert “or the National Health Service Commissioning Board”.

### **The Community Health Partnerships (Scotland) Regulations 2004**

**72.** In regulation 7(2)(g) of the Community Health Partnerships (Scotland) Regulations 2004(b) (disqualification), after paragraph (i) insert—

- “(ia) Parts 4 to 6 of the 2006 Act by the National Health Service Commissioning Board in accordance with regulations made under section 91, 106 or 123 of that Act;”.

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(a) S.S.I.2004/116, to which there are amendments not relevant to this Order.

(b) S.S.I. 2004/386. The relevant amending instrument is S.S.I. 2010/422.

### **The Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004**

73.—(1) The Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004(a) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “health service body”, after paragraph (a) insert—

- “(aa) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
- (ab) the National Health Service Commissioning Board;
- (ac) the National Institute for Health and Care Excellence;
- (ad) the Health and Social Care Information Centre;”.

(3) In regulation 4(1) (disqualification for appointment)—

- (a) in sub-paragraph (d)—
  - (i) after “health service body” insert “(other than a clinical commissioning group)”, and
  - (ii) after “health and social services body” insert “, or as the chair or a member of the governing body of a clinical commissioning group,”,
- (b) in sub-paragraph (f), after “health service body” insert “(other than a clinical commissioning group)”, and
- (c) after sub-paragraph (f) insert—
  - “(fa) a person who is the chair or a member of the governing body of a clinical commissioning group, or an employee of such a group;”.

### **The Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004**

74.—(1) The Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004(b) is amended as follows.

(2) In article 1(2) (interpretation), in the definition of “a health service body”, after paragraph (a) insert—

- “(aa) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
- (ab) the National Health Service Commissioning Board;
- (ac) the National Institute for Health and Care Excellence;
- (ad) the Health and Social Care Information Centre;”.

(3) In article 5(1)(d) (disqualification for appointment)—

- (a) after “health service body” insert “(other than a clinical commissioning group)”, and
- (b) after “health and social services body” insert “, or as the chair or a member of the governing body of a clinical commissioning group,”.

### **The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004**

75.—(1) The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(c) are amended as follows.

(2) In regulation 2 (interpretation)—

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(a) S.R. 2004/37, to which there are amendments not relevant to this Order.  
(b) S.R. 2004/62, to which there are amendments not relevant to this Order.  
(c) S.R. 2004/140, to which there are amendments not relevant to this Order.

- (a) after the definition of “childhood vaccinations and immunisations” insert—
    - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”,
  - (b) in the definition of “medical card”, for “a Primary Care Trust,” substitute “the National Health Service Commissioning Board, a”.
  - (c) omit the definition of “Primary Care Trust”, and
  - (d) omit the definition of “Strategic Health Authority”.
- (3) In regulation 4 (conditions relating solely to medical practitioners)—
- (a) in paragraph (2)(b)(ii), omit “a Primary Care Trust,”, and
  - (b) in paragraph (3)(b)(ii), omit “a Primary Care Trust,”.
- (4) In Schedule 5 (other contractual terms)—
- (a) in paragraph 22(1)(b) (removals from the list of patients registered elsewhere), for “a Primary Care Trust,” substitute “the National Health Service Commissioning Board,”, and
  - (b) in paragraph 89(2) (co-operation with investigations), in the definition of “NHS body”—
    - (i) for “a Primary Care Trust,” substitute “a clinical commissioning group,”, and
    - (ii) for “a Strategic Health Authority,” substitute “the National Health Service Commissioning Board,”.

#### **The Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004**

**76.**—(1) The Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(a) are amended as follows.

- (2) In regulation 2 (interpretation)—
- (a) in the definition of “equivalent body”, for “a Primary Care Trust established under section 16A of the National Health Services Act 1977,” substitute “the National Health Service Commissioning Board,”, and
  - (b) for the definition of “NPSA” substitute—
    - ““NHSLA” means the National Health Service Litigation Authority established as a Special Health Authority by the National Health Service Litigation Authority (Establishment and Constitution) Order 1995;”.
- (3) In regulation 14 (disclosure of information)—
- (a) in paragraph (2)(g), for “NPSA” substitute “NHSLA”, and
  - (b) in paragraph (8)(j), for “NPSA” substitute “NHSLA”.
- (4) In Schedule 1 (information etc to be included in an application for inclusion in a primary medical services performers list), in paragraph 3(a)(ii), for “NPSA” substitute “NHSLA”.

#### **The Blood Safety and Quality Regulations 2005**

**77.** In regulation 1(3) of the Blood Safety and Quality Regulations 2005(b) (interpretation), in paragraph (a) of the definition of “health service body”, omit “Strategic Health Authority,” and “, Primary Care Trust”.

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(a) S.R. 2004/149. The relevant amending instrument is S.R. 2008/434.  
 (b) S.I. 2005/50, to which there are amendments not relevant to this Order.

### **The Health Service Commissioner for England (Special Health Authorities) Order 2005**

**78.** In the Schedule to the Health Service Commissioner for England (Special Health Authorities) Order 2005(a) (Special Health Authorities designated as subject to investigation), omit the entries relating to the National Institute for Clinical Excellence and the National Patient Safety Agency.

### **The Adoption Agencies Regulations 2005**

**79.** In regulation 35(6)(b) of the Adoption Agencies Regulations 2005(b) (requirements imposed on the adoption agency before the child may be placed for adoption)—

- (a) for “Primary Care Trust” substitute “clinical commissioning group”, and
- (b) after “has his home,” insert “and to the National Health Service Commissioning Board if the prospective adopter’s home is in England,”.

### **The Adoptions with a Foreign Element Regulations 2005**

**80.—**(1) The Adoptions with a Foreign Element Regulations 2005(c) are amended as follows.

(2) In regulation 5(1)(c) (functions imposed on local authority)—

- (a) for “Primary Care Trust” substitute “clinical commissioning group”, and
- (b) after “has his home,” insert “and to the National Health Service Commissioning Board if the prospective adopter’s home is in England,”.

(3) In regulation 22(b) (applicable requirements in respect of an adoption agency before the child enters the UK)—

- (a) for “Primary Care Trust” substitute “clinical commissioning group”, and
- (b) after “has his home,” insert “and to the National Health Service Commissioning Board if the prospective adopter’s home is in England,”.

### **The Adoption Support Services Regulations 2005**

**81.—**(1) The Adoption Support Services Regulations 2005(d) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of “child” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and
- (b) omit the definition of “Primary Care Trust”.

(3) In regulation 5(1)(c) (arrangements for securing provision of services), for “or Primary Care Trust” substitute “, a clinical commissioning group and the National Health Service Commissioning Board”.

(4) In regulation 14(4) (procedure for assessment)—

- (a) for “a Primary Care Trust,” substitute “a clinical commissioning group, the National Health Service Commissioning Board,”, and
- (b) for “that Primary Care Trust, Local Health Board or local authority” substitute “that group, board, or authority”.

(5) In regulation 16(3) (plan)—

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(a) S.I. 2005/251, to which there are amendments not relevant to this Order.  
(b) S.I. 2005/389, to which there are amendments not relevant to this Order.  
(c) S.I. 2005/392, to which there are amendments not relevant to this Order.  
(d) S.I. 2005/691. The relevant amending instrument is S.I. 2010/1172.

- (a) for “a Primary Care Trust,” substitute “a clinical commissioning group, the National Health Service Commissioning Board,” and
- (b) for “that Primary Care Trust, Local Health Board or local authority” substitute “that group, board or authority”.

#### **The Special Guardianship Regulations 2005**

**82.**—(1) The Special Guardianship Regulations 2005(a) are amended as follows.

(2) In regulation 4(1)(d) (arrangements for securing provision of services), for “or Primary Care Trust” substitute “, a clinical commissioning group and the National Health Service Commissioning Board”.

(3) In regulation 12(3) (procedure for assessment)—

- (a) for “a Local Health Board, Primary Care Trust” substitute “a Local Health Board, a clinical commissioning group, the National Health Service Commissioning Board”, and
- (b) for “that Local Health Board, Primary Care Trust or local authority” substitute “that board, group or authority”.

(4) In regulation 14(3) (plan)—

- (a) for “a Local Health Board, Primary Care Trust” substitute “a Local Health Board, a clinical commissioning group, the National Health Service Commissioning Board”, and
- (b) for “that Local Health Board, Primary Care Trust or local authority” substitute “that board, group or authority”.

#### **The Adoption Agencies (Wales) Regulations 2005**

**83.**—(1) In the English text of the Adoption Agencies (Wales) Regulations 2005(b), in regulation 36(4) (requirements imposed on adoption agency)—

- (a) in sub-paragraph (b), for “Primary Care Trust” substitute “clinical commissioning group”, and
- (b) after that sub-paragraph insert—
  - “(ba) if the prospective adopter resides in England, notify the National Health Service Commissioning Board in writing of the proposed placement.”.

(2) In the Welsh text of the Adoption Agencies (Wales) Regulations 2005, in regulation 36(4) (gofynion a osodir ar yr asiantaeth fabwysiadu)—

- (a) in sub-paragraph (b), for “Ymddiriedolaeth Gofal Sylfaenol” substitute “grŵp comisiynu clinigol”, and
- (b) after that sub-paragraph insert—
  - “(ba) os yw’r darpar fabwysiadydd yn preswyllo yn Lloegr, hysbysu Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol yn ysgrifenedig o’r lleoliad arfaethedig.”.

#### **The Adoption Support Services (Local Authorities) (Wales) Regulations 2005**

**84.**—(1) The English text of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005(c) is amended as follows.

(2) In regulation 5(1) (provision of services)—

- (a) after sub-paragraph (d) insert—
  - “(da) a clinical commissioning group, and

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(a) S.I. 2005/1109. The relevant amending instrument is S.I. 2010/1172.  
 (b) S.I. 2005/1313 (W. 95). The relevant amending instrument is S.I. 2010/1142 (W. 101).  
 (c) S.I. 2005/1512 (W. 116). The relevant amending instrument is S.I. 2010/1142 (W. 101).

- (db) the National Health Service Commissioning Board.”, and
- (b) omit sub-paragraph (e) (together with the “and” following it).
- (3) In regulation 8(4) (procedure for assessment)—
- (a) in sub-paragraph (a), for “or Primary Care Trust” substitute “or clinical commissioning group or the National Health Service Commissioning Board”, and
- (b) in the full-out words at the end, for “local health board, NHS trust, Primary Care Trust or local authority” substitute “board, trust, group or authority”.
- (4) In regulation 10(3)(b) (plan)—
- (a) in paragraph (i), for “or Primary Care Trust” substitute “or clinical commissioning group or the National Health Service Commissioning Board”, and
- (b) in the full-out words at the end, for “local health board, NHS Trust or Primary Care Trust or local authority” substitute “board, trust, group or authority”.
- (5) In regulation 13(2) (decision to provide support)—
- (a) for “a local health board, NHS Trust, Primary Care Trust” substitute “a local health board, an NHS Trust, a clinical commissioning group, the National Health Service Commissioning Board”, and
- (b) for “Primary Care Trust” substitute “clinical commissioning group, National Health Service Commissioning Board”.
- (6) The Welsh text of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 is amended as follows.
- (7) In regulation 5(1) (darparu gwasanaethau)—
- (a) after sub-paragraph (ch) insert—
- “(cha)grŵp comisiynu clinigol, ac
- (chb) Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol.”, and
- (b) omit sub-paragraph (d) (together with the “ac” following it).
- (8) In regulation 8(4) (y weithdrefn asesu)—
- (a) in sub-paragraph (a), for “neu Ymddiriedolaeth Gofal Sylfaenol” substitute “neu grŵp comisiynu clinigol neu Fwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”, and
- (b) in the full-out words at the end, for “bwrdd iechyd lleol hwnnw, yr Ymddiriedolaeth GIG honno, yr Ymddiriedolaeth Gofal Sylfaenol honno neu’r awdurdod lleol hwnnw” substitute “bwrdd hwnnw, yr ymddiriedolaeth honno, y grŵp hwnnw neu’r awdurdod hwnnw”.
- (9) In regulation 10(3)(b) (cynllun)—
- (a) in paragraph (i), for “neu Ymddiriedolaeth Gofal Sylfaenol” substitute “neu grŵp comisiynu clinigol neu Fwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”, and
- (b) in the full-out words at the end, for “bwrdd iechyd lleol hwnnw, yr Ymddiriedolaeth GIG honno neu’r Ymddiriedolaeth Gofal Sylfaenol honno, neu’r awdurdod lleol hwnnw” substitute “bwrdd hwnnw, yr ymddiriedolaeth honno, y grŵp hwnnw neu’r awdurdod hwnnw”.
- (10) In regulation 13(2) (penderfyniad i ddarparu cymorth)—
- (a) for “fwrdd iechyd lleol, Ymddiriedolaeth GIG, Ymddiriedolaeth Gofal Sylfaenol” substitute “fwrdd iechyd lleol, Ymddiriedolaeth GIG, grŵp comisiynu clinigol, Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”, and
- (b) for “yr Ymddiriedolaeth Gofal Sylfaenol” substitute “grŵp comisiynu clinigol, Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”.

## **The Special Guardianship (Wales) Regulations 2005**

**85.**—(1) The English text of the Special Guardianship (Wales) Regulations 2005(a) is amended as follows.

(2) In regulation 3(3)(b) (provision of special guardianship support services), for “and Primary Care Trusts” substitute “, clinical commissioning groups and the National Health Service Commissioning Board”.

(3) In regulation 6(1)(c) (assessment procedure)—

(a) for “NHS Trust, Primary Care Trust” substitute “an NHS Trust, a clinical commissioning group, the National Health Service Commissioning Board”, and

(b) for “that Board, Trust” substitute “that Board, Trust, group”.

(4) In regulation 11(3) (special guardianship support services plan)—

(a) for “NHS Trust, Primary Care Trust” substitute “an NHS Trust, a clinical commissioning group, the National Health Service Commissioning Board”, and

(b) for “that Board, Trust” substitute “that Board, Trust, group”.

(5) The Welsh text of the Special Guardianship (Wales) Regulations 2005 is amended as follows.

(6) In regulation 3(3)(b) (darparu gwasanaethau cymorth gwarcheidiaeth arbennig), for “ac Ymddiriedolaethau Gofal Sylfaenol” substitute “, grwpiau comisiynu clinigol a Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol”.

(7) In regulation 6(1)(c) (y weithdrefn asesu)—

(a) for “Ymddiriedolaeth GIG, Ymddiriedolaeth Gofal Sylfaenol” substitute “Ymddiriedolaeth GIG, grŵp comisiynu clinigol, Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol”, and

(b) for “Bwrdd hwnnw, yr Ymddiriedolaeth honno” substitute “Bwrdd hwnnw, yr Ymddiriedolaeth honno, y grŵp hwnnw”.

(8) In regulation 11(3) (cynllun gwasanaethau cymorth gwarcheidiaeth arbennig)—

(a) for “Ymddiriedolaeth GIG, Ymddiriedolaeth Gofal Sylfaenol” substitute “Ymddiriedolaeth GIG, grŵp comisiynu clinigol, Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol”, and

(b) for “Bwrdd hwnnw, yr Ymddiriedolaeth honno” substitute “Bwrdd hwnnw, yr Ymddiriedolaeth honno, y grŵp hwnnw”.

## **The Adoption Support Agencies (Wales) Regulations 2005**

**86.**—(1) The English text of the Adoption Support Agencies (Wales) Regulations 2005(b) is amended as follows.

(2) In regulation 27 (notifiable events)—

(a) after paragraph (1) insert—

“(1A) If a duty arises under paragraph (1) to give notification in respect of an event to a clinical commissioning group, that duty shall also require notification in respect of that event to be given to the National Health Service Commissioning Board.”, and

(b) in paragraph (3)—

(i) for ““Primary Care Trust”” substitute ““clinical commissioning group””, and

(ii) for “Primary Care Trust” substitute “clinical commissioning group”.

(3) In Schedule 4 (events and notifications), in the table, for “Primary Care Trusts” substitute “clinical commissioning groups”.

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(a) S.I. 2005/1513 (W. 117), to which there are amendments not relevant to this Order.

(b) S.I. 2005/1514 (W. 118), to which there are amendments not relevant to this Order.

(4) The Welsh text of the Adoption Support Agencies (Wales) Regulations 2005 is amended as follows.

(5) In regulation 27 (digwyddiadau hysbysadwy)—

(a) after paragraph (1) insert—

“(1A) Os bydd dyletswydd yn codi o dan baragraff (1) i hysbysu grŵp comisiynu clinigol mewn cysylltiad â digwyddiad, bydd y ddyletswydd honno hefyd yn ei gwneud yn ofynnol i Fwrdd Comisiynu'r Gwasanaeth Iechyd Gwlad gael ei hysbysu mewn cysylltiad â'r digwyddiad hwnnw.”, and

(b) in paragraph (3)—

(i) for “ac “Ymddiriedolaeth Gofal Sylfaenol”” substitute “a “grŵp comisiynu clinigol””, and

(ii) for “Ymddiriedolaeth Gofal Sylfaenol” substitute “grŵp comisiynu clinigol”.

(6) In Schedule 4 (digwyddiadau a hysbysiadau), in the table, for “Yr Ymddiriedolaethau Gofal Sylfaenol” substitute “Y grwpiau comisiynu clinigol”.

### **The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005**

**87.**—(1) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(a) is amended as follows.

(2) In article 1(2) (interpretation), in the definition of “relevant primary dental services”, for paragraph (a) substitute—

“(a) section 56(2) of the National Health Service (Wales) Act 2006;”.

(3) In article 3 (functions of the Authority)—

(a) after paragraph (f) insert—

“(fa)the examining, checking and pricing of any drug, medicine or appliance (other than a Scheduled drug, within the meaning of the National Health Service (General Medical Services Contracts) Regulations 2004) provided for the purposes of immediate treatment or personal administration as part of the provision of primary medical services under Part 4 of the National Health Service Act 2006;”, and

(b) in paragraph (p), for “Primary Care Trusts” substitute “the National Health Service Commissioning Board”.

### **The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005**

**88.**—(1) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(b) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “health service body”, after paragraph (d) insert—

“(da) the National Institute for Health and Care Excellence,

(db) the Health and Social Care Information Centre,”.

(3) In regulation 3(1)(j) (disqualification for appointment)—

(a) omit paragraph (i),

(b) after paragraph (iii) insert—

“(iiia) the National Institute for Health and Care Excellence,

(iiib) the Health and Social Care Information Centre, or”, and

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(a) S.I. 2005/2414. The relevant amending instrument is S.I. 2006/632.

(b) S.I. 2005/2415. Relevant amending instruments are S.I. 2006/633 and S.I. 2012/1641.

- (c) omit paragraph (iv) (together with the “or” following it).

### **The NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005**

**89.** In regulation 1(2) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(a) (interpretation), in the definition of “health service body”, after paragraph (d) insert—

- “(da) the National Institute for Health and Care Excellence,
- (db) the Health and Social Care Information Centre,”.

### **The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005**

**90.**—(1) The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(b) are amended as follows.

(2) In regulation 24 (notifiable events)—

(a) after paragraph (1) insert—

“(1A) If a duty arises under paragraph (1) to give notification in respect of an event to a clinical commissioning group, that duty shall also require notification in respect of that event to be given to the National Health Service Commissioning Board.”, and

(b) in paragraph (3), in the definition of “Primary Care Trust”, for ““Primary Care Trust” means the Primary Care Trust” substitute ““clinical commissioning group” means the clinical commissioning group”.

(3) In Schedule 4 (events and notifications), in the table, for “Primary Care Trust” substitute “Clinical commissioning group”.

### **The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005**

**91.**—(1) The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “child” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”,

(b) after the definition of “income support” insert—

““local authority” has the same meaning as in section 2B of the National Health Service Act 2006;”,

(c) omit the definition of “NHS foundation trust”, and

(d) omit the definition of “Primary Care Trust”.

(3) In regulation 8A (provision of Healthy Start vitamins)—

(a) in paragraph (1), for sub-paragraph (a) (together with the “and” following it) substitute—

“(a) in relation to England, a clinical commissioning group, a local authority or the National Health Service Commissioning Board, if it provides, or arranges for the provision of, maternity services or a child health clinic;

(aa) in relation to Wales, a NHS trust or Local Health Board that provides a maternity or child health clinic; and”.

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(a) S.I. 2005/2531, to which there are amendments not relevant to this Order.

(b) S.I. 2005/2720, to which there are amendments not relevant to this Order.

(c) S.I. 2005/3262. The relevant amending instrument is S.I. 2006/2818.

- (b) in paragraph (2), after “providing” insert “, or (in the case of a clinical commissioning group or the National Health Service Commissioning Board) arranging for the provision of;”,
- (c) in paragraph (3), after “health service body” insert “(other than a clinical commissioning group or the National Health Service Commissioning Board)”,
- (d) after that paragraph insert—
  - “(3A) The arrangements made by a clinical commissioning group or the National Health Service Commissioning Board under paragraph (2) may be made with a pharmacist or other person or body.”,
- (e) in paragraph (4), after “paragraph (2)” insert “or (3)”,
- (f) in paragraph (7), after “health service body”, in the first place where it occurs, insert “(other than a clinical commissioning group or the National Health Service Commissioning Board)”, and
- (g) after that paragraph insert—
  - “(8) In the case of a clinical commissioning group—
    - (a) the Secretary of State may pay the clinical commissioning group an amount equal to the cost of the Healthy Start vitamins that the group has secured the provision of to a beneficiary, or
    - (b) that cost may be met from the sums paid to the group under section 223G of the National Health Service Act 2006.
  - (9) In the case of the National Health Service Commissioning Board—
    - (a) the Secretary of State may pay the Board an amount equal to the cost of the Healthy Start vitamins that the Board has secured the provision of to a beneficiary, or
    - (b) that cost may be met from the sums paid to the Board under section 223B of the National Health Service Act 2006.”

**The Health Service Commissioner for England (Special Health Authorities) (No. 2) Order 2005**

**92.** In the Schedule to the Health Service Commissioner for England (Special Health Authorities) (No. 2) Order 2005(a) (Special Health Authorities designated as subject to investigation), omit the entries relating to the NHS Institute for Innovation and Improvement and the Health and Social Care Information Centre.

**The Housing Benefit Regulations 2006**

- 93.**—(1) The Housing Benefit Regulations 2006(b) are amended as follows.
- (2) In regulation 2(1) (interpretation), in the definition of “service user group”, after paragraph (f) insert—
- “(fa) the National Institute for Health and Care Excellence in consequence of a function under Part 8 of the Health and Social Care Act 2012,
  - (fb) a clinical commissioning group in consequence of a function under section 14Z2 of the National Health Service Act 2006,
  - (fc) the National Health Service Commissioning Board in consequence of a function under section 13Q of the National Health Service Act 2006.”.
- (3) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), in paragraph 27—

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(a) S.I. 2005/3428.

(b) S.I. 2006/213. Relevant amending instruments are S.I. 2008/3157 and S.I. 2009/2655.

- (a) after sub-paragraph (d) insert—
  - “(da) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
  - (db) the National Health Service Commissioning Board; or”, and
- (b) omit sub-paragraph (e) (together with the “or” following it).

**The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**94.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “service user group”, after paragraph (f) insert—

- “(fa)the National Institute for Health and Care Excellence in consequence of a function under Part 8 of the Health and Social Care Act 2012,
- (fb) a clinical commissioning group in consequence of a function under section 14Z2 of the National Health Service Act 2006,
- (fc) the National Health Service Commissioning Board in consequence of a function under section 13Q of the National Health Service Act 2006,”.

(3) In regulation 38(2)(d) (earnings of self-employed earners)—

- (a) after paragraph (iv) insert—
  - “(iva) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
  - (ivb) the National Health Service Commissioning Board; or”, and
- (b) omit paragraph (v) (together with the “or” following it).

**The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006**

**95.**—(1) The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of “NHS dispute resolution procedure” insert—
  - ““NHSLA” means the National Health Service Litigation Authority established as a Special Health Authority by the National Health Service Litigation Authority (Establishment and Constitution) Order 1995;”, and
- (b) omit the definition of “NPSA”.

(3) In regulation 4 (general conditions relating to all agreements), after paragraph (6) insert—

“(7) In this regulation “health service body” includes a Strategic Health Authority and a Primary Care Trust.”

(4) In Schedule 3 (other contractual terms)—

- (a) in paragraph 15 (NICE guidance), for “National Institute for Clinical Excellence” substitute “National Institute for Health and Care Excellence”,
- (b) in paragraph 31(b) (appraisal and assessment), for “NPSA” substitute “NHSLA”,

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(a) S.I. 2006/214. Relevant amending instruments are S.I. 2008/3157 and S.I. 2009/2655.

(b) S.I. 2006/489 (W. 58), to which there are amendments not relevant to this Order.

- (c) in paragraph 51(2) (co-operation with investigations), in the definition of “NHS body”, for “a Strategic Health Authority, a Primary Care Trust” substitute “a clinical commissioning group, the National Health Service Commissioning Board”, and
- (d) in paragraph 69 (termination by the Relevant Body on grounds of suitability etc), after sub-paragraph (5) insert—
  - “(6) In this paragraph “health service body” includes a Strategic Health Authority and a Primary Care Trust.”

### **The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006**

**96.**—(1) The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006(a) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) after the definition of “NHS dispute resolution procedure” insert—
    - ““NHSLA” means the National Health Service Litigation Authority established as a Special Health Authority by the National Health Service Litigation Authority (Establishment and Constitution) Order 1995;”, and
  - (b) omit the definition of “NPSA”.
- (3) In regulation 4 (general prescribed conditions relating to all contracts), after paragraph (6) insert—
  - “(7) In this regulation “health service body” includes a Strategic Health Authority and a Primary Care Trust.”
- (4) In Schedule 3 (other contractual terms)—
  - (a) in paragraph 14 (NICE guidance), for “National Institute for Clinical Excellence” substitute “National Institute for Health and Care Excellence”,
  - (b) in paragraph 30(b) (appraisal and assessment), for “NPSA” substitute “NHSLA”,
  - (c) in paragraph 51(2) (co-operation with investigations), in the definition of “NHS body”, for “a Strategic Health Authority, a Primary Care Trust” substitute “a clinical commissioning group, the National Health Service Commissioning Board”, and
  - (d) in paragraph 71 (termination by the Local Health Board on grounds of suitability etc), after sub-paragraph (5) insert—
    - “(6) In this paragraph “health service body” includes a Strategic Health Authority and a Primary Care Trust.”

### **The National Health Service (Dental Charges) (Wales) Regulations 2006**

**97.**—(1) The National Health Service (Dental Charges) (Wales) Regulations 2006(b) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) in the definition of “relevant Local Health Board”, in paragraph (ii), omit “Primary Care Trust or”, and
  - (b) in the definition of “relevant primary dental services”, in paragraph (i), omit “Primary Care Trust or”.
- (3) In regulation 12(2) (reduction of remuneration and accounting for charges in relation to providers of relevant primary dental services), omit “Primary Care Trust or”.

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(a) S.I. 2006/490 (W. 59), to which there are amendments not relevant to this Order.

(b) S.I. 2006/491 (W. 60), to which there are amendments not relevant to this Order.

### **The Highways Act 1980 (Gating Orders) (England) Regulations 2006**

**98.** In regulation 2 of the Highways Act 1980 (Gating Orders) (England) Regulations 2006(a) (interpretation), in the definition of “NHS trust or NHS foundation trust”, omit “, Primary Care Trust”.

### **The Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006**

**99.** In regulation 3 of the Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006(b) (meaning of NHS body)—

- (a) in paragraph (1)—
  - (i) omit sub-paragraph (a),
  - (ii) after sub-paragraph (b) insert—
    - “(ba) a clinical commissioning group;
    - (bb) the National Health Service Commissioning Board;
    - (bc) a local authority (within the meaning of section 2B of the National Health Service Act 2006) acting in the exercise of public health functions (within the meaning of that Act);”, and
  - (iii) omit sub-paragraph (c).
- (b) in paragraph (2)—
  - (i) after the definition of “Care Trust” insert—
    - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and
  - (ii) omit the definitions of “Primary Care Trust” and “Strategic Health Authority”.

### **The Crime and Disorder Act 1998 (Intervention Orders) Order 2006**

**100.** In article 2(1) of the Crime and Disorder Act 1998 (Intervention Orders) Order 2006(c) (persons to be consulted by relevant authority)—

- (a) after sub-paragraph (a) insert—
  - “(aa) a clinical commissioning group;
  - (ab) the National Health Service Commissioning Board;”, and
- (b) omit sub-paragraph (b).

### **The Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Expansion of Role) Regulations 2006**

**101.** In regulation 1(4) of the Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Expansion of Role) Regulations 2006(d) (interpretation), in the definition of “NHS body”—

- (a) omit paragraph (a),
- (b) after paragraph (b) insert—
  - “(ba) a clinical commissioning group;
  - (bb) the National Health Service Commissioning Board;”, and
- (c) omit paragraph (c).

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(a) S.I. 2006/537.  
(b) S.I. 2006/1832.  
(c) S.I. 2006/2138.  
(d) S.I. 2006/2883.

### **The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006**

**102.** In regulation 2(1) of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006<sup>(a)</sup> (interpretation), in the definition of “equivalent body”—

- (a) in paragraph (a), for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
- (b) after paragraph (c) insert—
  - “(ca) in relation to any time prior to 1st April 2013 and after 30th September 2002, a Primary Care Trust in England;”.

### **The National Health Service Central Register (Scotland) Regulations 2006**

**103.**—(1) The National Health Service Central Register (Scotland) Regulations 2006<sup>(b)</sup> are amended as follows.

(2) In Schedule 1 (additional information which may be contained in an entry in, and obtained from persons or places to create and maintain, the register), in the table, in entry 8, in column (1), for “Health and Social Care Information Centre” substitute “Health and Social Care Information Centre established under section 252 of the Health and Social Care Act 2012”.

(3) In Schedule 2 (information which may be provided from the register and persons to whom it may be provided), in the table, in entry 3, in column (2), for “Health and Social Care Information Centre” substitute “Health and Social Care Information Centre established under section 252 of the Health and Social Care Act 2012”.

### **The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007**

**104.**—(1) The English text of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007<sup>(c)</sup> is amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “Primary Care Trust” (“*Ymddiriedolaeth Gofal Sylfaenol*”).

(3) In regulation 11(3)(b) (entitlement cards), for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”.

(4) The Welsh text of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 is amended as follows.

(5) In regulation 2(1) (*dehongli*), omit the definition of “*Ymddiriedolaeth Gofal Sylfaenol*” (“*Primary Care Trust*”).

(6) In regulation 11(3)(b) (*cardiau hawl*), for “*gydag Ymddiriedolaeth Gofal Sylfaenol*” substitute “*gyda Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol*”.

### **The Placement of Children (Wales) Regulations 2007**

**105.**—(1) The English text of the Placement of Children (Wales) Regulations 2007<sup>(d)</sup> is amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “health care provider” (“*darparnydd gofal iechyd*”), for “primary care trust” substitute “clinical commissioning group”.

(3) In regulation 6(1) (notification of arrangements), after sub-paragraph (b) insert—

“(ba) the National Health Service Commissioning Board if the child is ordinarily resident, or is to be placed, in England;”.

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(a) S.S.I. 2006/135, to which there are amendments not relevant to this Order.

(b) S.S.I. 2006/484. The relevant amending instrument is S.S.I. 2008/358.

(c) S.I. 2007/121 (W. 11), to which there are amendments not relevant to this Order.

(d) S.I. 2007/310 (W. 27). The relevant amending instrument is S.I. 2010/1142 (W. 101).

(4) The Welsh text of the Placement of Children (Wales) Regulations 2007 is amended as follows.

(5) In regulation 2(1) (dehongli), in the definition of “darparrydd gofal iechyd” (“*health care provider*”), for “ymddiriedolaeth gofal sylfaenol” substitute “grŵp comisiynu clinigol”.

(6) In regulation 6(1) (hysbysiad o drefniadau), after sub-paragraph (b) insert—

“(ba) Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol os yw'r plentyn yn preswyllo fel arfer yn Lloegr, neu os yw'r plentyn i gael ei leoli yno;”.

#### **The NHS Direct National Health Service Trust (Establishment) Order 2007**

**106.** In article 1(2) of the NHS Direct National Health Service Trust (Establishment) Order 2007(a) (interpretation), in the definition of “NHS Bodies”—

(a) for “Strategic Health Authorities,” substitute “the National Health Service Commissioning Board,”

(b) for “Primary Care Trusts,” substitute “clinical commissioning groups,” and

(c) after “2006 Act” insert “, and local authorities (within the meaning of section 2B of the 2006 Act) acting in the exercise of public health functions (within the meaning of that Act)”.

#### **The School Governance (Constitution) (England) Regulations 2007**

**107.** In the School Governance (Constitution) (England) Regulations 2007(b) (so far as those Regulations continue to apply by virtue of regulation 4(2) of the School Governance (Constitution) (England) Regulations 2012(c)), in Schedule 3 (appointment of community governors at community special schools and foundation special schools), in paragraph 2—

(a) in sub-paragraph (1), for paragraph (a) (together with the “or” following it) substitute—

“(a) one or more clinical commissioning groups,

(aa) the National Health Service Commissioning Board, or”, and

(b) in sub-paragraph (3)—

(i) before the definition of “National Health Service Trust” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

(ii) omit the definition of “primary care trust” and the “and” immediately preceding it.

#### **The School Governance (New Schools) (England) Regulations 2007**

**108.** In Schedule 1 to the School Governance (New Schools) (England) Regulations 2007(d) (appointment of temporary community governors at community special schools or foundation special schools), in paragraph 2—

(a) in sub-paragraph (1)(a), for sub-paragraph (i) substitute—

“(i) one or more clinical commissioning groups;

(ia) the National Health Service Commissioning Board;”, and

(b) in sub-paragraph (2)—

(i) before the definition of “National Health Service Trust” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

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(a) S.I. 2007/478, to which there are amendments not relevant to this Order.

(b) S.I. 2007/957.

(c) S.I. 2012/1034.

(d) S.I. 2007/958, to which there are amendments not relevant to this Order.

- (ii) omit the definition of “primary care trust” and the “and” immediately preceding it.

### **The School Governance (Federations) (England) Regulations 2007**

**109.** In the School Governance (Federations) (England) Regulations 2007(a) (so far as those Regulations continue to apply by virtue of regulation 4(1) of the School Governance (Federations) (England) Regulations 2012(b)), in Schedule 4 (appointment of community governors in federations which include community special schools), in paragraph 2—

- (a) in sub-paragraph (1), for paragraph (a) substitute—
  - “(a) one or more clinical commissioning groups,
  - (aa) the National Health Service Commissioning Board,” and
- (b) in sub-paragraph (3)—
  - (i) before the definition of “National Health Service Trust” insert—
    - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and
  - (ii) omit the definition of “primary care trust” and the “and” immediately preceding it.

### **The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007**

**110.**—(1) The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007(c) are amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) after the definition of “Accessibility Strategy” insert—
    - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and
  - (b) omit the definition of “Primary Care Trust”.
- (3) In regulation 5(1)(i)(i) (manner of publication of a competition notice), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”.
- (4) In regulation 10(6)(g) (promotion of public awareness), for “the relevant Primary Care Trust,” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group.”.
- (5) In regulation 13(5)(e) (manner in which local authority or proposers must publish details of proposals under sections 10 and 11), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”.
- (6) In regulation 15(3)(f)(i) (manner in which local authority or governing body must submit and publish details of discontinuance proposals), for “the relevant Primary Care Trust,” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group.”.
- (7) In regulation 25(1)(g)(i) (provision for notification of decisions), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”.

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(a) S.I. 2007/960, to which there are amendments not relevant to this Order.  
(b) S.I. 2012/1035.  
(c) S.I. 2007/1288, to which there are amendments not relevant to this Order.

## **The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007**

**111.**—(1) The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “Children and Young People’s Plan” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

(b) omit the definition of “Primary Care Trust”.

(3) In Schedule 1 (foundation proposals)—

(a) in paragraph 5(2)(a) (consultation on proposals), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”, and

(b) in paragraph 7(a) (manner of publication of proposals), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”.

(4) In Schedule 3 (governing body proposals for alterations other than foundations proposals)—

(a) in paragraph 27(2)(a) (consultation on proposals), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”,

(b) in paragraph 28(4)(a) (manner of publication of proposals), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”, and

(c) in paragraph 34(1)(g)(i) (provision for notification of decisions), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”.

(5) In Schedule 5 (local authority proposals for prescribed alterations)—

(a) in paragraph 27(2)(a) (consultation on proposals), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”,

(b) in paragraph 28(5)(a) (manner of publication of proposals), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”, and

(c) in paragraph 34(1)(g)(i) (provision for notification of decisions), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”.

## **The Health Service Medicines (Information Relating to Sales of Branded Medicines etc) Regulations 2007**

**112.** In regulation 2(1) of the Health Service Medicines (Information Relating to Sales of Branded Medicines etc) Regulations 2007(b) (interpretation)—

(a) in the definition of “health service body”, in paragraph (a), omit “Strategic Health Authority,” and “Primary Care Trust,”, and

(b) in the definition of “PMS contractor”, in paragraph (a), for “Strategic Health Authorities” substitute “the Board”.

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(a) S.I. 2007/1289, to which there are amendments not relevant to this Order.

(b) S.I. 2007/1320, to which there are amendments not relevant to this Order.

### **The School Organisation (Transitional Provisions) (England) Regulations 2007**

**113.**—(1) The School Organisation (Transitional Provisions) (England) Regulations 2007(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the Change of Category Regulations” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

(b) omit the definition of “Primary Care Trust”.

(3) In regulation 17(1)(g) (provision of information), for “the relevant Primary Care Trust,” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group.”.

(4) In regulation 18(10)(h)(i) (requirement to implement proposals, revocation and modification), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”.

(5) In regulation 28(1)(g)(i) (provision for notification of decisions), for “the relevant Primary Care Trust” substitute “the National Health Service Commissioning Board and the relevant clinical commissioning group”.

### **The Community Drivers’ Hours and Recording Equipment Regulations 2007**

**114.** In paragraph 1(3) of the Schedule to the Community Drivers’ Hours and Recording Equipment Regulations 2007(b) (exempted vehicles), in the definition of “relevant NHS body”, in paragraph (a), for “a Strategic Health Authority, a Primary Care Trust,” substitute “the National Health Service Commissioning Board, a clinical commissioning group,”.

### **The Crime and Disorder (Prescribed Information) Regulations 2007**

**115.**—(1) The Crime and Disorder (Prescribed Information) Regulations 2007(c) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “hospital”, for “Primary Care Trust” substitute “clinical commissioning group, the National Health Service Commissioning Board”.

(3) In the Schedule (description of information)—

(a) in paragraph 9—

(i) for “Primary Care Trust” substitute “clinical commissioning group”, and

(ii) after “within the area” insert “, or by the National Health Service Commissioning Board,”,

(b) in paragraph 10—

(i) for “Primary Care Trust” substitute “clinical commissioning group”, and

(ii) after “within the area” insert “, or by the National Health Service Commissioning Board,”,

(c) in paragraph 11—

(i) for “Primary Care Trust or Local Health Board” substitute “clinical commissioning group, Local Health Board or local authority (within the meaning of section 2B of the National Health Service Act 2006) acting in the exercise of public health functions (within the meaning of that Act),” and

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(a) S.I. 2007/1355, to which there are amendments not relevant to this Order.

(b) S.I. 2007/1819, to which there are amendments not relevant to this Order.

(c) S.I. 2007/1831, to which there are amendments not relevant to this Order.

- (ii) after “within the area” insert “, or by the National Health Service Commissioning Board,”, and
- (d) in paragraph 12—
  - (i) for “Primary Care Trust” substitute “clinical commissioning group”, and
  - (ii) after “within the area” insert “, or by the National Health Service Commissioning Board,”.

### **The Employment and Support Allowance Regulations 2008**

**116.**—(1) The Employment and Support Allowance Regulations 2008(a) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “service user group”, after paragraph (f) insert—

- “(fa) the National Institute for Health and Care Excellence in consequence of a function under Part 8 of the Health and Social Care Act 2012,
- (fb) a clinical commissioning group in consequence of a function under section 14Z2 of the National Health Service Act 2006,
- (fc) the National Health Service Commissioning Board in consequence of a function under section 13Q of the National Health Service Act 2006,”.

(3) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), in paragraph 29—

- (a) after sub-paragraph (d) insert—
  - “(da) a clinical commissioning group;
  - (db) the National Health Service Commissioning Board; or”, and
- (b) omit sub-paragraph (e) (together with the “or” following it).

### **The Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008**

**117.**—(1) The Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008(b) are amended as follows.

(2) In regulation 7(5)(b) (transfer from hospital to hospital or guardianship)—

- (a) for “Strategic Health Authority,” substitute “clinical commissioning group,”,
- (b) omit “Primary Care Trust,”,
- (c) after “Special Health Authority” insert “, the National Health Service Commissioning Board”, and
- (d) for “authority, board or trust”, in each place where it occurs, substitute “group, board, trust or authority”.

(3) In regulation 9(6) (transfer of community patients recalled to hospital)—

- (a) for “Strategic Health Authority,” substitute “clinical commissioning group,”,
- (b) omit “Primary Care Trust,”,
- (c) after “Special Health Authority” insert “, the National Health Service Commissioning Board”, and
- (d) for “authority, board or trust”, in each place where it occurs, substitute “group, board, trust or authority”.

(4) In regulation 17(5) (assignment of responsibility for community patients)—

- (a) for “Strategic Health Authority,” substitute “clinical commissioning group,”,

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(a) S.I. 2008/794. The relevant amending instrument is S.I. 2009/2655.  
 (b) S.I. 2008/1184, to which there are amendments not relevant to this Order.

- (b) omit “Primary Care Trust,”
- (c) after “Special Health Authority” insert “, the National Health Service Commissioning Board”, and
- (d) for “authority, board or trust” substitute “group, board, trust or authority”.

(5) In regulation 31(1) (patient advocacy and liaison services and independent mental capacity advocate services), for sub-paragraph (c), and the “or” immediately preceding it, substitute—

- “(c) a clinical commissioning group, or
- (d) the National Health Service Commissioning Board.”

### **The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008**

**118.**—(1) The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008(a) are amended as follows.

(2) In the heading to Part 6, for “Supervisory Bodies: Care Homes” substitute “Supervisory Bodies: Care Homes and Hospitals”.

(3) In regulation 17(1)(a) (application and interpretation of Part 6)—

- (a) in paragraph (i), after “care home” insert “or hospital”, and
- (b) in paragraph (ii), after “care home” insert “or hospital”.

### **The Private Dentistry (Wales) Regulations 2008**

**119.**—(1) The English text of the Private Dentistry (Wales) Regulations 2008(b) is amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “dental performers list” (*“rhestr perfformwyr deintyddol”*)—

- (a) for “Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
- (b) for “regulation 3(1)(b) of the National Health Service (Performers Lists) Regulations 2004” substitute “regulations under section 106 of the National Health Service Act 2006”.

(3) In regulation 5(2)(l) (information and documents to be provided by an applicant), for “Primary Care Trust” substitute “National Health Service Commissioning Board”.

(4) The Welsh text of the Private Dentistry (Wales) Regulations 2008 is amended as follows.

(5) In regulation 2(1) (dehongli), in the definition of “rhestr perfformwyr deintyddol” (*“dental performers list”*)—

- (a) for “Ymddiriedolaeth Gofal Sylfaenol” substitute “Fwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”, and
- (b) for “reoliad 3(1)(b) o Reoliadau’r Gwasanaeth Iechyd Gwladol (Rhestri’r Perfformwyr) 2004” substitute “reoliadau o dan adran 106 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006”.

(6) In regulation 5(2)(h) (gwybodaeth a dogfennau sydd i’w darparu gan geisydd), for “neu’r Ymddiriedolaeth Gofal Sylfaenol” substitute “neu Fwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”.

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(a) S.I. 2008/1858, to which there are amendments not relevant to this Order. “Hospital” is defined in paragraph 175(1) of Schedule A1 to the Mental Capacity Act 2005 (2005 c. 9). That Schedule was inserted by section 50(5) of, and Schedule 7 to, the Mental Health Act 2007 (2005 c. 12).

(b) S.I. 2008/1976 (W. 185), to which there are amendments not relevant to this Order.

## **The Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008**

**120.**—(1) The English text of the Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008<sup>(a)</sup> is amended as follows.

- (2) In regulation 23(6)(b) (transfer from hospital to hospital or guardianship)—
- (a) for “Strategic Health Authority, Primary Care Trust,” substitute “clinical commissioning group,”
  - (b) after “Special Health Authority” insert “, the National Health Service Commissioning Board”, and
  - (c) for “trust, board or authority” substitute “trust, board, group or authority”.
- (3) In regulation 25(5) (assignment of responsibility for community patients)—
- (a) for “Strategic Health Authority, Primary Care Trust,” substitute “clinical commissioning group,”
  - (b) after “Special Health Authority” insert “, the National Health Service Commissioning Board”, and
  - (c) for “trust, board or authority,” substitute “trust, board, group or authority,”.
- (4) In regulation 26(6) (transfer of recalled patients to hospital) —
- (a) for “Strategic Health Authority, Primary Care Trust,” substitute “clinical commissioning group,”
  - (b) after “Special Health Authority” insert “, the National Health Service Commissioning Board”, and
  - (c) for “trust, board or authority,” substitute “trust, board, group or authority,”.
- (5) The Welsh text of the Mental Health (Hospital, Guardianship, Community Treatment and Consent to Treatment) (Wales) Regulations 2008 is amended as follows.
- (6) In regulation 23(6)(b) (trosglwyddo o ysbyty i ysbyty neu warcheidiaeth)—
- (a) for “Awdurdod Iechyd Strategol, Ymddiriedolaeth Gofal Sylfaenol,” substitute “grŵp comisiynu clinigol,”
  - (b) after “Awdurdod Iechyd Arbennig” insert “, Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”, and
  - (c) for “ymddiriedolaeth honno, i’r bwrdd hwnnw, neu i’r awdurdod hwnnw” substitute “ymddiriedolaeth honno, i’r bwrdd hwnnw, i’r grŵp hwnnw, neu i’r awdurdod hwnnw”.
- (7) In regulation 25(5) (aseinio cyfrifoldeb dros gleifion cymunedol)—
- (a) for “Awdurdod Iechyd Strategol, Ymddiriedolaeth Gofal Sylfaenol,” substitute “grŵp comisiynu clinigol,”
  - (b) after “Awdurdod Iechyd Arbennig” insert “, Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”, and
  - (c) for “ymddiriedolaeth honno, i’r bwrdd hwnnw, neu i’r awdurdod hwnnw” substitute “ymddiriedolaeth honno, i’r bwrdd hwnnw, i’r grŵp hwnnw, neu i’r awdurdod hwnnw,”.
- (8) In regulation 26(6) (trosglwyddo cleifion a alwyd yn eu hôl i’r ysbyty) —
- (a) for “Awdurdod Iechyd Strategol, Ymddiriedolaeth Gofal Sylfaenol,” substitute “grŵp comisiynu clinigol,”
  - (b) after “Awdurdod Iechyd Arbennig” insert “, Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”, and
  - (c) for “ymddiriedolaeth honno, i’r bwrdd hwnnw, neu i’r awdurdod hwnnw” substitute “ymddiriedolaeth honno, i’r bwrdd hwnnw, i’r grŵp hwnnw, neu i’r awdurdod hwnnw,”.

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<sup>(a)</sup> S.I. 2008/2439 (W. 212), to which there are amendments not relevant to this Order.

### **The Mental Health Review Tribunal for Wales Rules 2008**

**121.**—(1) The Mental Health Review Tribunal for Wales Rules 2008(a) are amended as follows.

(2) In rule 2(1) (interpretation), in the definition of “responsible authority”, omit paragraph (d).

(3) In rule 16 (notice of proceedings), omit paragraph (d) (but not the “and” following it).

(4) In the Schedule (statements by the responsible authority and the Secretary of State), omit paragraph 16.

### **The Health Protection (Vaccination) Regulations 2009**

**122.** In regulation 1(3) of the Health Protection (Vaccination) Regulations 2009(b) (interpretation), omit the definition of “Primary Care Trust” (but not the “and” following it).

### **The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009**

**123.**—(1) The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “general dental services contractor”, for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”,

(b) in the definition of “general medical services contractor”, for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”,

(c) in the definition of “general ophthalmic services contractor”, for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”,

(d) in the definition of “NHS body”—

(i) omit paragraph (a),

(ii) after paragraph (b) insert—

“(ba) a clinical commissioning group;

(bb) the National Health Service Commissioning Board;”, and

(iii) omit paragraph (c), and

(e) in the definition of “primary care provider”, in paragraph (b), for “83(2)(b)” substitute “83(2)”.

(3) In regulation 6(1) (duty to handle complaints), after sub-paragraph (b) insert—

“(ba) a clinical commissioning group or the National Health Service Commissioning Board about the exercise by it of any functions in pursuance of arrangements made under section 7A of the National Health Service Act 2006;”.

(4) In regulation 7 (complaints about the provision of health services)—

(a) in paragraph (1)(a)—

(i) for “Primary Care Trust” substitute “clinical commissioning group or the National Health Service Commissioning Board”, and

(ii) for “1st April 2009” substitute “1st April 2013”,

(b) in paragraph (1)(b), for “Primary Care Trust” substitute “group or Board”,

(c) in paragraph (3)—

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(a) S.I. 2008/2705, to which there is an amendment not relevant to this Order.

(b) S.I. 2009/38.

(c) S.I. 2009/309, to which there are amendments not relevant to this Order.

- (i) for “Primary Care Trust”, in the first place where it occurs, substitute “clinical commissioning group or the National Health Service Commissioning Board”,
  - (ii) in sub-paragraph (a), for “Primary Care Trust” substitute “group or Board”, and
  - (iii) in sub-paragraph (b), for “Primary Care Trust” substitute “group or Board”,
- (d) in paragraph (4)—
- (i) for “Primary Care Trust”, in the first place where it occurs, substitute “clinical commissioning group or National Health Service Commissioning Board”, and
  - (ii) for “Primary Care Trust”, in the second place where it occurs, substitute “group or Board”, and
- (e) in paragraph (5) —
- (i) for “Primary Care Trust”, in the first place where it occurs, substitute “clinical commissioning group or National Health Service Commissioning Board”, and
  - (ii) in sub-paragraph (a), for “Primary Care Trust” substitute “group or Board”.
- (5) In regulation 13(5)(a) (procedure before investigation), for “Primary Care Trust” substitute “clinical commissioning group or National Health Service Commissioning Board”.
- (6) In regulation 18 (annual reports)—
- (a) in paragraph (4)—
    - (i) in sub-paragraph (a), for “Primary Care Trust” substitute “clinical commissioning group or the National Health Service Commissioning Board”, and
    - (ii) in the full-out words, for “Primary Care Trust” substitute “clinical commissioning group or the National Health Service Commissioning Board”,
  - (b) in paragraph (5), for “Primary Care Trust” substitute “clinical commissioning group or National Health Service Commissioning Board”,
  - (c) omit paragraph (6), and
  - (d) in paragraph (7) omit “or (6)”.

**The Health and Social Care Act 2008 (Commencement No. 9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009**

124.—(1) The Health and Social Care Act 2008 (Commencement No. 9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009(a) is amended as follows.

- (2) Omit article 13 (transitory provisions relating to the Health Protection Agency).
- (3) In Schedule 3 (transitory etc provision), in paragraph 2 (annual reviews), omit sub-paragraphs (2) and (3).

**The General Osteopathic Council (Constitution of the Statutory Committees) Rules Order of Council 2009**

125. In the Schedule to the General Osteopathic Council (Constitution of the Statutory Committees) Rules Order of Council 2009(b) (the Rules), omit paragraph 2 (Appointments Commission).

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(a) S.I. 2009/462, to which there are amendments not relevant to this Order.  
 (b) S.I. 2009/468, to which there are amendments not relevant to this Order.

## The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009

126.—(1) The English text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(a) is amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “Board’s area” (“*ardal y Bwrdd*”) insert—

““former health service body” (“*cyn gorff gwasanaeth iechyd*”) means a Strategic Health Authority or Primary Care Trust;”, and

(b) in the definition of “health service body” (“*corff gwasanaeth iechyd*”)—

(i) after “National Health Service Commissioning Board,” insert “the National Institute for Health and Care Excellence, the Health and Social Care Information Centre,”

(ii) omit “Strategic Health Authority,” and

(iii) for “NHS Foundation Trust or Primary Care Trust” substitute “or NHS Foundation Trust”.

(3) In Schedule 2 (eligibility requirements for members and associate members), in paragraph 1—

(a) in sub-paragraph (2)(c), after “health service body” insert “or former health service body”,

(b) in sub-paragraph (2)(d)—

(i) after “clinical commissioning group” insert “or of a former health service body”, and

(ii) for “the health service body” substitute “the body”, and

(c) in sub-paragraph (4), after “clinical commissioning group”, in the first place where it occurs, insert “or of a former health service body”.

(4) The Welsh text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 is amended as follows.

(5) In regulation 2 (dehongli)—

(a) after the definition of “cyfnod cysgodol” (“*shadow period*”) insert—

“ystyr “cyn gorff gwasanaeth iechyd” (“*former health service body*”) yw Awdurdod Iechyd Strategol neu Ymddiriedolaeth Gofal Sylfaenol;”, and

(b) in the definition of “corff gwasanaeth iechyd” (“*health service body*”)—

(i) after “Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol,” insert “y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal, y Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol,”

(ii) omit “Awdurdod Iechyd Strategol,” and

(iii) for “Ymddiriedolaeth Sefydledig GIG neu Ymddiriedolaeth Gofal Sylfaenol” substitute “neu Ymddiriedolaeth Sefydledig GIG”.

(6) In Schedule 2 (y meini prawf cymhwysra ar gyfer aelodau ac aelodau cyswllt), in paragraph 1—

(a) in sub-paragraph (2)(c), after “chorff gwasanaeth iechyd” insert “neu gyn gorff gwasanaeth iechyd”,

(b) in sub-paragraph (2)(ch)—

(i) after “grŵp comisiynu clinigol” insert “neu gyn gorff gwasanaeth iechyd”, and

(ii) for “corff gwasanaeth iechyd” substitute “corff”, and

(c) in sub-paragraph (4), after “grŵp comisiynu clinigol”, in the first place where it occurs, insert “neu gyn gorff gwasanaeth iechyd”.

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(a) S.I. 2009/779 (W. 67). The relevant amending instrument is S.I. 2012/1641.

## **The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009**

127. In Schedule 2 to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(a) (radiological emergencies), in paragraph 4(2)(d), for the words from “the Health Protection Agency” to the end substitute “the Secretary of State pursuant to the Secretary of State’s functions under section 58 of the Health and Social Care Act 2012”.

## **The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009**

128.—(1) The English text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(b) is amended as follows.

(2) In regulation 1(2) (interpretation)—

- (a) after the definition of “executive director” (“*cyfarwyddwr gweithredol*”) insert—  
““former health service body” (“*cyn gorff gwasanaeth iechyd*”) means a Strategic Health Authority or Primary Care Trust;”, and
- (b) in the definition of “health service body” (“*corff gwasanaeth iechyd*”)—
  - (i) in paragraph (a), omit “a Strategic Health Authority,” and “a Primary Care Trust,” and
  - (ii) after paragraph (e) insert—  
“(f) the National Institute for Health and Care Excellence;  
(g) the Health and Social Care Information Centre;”.

(3) In regulation 15 (disqualification for appointment of chair and non-executive directors)—

- (a) in paragraph (1)(c), after “health service body” insert “or former health service body”,
- (b) in paragraph (1)(d)—
  - (i) after “clinical commissioning group” insert “or of a former health service body”, and
  - (ii) in paragraph (i), for “the health service body” substitute “the body”, and
- (c) in paragraph (3)(c)—
  - (i) after “other health service body” insert “or a former health service body”, and
  - (ii) for “the health service body” substitute “the body”.

(4) The Welsh text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 is amended as follows.

(5) In regulation 1(2) (dehongli)—

- (a) after the definition of “cyfarwyddwr gweithredol” (“*executive director*”) insert—  
“ystyr “cyn gorff gwasanaeth iechyd” (“*former health service body*”) yw Awdurdod Iechyd Strategol neu Ymddiriedolaeth Gofal Sylfaenol;”, and
- (b) in the definition of “corff gwasanaeth iechyd” (“*health service body*”)—
  - (i) in paragraph (a), omit “Awdurdod Iechyd Strategol,” and “Ymddiriedolaeth Gofal Sylfaenol;”, and
  - (ii) after paragraph (d) insert—  
“(dd) y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal;  
(e) y Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol;”.

(6) In regulation 15 (datgymhwysio rhag penodi cadeirydd a chyfarwyddwyr anweithredol)—

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(a) S.I. 2009/1348, to which there are amendments not relevant to this Order.  
(b) S.I. 2009/1385 (W. 141). The relevant amending instrument is S.I. 2012/1641.

- (a) in paragraph (1)(c), after “chorff gwasanaeth iechyd” insert “neu gyn gorff gwasanaeth iechyd”,
- (b) in paragraph (1)(ch)—
  - (i) after “corff gwasanaeth iechyd” insert “ac eithrio grŵp comisiynu clinigol neu gyn gorff gwasanaeth iechyd”, and
  - (ii) in paragraph (i), for “i’r corff gwasanaeth iechyd” substitute “i’r corff”, and
- (c) in paragraph (3)(c)—
  - (i) after “corff gwasanaeth iechyd arall” insert “neu gyn gorff gwasanaeth iechyd”, and
  - (ii) for “y corff gwasanaeth iechyd” substitute “y corff”.

#### **The Local Health Boards (Directed Functions) (Wales) Regulations 2009**

**129.**—(1) In the English text of the Local Health Boards (Directed Functions) (Wales) Regulations 2009(a), in regulation 3(2)(a) (exception to regulation 2(2)), for “Primary Care Trust” substitute “clinical commissioning group”.

(2) In the Welsh text of the Local Health Boards (Directed Functions) (Wales) Regulations 2009, in regulation 3(2)(a) (eithriad i reoliad 2(2)), for “Ymddiriedolaeth Gofal Sylfaenol” substitute “grŵp comisiynu clinigol”.

#### **The Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009**

**130.** In regulation 3(6) of the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009(b) (prescribed persons)—

- (a) after sub-paragraph (a) insert—
  - “(aa) clinical commissioning groups;
  - (ab) the National Health Service Commissioning Board;”, and
- (b) omit paragraph (b).

#### **The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009**

**131.** In regulation 2 of the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009(c) (interpretation), in the definition of “health authority”, for paragraph (a) substitute—

- “(a) in relation to England, a clinical commissioning group established under section 14D of the National Health Service Act 2006, the National Health Service Commissioning Board or Public Health England, an executive agency of the Department of Health;”.

#### **The Welsh Health Specialised Services Committee (Wales) Regulations 2009**

**132.**—(1) In the English text of the Welsh Health Specialised Services Committee (Wales) Regulations 2009(d), in regulation 2 (interpretation), in the definition of “health service body” (“*corff gwasanaeth iechyd*”), after “National Health Service Commissioning Board,” insert “the National Institute for Health and Care Excellence, the Health and Social Care Information Centre,”.

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(a) S.I. 2009/1511 (W. 147).

(b) S.I. 2009/1563, to which there are amendments not relevant to this Order.

(c) S.I. 2009/1927.

(d) S.I. 2009/3097 (W. 270). The relevant amending instrument is S.I. 2012/1641.

(2) In the Welsh text of the Welsh Health Specialised Services Committee (Wales) Regulations 2009, in regulation 2 (dehongli), in the definition of “corff gwasanaeth iechyd” (“*health service body*”), after “Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol,” insert “y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal, y Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol,”.

### **The Private Water Supplies Regulations 2009**

**133.**—(1) The Private Water Supplies Regulations 2009(a) are amended as follows.

(2) In regulation 17(2)(b) (authorisations of different standards), for “the Health Protection Agency for the area” substitute “Public Health England, an executive agency of the Department of Health,”.

(3) In Schedule 4 (records), in paragraph 1(1), omit paragraph (h).

### **The Care Quality Commission (Registration) Regulations 2009**

**134.**—(1) The Care Quality Commission (Registration) Regulations 2009(b) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of “health service body”, for “NHS Blood and Transplant or the Health Protection Agency” substitute “or NHS Blood and Transplant”, and

(b) after that definition insert—

““local authority” has the same meaning as in section 2B of the National Health Service Act 2006;”.

(3) In regulation 9 (notification to Primary Care Trust, English local authority and Strategic Health Authority)—

(a) for the heading substitute “Notification”,

(b) in paragraph (1), for “Primary Care Trust” substitute “clinical commissioning group”,

(c) in paragraph (2), for “Primary Care Trust” substitute “clinical commissioning group”,

(d) in paragraph (4), for “Primary Care Trust”, in each place where it occurs, substitute “clinical commissioning group”,

(e) in paragraph (6)(a), for “Primary Care Trust”, in each place where it occurs, substitute “clinical commissioning group”,

(f) after paragraph (6) insert—

“(6A) Notice of an application under section 30(1) of the Act must be given to the National Health Service Commissioning Board under section 30(3)(za) of the Act if the application is in respect of a regulated activity that involves, or is connected, with the provision of health care.

(6B) A copy of a notice must be given to the National Health Service Commissioning Board under section 39(1)(za) of the Act if the notice is in respect of a regulated activity that involves, or is connected, with the provision of health care.”, and

(g) omit paragraphs (7) and (8).

(4) In regulation 16 (notification of death of service user)—

(a) in paragraph (2)—

(i) for “health service body”, in the first place where it occurs, substitute “health service body, a local authority exercising public health functions (within the meaning of the National Health Service Act 2006)”, and

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(a) S.I. 2009/3101.

(b) S.I. 2009/3112. The relevant amending instrument is S.I. 2012/921.

- (ii) in sub-paragraph (a)(ii), after “health service body” insert “, or local authority exercising public health functions (within the meaning of the National Health Service Act 2006),” and
- (b) in paragraph (6), for sub-paragraph (a) substitute—
  - “(a) section 3A (power of clinical commissioning groups as to commissioning certain health services),”.

### **The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

**135.** In regulation 2(1) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(a) (interpretation), in the definition of “equivalent body”, in paragraph (a), for “a Primary Care Trust,” substitute “the National Health Service Commissioning Board, or in relation to any time prior to 1st April 2013 and after 30th September 2002 a Primary Care Trust,”.

### **The Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009**

**136.—**(1) The Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009(b) are amended as follows.

(2) In regulation 1(2) (interpretation)—

- (a) after the definition of “charity trustee” insert—
  - ““former health service body” means a Strategic Health Authority, a Primary Care Trust or the Health Protection Agency;”, and
- (b) in the definition of “health service body”—
  - (i) in paragraph (a), omit sub-paragraphs (i) and (ii),
  - (ii) in paragraph (a), after sub-paragraph (iv) insert—
    - “(iva) a clinical commissioning group;
    - (ivb) the National Health Service Commissioning Board;
    - (ivc) the National Institute for Health and Care Excellence;
    - (ivd) the Health and Social Care Information Centre;”, and
  - (iii) omit paragraph (d) (but not the “and” following it).

(3) In regulation 4 (disqualification for appointment)—

- (a) in paragraph (1)(b), for “or a health service body” substitute “, a health service body or a former health service body”,
- (b) in paragraph (1)(f), after “health service body” insert “(other than a clinical commissioning group)”,
- (c) after paragraph (1)(f) insert—
  - “(fa)is the chair or a member of the governing body of a clinical commissioning group; ”,
- (d) in paragraph (1)(h), for “or a health service body.” substitute “, a health service body (other than a clinical commissioning group) or a former health service body;”, and
- (e) after paragraph (1)(h) insert—
  - “(i) is a person who has been removed from office as the chair or a member of the governing body of a clinical commissioning group.”, and
- (f) in paragraph (3)(a)—
  - (i) after “his being” insert “(i)”, and

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(a) S.S.I. 2009/183, to which there are amendments not relevant to this Order.  
 (b) S.R. 2009/93.

- (ii) for “or a health service body;” substitute—
  - “, a health service body (other than a clinical commissioning group) or a former health service body, or
  - (ii) the chair or a member of the governing body of a clinical commissioning group;”.

**The Regional Health and Social Care Board (Membership) Regulations (Northern Ireland) 2009**

137.—(1) The Regional Health and Social Care Board (Membership) Regulations (Northern Ireland) 2009(a) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “charity trustee” insert—

““former health service body” means a Strategic Health Authority, a Primary Care Trust or the Health Protection Agency;”, and

(b) in the definition of “health service body”—

(i) in paragraph (a), omit sub-paragraphs (i) and (ii),

(ii) in paragraph (a), after sub-paragraph (iv) insert—

“(iva) a clinical commissioning group;

(ivb) the National Health Service Commissioning Board;

(ivc) the National Institute for Health and Care Excellence;

(ivd) the Health and Social Care Information Centre;”, and

(iii) omit paragraph (d).

(3) In regulation 4 (disqualification for appointment)—

(a) in paragraph (1)(b), for “or a health service body” substitute “, a health service body or a former health service body”,

(b) in paragraph (1)(f), after “health service body” insert “(other than a clinical commissioning group)”,

(c) after paragraph (1)(f) insert—

“(fa)is the chair or a member of the governing body of a clinical commissioning group; ”,

(d) in paragraph (1)(h), for “or a health service body.” substitute “, a health service body (other than a clinical commissioning group) or a former health service body;”, and

(e) after paragraph (1)(h) insert—

“(i) is a person who has been removed from office as the chair or a member of the governing body of a clinical commissioning group.”, and

(f) in paragraph (3)(a)—

(i) after “his being” insert “(i)”, and

(ii) for “or a health service body;” substitute—

“, a health service body (other than a clinical commissioning group) or a former health service body, or

(ii) the chair or a member of the governing body of a clinical commissioning group;”.

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(a) S.R. 2009/95.

## **The Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009**

**138.**—(1) The Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009<sup>(a)</sup> are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “charity trustee” insert—

““former health service body” means a Strategic Health Authority, a Primary Care Trust or the Health Protection Agency;”, and

(b) in the definition of “health service body”—

(i) in paragraph (a), omit sub-paragraphs (i) and (iii),

(ii) in paragraph (a), after sub-paragraph (iv) insert—

“(iva) a clinical commissioning group;

(ivb) the National Health Service Commissioning Board;

(ivc) the National Institute for Health and Care Excellence;

(ivd) the Health and Social Care Information Centre;”, and

(iii) omit paragraph (d).

(3) In regulation 4 (disqualification for appointment)—

(a) in paragraph (1)(b), for “or a health service body” substitute “, a health service body or a former health service body”,

(b) in paragraph (1)(f), after “health service body” insert “(other than a clinical commissioning group)”,

(c) after paragraph (1)(f) insert—

“(fa) is the chair or a member of the governing body of a clinical commissioning group;”,

(d) in paragraph (1)(h), for “or a health service body.” substitute “, a health service body (other than a clinical commissioning group) or a former health service body;”,

(e) after paragraph (1)(h) insert—

“(i) is a person who has been removed from office as the chair or a member of the governing body of a clinical commissioning group.”, and

(f) in paragraph (3)(i)—

(i) after “his being” insert “(a)”, and

(ii) for “or a health service body;” substitute—

“, a health service body (other than a clinical commissioning group) or a former health service body, or

(b) the chair or a member of the governing body of a clinical commissioning group;”.

## **The Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009**

**139.**—(1) The Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009<sup>(b)</sup> are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “charity trustee” insert—

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(a) S.R. 2009/97.

(b) S.R. 2009/98.

““former health service body” means a Strategic Health Authority, a Primary Care Trust or the Health Protection Agency;”, and

- (b) in the definition of “health service body”—
  - (i) in paragraph (a), omit sub-paragraphs (i) and (iii),
  - (ii) in paragraph (a), after sub-paragraph (iv) insert—
    - “(iva) a clinical commissioning group;
    - (ivb) the National Health Service Commissioning Board;
    - (ivc) the National Institute for Health and Care Excellence;
    - (ivd) the Health and Social Care Information Centre;”, and
  - (iii) omit paragraph (d).
- (3) In regulation 3 (disqualification for appointment)—
  - (a) in paragraph (1)(b), for “or a health service body” substitute “, a health service body or a former health service body”,
  - (b) in paragraph (1)(f), after “health service body” insert “(other than a clinical commissioning group)”,
  - (c) after paragraph (1)(f) insert—
    - “(fa)is the chair or a member of the governing body of a clinical commissioning group; ”,
  - (d) in paragraph (1)(h), for “or a health service body.” substitute “, a health service body (other than a clinical commissioning group) or a former health service body;”,
  - (e) after paragraph (1)(h) insert—
    - “(i) is a person who has been removed from office as the chair or a member of the governing body of a clinical commissioning group.”, and
  - (f) in paragraph (3)(a)—
    - (i) after “his being” insert “(i)”,
    - (ii) after “health service body” insert “(other than a clinical commissioning group), a former health service body,”, and
    - (iii) after “health and social care body;” insert—
      - “or
      - (ii) the chair or a member of the governing body of a clinical commissioning group;”.

### **The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009**

**140.** In regulation 39(6)(e)(iv) of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(a) (general qualifying conditions for grants for living and other costs), for “of section 28(6)” substitute “given by section 275(1)”.

### **The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009**

**141.**—(1) The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009(b) are amended as follows.

- (2) In regulation 1(2) (interpretation)—
  - (a) after the definition of “dental practitioner” insert—

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(a) S.R. 2009/373, to which there are amendments not relevant to this Order.  
(b) S.R. 2009/395.

- ““former health service body” means a Strategic Health Authority, a Primary Care Trust or the Health Protection Agency;”, and
- (b) in the definition of “health service body”—
- (i) in paragraph (a), omit sub-paragraphs (i) and (iii), and
  - (ii) in paragraph (a), after sub-paragraph (iv) insert—
    - “(iva) a clinical commissioning group;
    - (ivb) the National Health Service Commissioning Board;
    - (ivc) the National Institute for Health and Care Excellence;
    - (ivd) the Health and Social Care Information Centre;”, and
  - (iii) omit paragraph (d).
- (3) In regulation 4 (disqualification for appointment)—
- (a) in paragraph (1)(b), for “or a health service body” substitute “, a health service body or a former health service body”,
  - (b) in paragraph (1)(f), after “health service body” insert “(other than a clinical commissioning group)”,
  - (c) after paragraph (1)(f) insert—
    - “(fa) is the chair or a member of the governing body of a clinical commissioning group;”,
  - (d) in paragraph (1)(h), for “or a health service body” substitute “, a health service body (other than a clinical commissioning group) or a former health service body”,
  - (e) after paragraph (1)(h) insert—
    - “(ha) is a person who has been removed from office as the chair or a member of the governing body of a clinical commissioning group;”, and
  - (f) in paragraph (4)(a)—
    - (i) after “his being” insert “(i)”, and
    - (ii) for “or a health service body;” substitute—
      - “, a health service body (other than a clinical commissioning group) or a former health service body, or
      - (ii) the chair or a member of the governing body of a clinical commissioning group;”.

### **The Private Water Supplies (Wales) Regulations 2010**

**142.**—(1) The English text of the Private Water Supplies (Wales) Regulations 2010(a) is amended as follows.

(2) In regulation 17(2)(b) (authorisations of different standards), for “the Health Protection Agency for the area” substitute “the Public Health Wales National Health Service Trust”.

(3) In Schedule 4 (records), in paragraph 1(1), omit paragraph (h).

(4) The Welsh text of the Private Water Supplies (Wales) Regulations 2010 is amended as follows.

(5) In regulation 17(2)(b) (awdurdodi safonau gwahanol), for “Asiantaeth Diogelu Iechyd ar gyfer yr ardal” substitute “Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru”.

(6) In Schedule 4 (cofnodion), in paragraph 1(1), omit paragraph (f).

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(a) S.I. 2010/66 (W. 16). The relevant amending instrument is S.I. 2010/147 (W. 22).

## **The National Health Service (Functions of the First-tier Tribunal relating to Primary Medical, Dental and Ophthalmic Services) Regulations 2010**

**143.**—(1) The National Health Service (Functions of the First-tier Tribunal relating to Primary Medical, Dental and Ophthalmic Services) Regulations 2010(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Act”, insert—

““the Board” means the National Health Service Commissioning Board;”,

(b) in the definition of “contractor”—

(i) in paragraph (a), for “a Primary Care Trust” substitute “the Board”, and

(ii) in paragraph (b), for the brackets and the words within the brackets substitute “other than the Board;”, and

(c) omit the definition of “relevant body” and the “and” immediately preceding it.

(3) In regulation 3(2) (directions in respect of GMS contract disputes)—

(a) for “the Primary Care Trust”, in each place where it occurs, substitute “the Board”, and

(b) for “a Primary Care Trust” substitute “the Board”.

(4) In regulation 4(2) (directions in respect of PMS agreement disputes)—

(a) for “the relevant body”, in each place where it occurs, substitute “the Board”, and

(b) for “a relevant body” substitute “the Board”.

(5) In regulation 5(2) (directions in respect of GDS contract disputes)—

(a) for “the Primary Care Trust”, in each place where it occurs, substitute “the Board”, and

(b) for “a Primary Care Trust” substitute “the Board”.

(6) In regulation 6(2) (directions in respect of PDS agreement disputes), for “the relevant body”, in each place where it occurs, substitute “the Board”.

(7) In regulation 7(2) (directions in respect of GOS contract disputes)—

(a) for “the PCT”, in each place where it occurs, substitute “the Board”,

(b) for “the Primary Care Trust” substitute “the Board”, and

(c) for “a Primary Care Trust” substitute “the Board”.

## **The Pharmacy Order 2010**

**144.**—(1) The Pharmacy Order 2010(b) is amended as follows.

(2) In article 66(3) (rules), in sub-paragraph (a), for “Primary Care Trusts” substitute “the National Health Service Commissioning Board”.

(3) In Schedule 1 (constitution of the General Pharmaceutical Council), in paragraph 1 (membership: general), omit sub-paragraphs (4) and (5).

## **The Community Health Councils (Constitution, Membership and Procedure) (Wales) Regulations 2010**

**145.**—(1) The English text of the Community Health Councils (Constitution, Membership and Procedure) (Wales) Regulations 2010(c) is amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “Chief Officer” (“*Prif Swyddog*”) insert—

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(a) S.I. 2010/76.

(b) S.I. 2010/231, to which there are amendments not relevant to this Order.

(c) S.I. 2010/288 (W. 37).

- “clinical commissioning group” (“*grŵp comisiynu clinigol*”) means a body established under section 14D of the National Health Service Act 2006;”,
- (b) in the definition of “health service body” (“*corff gwasanaeth iechyd*”)—
    - (i) omit “Strategic Health Authority,”, and
    - (ii) for “, NHS Trust or Primary Care Trust” substitute “or NHS Trust”,
  - (c) omit the definition of “relevant Primary Care Trust” (“*Ymddiriedolaeth Gofal Sylfaenol berthnasol*”), and
  - (d) omit the definition of “relevant Strategic Health Authority” (“*Awdurdod Iechyd Strategol perthnasol*”).
- (3) In regulation 12(1) (disqualification for membership)—
- (a) in sub-paragraph (a), after “relevant health service body” insert “or the National Health Service Commissioning Board”,
  - (b) after that sub-paragraph insert—
    - “(aa) is the chair or a member of the governing body of a clinical commissioning group;”,
  - (c) in sub-paragraph (b), after “relevant health service body” insert “, a clinical commissioning group or the National Health Service Commissioning Board”, and
  - (d) in sub-paragraph (h), after “health service body” insert “, Primary Care Trust, Strategic Health Authority, clinical commissioning group or the National Health Service Commissioning Board”.
- (4) In regulation 29(1) (entry and inspection of premises)—
- (a) omit sub-paragraph (b), and
  - (b) omit sub-paragraph (e).
- (5) The Welsh text of the Community Health Councils (Constitution, Membership and Procedure) (Wales) Regulations 2010 is amended as follows.
- (6) In regulation 2 (dehongli)—
- (a) after the definition of “Gorchymyn Sefydlu Cynghorau Iechyd Cymuned 2010” (“*the Community Health Councils Establishment Order 2010*”) insert—
    - “ystyr “grŵp comisiynu clinigol” (“*clinical commissioning group*”) yw corff a sefydlwyd o dan adran 14D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006;”,
  - (b) in the definition of “corff gwasanaeth iechyd” (“*health service body*”)—
    - (i) omit “Awdurdod Iechyd Strategol,”, and
    - (ii) for “, Ymddiriedolaeth GIG neu Ymddiriedolaeth Gofal Sylfaenol” substitute “neu Ymddiriedolaeth GIG”,
  - (c) omit the definition of “Ymddiriedolaeth Gofal Sylfaenol berthnasol” (“*relevant Primary Care Trust*”), and
  - (d) omit the definition of “Awdurdod Iechyd Strategol perthnasol” (“*relevant Strategic Health Authority*”).
- (7) In regulation 12(1) (anghymwyso rhag bod yn aelod)—
- (a) in sub-paragraph (a), after “gorff gwasanaeth iechyd perthnasol” insert “neu o Fwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”,
  - (b) after that sub-paragraph insert—
    - “(aa) yn gadeirydd neu’n aelod o gorff llywodraethu grŵp comisiynu clinigol;”,
  - (c) in sub-paragraph (b), after “gorff gwasanaeth iechyd perthnasol” insert “, grŵp comisiynu clinigol neu Fwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”, and
  - (d) in sub-paragraph (f), after “chorff gwasanaeth iechyd” insert “, Ymddiriedolaeth Gofal Sylfaenol, Awdurdod Iechyd Strategol, grŵp comisiynu clinigol neu Fwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol”.

- (8) In regulation 29(1) (mynd i mewn i fangreoedd a'u harchwilio)—
- (a) omit sub-paragraph (b), and
  - (b) omit sub-paragraph (d).

#### **The Children's Trust Board (Relevant Partners) (Exceptions) (England) Regulations 2010**

146. In regulation 2 of the Children's Trust Board (Relevant Partners) (Exceptions) (England) Regulations 2010(a) (prescribed relevant partners for the purposes of section 12A(4) of the Children Act 1989), for "A Strategic Health Authority is" substitute "A clinical commissioning group and the National Health Service Commissioning Board are each".

#### **The Health Protection (Part 2A Orders) Regulations 2010**

147.—(1) The Health Protection (Part 2A Orders) Regulations 2010(b) are amended as follows.

(2) In regulation 10 (duty on local authorities to report Part 2A applications to the Health Protection Agency)—

- (a) in the heading, for "the Health Protection Agency" substitute "Public Health England", and
- (b) in paragraph (1), for "the Health Protection Agency" substitute "Public Health England, an executive agency of the Department of Health,".

(3) In regulation 11 (duty on local authorities to report variations or revocations of Part 2A Orders to the Health Protection Agency)—

- (a) in the heading, for "the Health Protection Agency" substitute "Public Health England", and
- (b) in paragraph (1), for "the Health Protection Agency" substitute "Public Health England, an executive agency of the Department of Health,".

#### **The Health Protection (Notification) Regulations 2010**

148.—(1) The Health Protection (Notification) Regulations 2010(c) are amended as follows.

(2) In regulation 1 (citation, commencement and application), after paragraph (2) insert—

"(3) In these Regulations, "Public Health England" means the executive agency of the Department of Health known as Public Health England."

(3) In regulation 4 (duty to notify causative agents found in human samples)—

- (a) in paragraph (1), for "the Health Protection Agency" substitute "Public Health England", and
- (b) in paragraph (6), for "the Health Protection Agency" substitute "Public Health England".

(4) In regulation 5 (duty to provide information to the Health Protection Agency)—

- (a) in the heading, for "the Health Protection Agency" substitute "Public Health England",
- (b) in paragraph (1), for "the Health Protection Agency" substitute "Public Health England",
- (c) in paragraph (2), for "The Health Protection Agency" substitute "Public Health England",
- (d) in paragraph (5), for "the Health Protection Agency" substitute "Public Health England", and
- (e) in paragraph (6), for "the Health Protection Agency" substitute "Public Health England".

(5) In regulation 6(2) (duty on the relevant local authority to disclose notification to others), for sub-paragraph (a) substitute—

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(a) S.I. 2010/590.  
(b) S.I. 2010/658.  
(c) S.I. 2010/659.

“(a) Public Health England;”.

### **The National Health Service Trusts (Consultation on Establishment and Dissolution) Regulations 2010**

**149.**—(1) The National Health Service Trusts (Consultation on Establishment and Dissolution) Regulations 2010(a) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “local authority” insert—

““relevant Local Healthwatch organisation” means a Local Healthwatch organisation for the area of a local authority in which there is situated—

(a) in a case where the Secretary of State is considering making an establishment order, any hospital or other establishment or facility which would be managed by the NHS trust to be established, or

(b) in any other case, any hospital or other establishment or facility managed by the NHS trust in respect of which the order is to be made;”,

(b) omit the definition of “local involvement network”, and

(c) omit the definition of “relevant local involvement network”.

(3) In regulation 2 (consultation relating to orders under section 25 of the Act and dissolution orders)—

(a) in paragraph (1), for “each relevant local involvement network” substitute “each relevant Local Healthwatch organisation”,

(b) in paragraph (5)(a), for “each relevant local involvement network” substitute “each relevant Local Healthwatch organisation”,

(c) in paragraph (5)(b), for “each relevant local involvement network” substitute “each relevant Local Healthwatch organisation”, and

(d) in paragraph (6), for “local involvement network” substitute “Local Healthwatch organisation”.

(4) In regulation 3 (consultation relating to transfer orders)—

(a) in paragraph (1)(a), for “each relevant local involvement network” substitute “each relevant Local Healthwatch organisation”,

(b) in paragraph (1)(b), for “each relevant local involvement network” substitute “each relevant Local Healthwatch organisation”, and

(c) in paragraph (2), for “local involvement network” substitute “Local Healthwatch organisation”.

(5) In regulation 4(3) (combined and joint consultations), for “each relevant local involvement network”, in each place where it occurs, substitute “each relevant Local Healthwatch organisation”.

### **The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010**

**150.**—(1) Schedule 2 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010(b) (regulated activities: general exceptions) is amended as follows.

(2) In paragraph 3(a)—

(a) for paragraph (i) substitute—

“(i) section 3A (power of clinical commissioning groups as to commissioning certain health services),”, and

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(a) S.I. 2010/743, to which there is an amendment not relevant to this Order.

(b) S.I. 2010/781, to which there are amendments not relevant to this Order.

(b) in paragraph (iii), for “Strategic Health Authorities” substitute “the Board”.

(3) In paragraph 13, for the words from “and services of a kind” to the end substitute “, services of a kind which, if provided in pursuance of that Act, would be provided as pharmaceutical services or local pharmaceutical services under that Part or services provided, in pursuance of that Act, at or from premises that are a registered pharmacy (within the meaning given by section 74 of the Medicines Act 1968).”

### **The Care Planning, Placement and Case Review (England) Regulations 2010**

**151.** In regulation 13(2)(f) of the Care Planning, Placement and Case Review (England) Regulations 2010(a) (notification of placement), for “the Primary Care Trust” substitute “the National Health Service Commissioning Board and the clinical commissioning group”.

### **The Water Supply (Water Quality) Regulations 2010**

**152.**—(1) The Water Supply (Water Quality) Regulations 2010(b) are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “Health Protection Agency”.

(3) In regulation 22(4)(c) (authorisation of temporary supply of water that is not wholesome), for “the Health Protection Agency” substitute “Public Health England, an executive agency of the Department of Health”.

(4) In regulation 26(2)(e) (revocation and modification of authorisations), for “the Health Protection Agency” substitute “Public Health England, an executive agency of the Department of Health”.

(5) In regulation 35(6)(b) (provision of information), for paragraph (i) (together with the “and” following it) substitute—

“(i) Public Health England, an executive agency of the Department of Health, and”.

### **The Human Fertilisation and Embryology (Disclosure of Information for Research Purposes) Regulations 2010**

**153.**—(1) The Human Fertilisation and Embryology (Disclosure of Information for Research Purposes) Regulations 2010(c) are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “the NIGB”.

(3) Omit regulation 5 (advice and assistance from NIGB).

### **The National Health Service (Direct Payments) Regulations 2010**

**154.**—(1) The National Health Service (Direct Payments) Regulations 2010(d) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) omit the definition of “after-care PCT”,

(b) omit the definition of “after-care services”,

(c) after the definition of “child” insert—

““health body” means a clinical commissioning group, the National Health Service Commissioning Board, a local authority or the Secretary of State;”,

(d) after the definition of “patient” insert—

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(a) S.I. 2010/959, to which there are amendments not relevant to this Order.  
(b) S.I. 2010/994, to which there are amendments not relevant to this Order.  
(c) S.I. 2010/995.  
(d) S.I. 2010/1000, to which there are amendments not relevant to this Order.

““pilot health body” means a health body in respect of which the Secretary of State has made a pilot scheme;”, and

(e) omit the definition of “pilot PCT”.

(3) In regulation 2 (Secretary of State’s power to make a pilot scheme)—

(a) for paragraph (2) substitute—

“(2) The Secretary of State may make a pilot scheme in respect of a clinical commissioning group, the National Health Service Commissioning Board or a local authority only in response to a pilot proposal made in accordance with regulation 3, but such a pilot proposal is not required before the making of a pilot scheme in respect of the Secretary of State.”,

(b) omit paragraph (6), and

(c) for paragraph (7) substitute—

“(7) Where the Secretary of State has made a pilot scheme, the pilot health body may make direct payments in accordance with these Regulations.”

(4) In regulation 3 (pilot proposal for direct payments for health care)—

(a) in paragraph (1), for “Primary Care Trust which seeks to become a pilot PCT” substitute “health body (other than the Secretary of State) which seeks to become a pilot health body”,

(b) in paragraph (2)—

(i) for “pilot PCT”, in each place where it occurs, substitute “pilot health body”, and

(ii) omit sub-paragraph (e), and

(c) in paragraph (4), for “Primary Care Trust” substitute “health body”.

(5) In regulation 4 (Secretary of State’s powers in relation to a pilot scheme)—

(a) in paragraph (1), for “pilot PCT” substitute “pilot health body”,

(b) in paragraph (2), for “pilot PCT” substitute “pilot health body”,

(c) in paragraph (3), for “pilot PCT” substitute “pilot health body (other than the Secretary of State)”,

(d) in paragraph (4), for “pilot PCT” substitute “pilot health body”, and

(e) after paragraph (4) insert—

“(5) In a case where the pilot health body is the Secretary of State—

(a) paragraph (1) is to have effect as if the words “by a notice in writing to the pilot health body” were omitted, and

(b) paragraph (4) is to have effect as if the words “by notice in writing to the pilot health body” were omitted.”

(6) In regulation 5 (review of pilot schemes)—

(a) in paragraph (1)(b)—

(i) for “pilot PCT”, in the first place where it occurs, substitute “pilot health body (other than the Secretary of State)”, and

(ii) for “pilot PCT”, in the other places where it occurs, substitute “pilot health body”,

(b) in paragraph (5), for “pilot PCT” substitute “pilot health body”,

(c) in paragraph (7), for “pilot PCT” substitute “pilot health body”, and

(d) in paragraph (8), for “pilot PCT”, in each place where it occurs, substitute “pilot health body”.

(7) In regulation 7(1) (persons to whom a direct payment may be made), for sub-paragraph (a) substitute—

“(a) is a person for whose benefit anything may or must be provided or arranged by the pilot health body—

- (i) under the National Health Service Act 2006, or
  - (ii) in the case of a clinical commissioning group or the National Health Service Commissioning Board, under any other enactment;”.
- (8) In regulation 8 (direct payments in respect of children and persons who lack capacity)—
  - (a) in paragraph (1), for sub-paragraph (a) substitute—
    - “(a) is a person for whose benefit anything may or must be provided or arranged by the pilot health body—
      - (i) under the National Health Service Act 2006, or
      - (ii) in the case of a clinical commissioning group or the National Health Service Commissioning Board, under any other enactment;”.
  - (b) in paragraph (4), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (c) in paragraph (6), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (d) in paragraph (7), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”, and
  - (e) in paragraph (8), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”.
- (9) In regulation 9 (nominated person)—
  - (a) in paragraph (1), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (b) in paragraph (4), for “Secretary of State or an after-care PCT” substitute “pilot health body”, and
  - (c) in paragraph (5)—
    - (i) for “Secretary of State or an after-care PCT” substitute “pilot health body”, and
    - (ii) for “Secretary of State or after-care PCT” substitute “pilot health body”.
- (10) In regulation 10 (decision to make a direct payment)—
  - (a) in paragraph (1), for “The Secretary of State or an after-care PCT” substitute “A pilot health body”,
  - (b) in paragraph (2)—
    - (i) for “Secretary of State or an after-care PCT” substitute “pilot health body”, and
    - (ii) for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (c) in paragraph (3), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (d) in paragraph (4), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (e) in paragraph (5), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (f) in paragraph (6), for “Secretary of State or an after-care PCT” substitute “pilot health body”,
  - (g) in paragraph (7), for “Secretary of State or an after-care PCT” substitute “pilot health body”,
  - (h) in paragraph (9), for “Secretary of State or after-care PCT” substitute “pilot health body”, and
  - (i) in paragraph (10), for “Secretary of State or after-care PCT” substitute “pilot health body”.
- (11) In regulation 11 (care plan and care co-ordinator)—
  - (a) in paragraph (1)—
    - (i) for “the Secretary of State or an after-care PCT” substitute “a pilot health body”, and
    - (ii) for “Secretary of State or the after-care PCT” substitute “pilot health body”,
  - (b) in paragraph (3)—
    - (i) for “Secretary of State or an after-care PCT” substitute “pilot health body”, and

- (ii) for “Secretary of State or after-care PCT” substitute “pilot health body”,
- (c) in paragraph (4)—
  - (i) for “Secretary of State or an after-care PCT” substitute “pilot health body”, and
  - (ii) for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
- (d) in paragraph (6)—
  - (i) for “Secretary of State or an after-care PCT” substitute “pilot health body”, and
  - (ii) for “Secretary of State or the PCT” substitute “pilot health body”,
- (e) in paragraph (7)—
  - (i) for “Secretary of State or an after-care PCT” substitute “pilot health body”, and
  - (ii) for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”, and
- (f) in paragraph (8), for “Secretary of State or an after-care PCT” substitute “pilot health body”.

(12) In regulation 12(1) (information, advice and other support), for “The Secretary of State or an after-care PCT” substitute “A pilot health body”.

(13) In regulation 13 (conditions applying to the making of direct payments by the Secretary of State or an after-care PCT)—

- (a) in the heading, for “the Secretary of State or an after-care PCT” substitute “a pilot health body”,
- (b) in paragraph (1)—
  - (i) for “the Secretary of State or an after-care PCT”, in the first place where it occurs, substitute “a pilot health body”,
  - (ii) for “the Secretary of State or an after-care PCT”, in the second place where it occurs, substitute “the pilot health body”, and
  - (iii) for “Secretary of State or after-care PCT” substitute “pilot health body”,
- (c) in paragraph (2), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
- (d) in paragraph (3), for “Secretary of State or after-care PCT” substitute “pilot health body”,
- (e) in paragraph (4)—
  - (i) for “The Secretary of State or an after-care PCT” substitute “A pilot health body”, and
  - (ii) for “Secretary of State or the after-care PCT” substitute “pilot health body”, and
- (f) in paragraph (5), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”.

(14) In regulation 14 (conditions to be complied with by the patient, representative or nominee)—

- (a) in paragraph (3), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
- (b) in paragraph (5), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
- (c) in paragraph (6), for “Secretary of State or after-care PCT” substitute “pilot health body”,
- (d) in paragraph (7), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
- (e) in paragraph (8), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”, and
- (f) in paragraph (9)—

- (i) for “The Secretary of State or an after-care PCT” substitute “A pilot health body”, and
  - (ii) for “Secretary of State or after-care PCT” substitute “pilot health body”.
- (15) In regulation 15(c) (provision of information), for “Secretary of State or an after-care PCT” substitute “pilot health body”.
- (16) In regulation 16 (amount of direct payment)—
  - (a) in paragraph (1), for “The Secretary of State or an after-care PCT” substitute “A pilot health body”,
  - (b) in paragraph (2), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (c) in paragraph (3), for “Secretary of State or an after-care PCT” substitute “pilot health body”,
  - (d) in paragraph (4), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”, and
  - (e) in paragraph (5), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”.
- (17) In regulation 17 (monitoring and review of direct payments)—
  - (a) in paragraph (1), for “The Secretary of State or an after-care PCT” substitute “A pilot health body”,
  - (b) in paragraph (2), for “The Secretary of State or an after-care PCT” substitute “A pilot health body”,
  - (c) in paragraph (3), for “Secretary of State or an after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (d) in paragraph (4), for “Secretary of State or an after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (e) in paragraph (5), for “Secretary of State or an after-care PCT” substitute “pilot health body”,
  - (f) in paragraph (6), for “Secretary of State or an after-care PCT” substitute “pilot health body”,
  - (g) in paragraph (7), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (h) in paragraph (8), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (i) in paragraph (9), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (j) in paragraph (10), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (k) in paragraph (11), for “Secretary of State or after-care PCT” substitute “pilot health body”, and
  - (l) in paragraph (12), for “Secretary of State or after-care PCT” substitute “pilot health body”.
- (18) In regulation 18 (repayment of direct payments)—
  - (a) in paragraph (1)—
    - (i) for “The Secretary of State or an after-care PCT” substitute “A pilot health body”, and
    - (ii) for “Secretary of State or the after-care PCT” substitute “pilot health body”,
  - (b) in paragraph (2)—
    - (i) for “the Secretary of State or an after-care PCT” substitute “a pilot health body”, and

- (ii) for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (c) in paragraph (4), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (d) in paragraph (5), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (e) in paragraph (6), for “Secretary of State or after-care PCT” substitute “pilot health body”, and
  - (f) in paragraph (7), for “Secretary of State or after-care PCT” substitute “pilot health body”.
- (19) In regulation 19(1) (recovery of amounts due as a civil debt), for “the Secretary of State or an after-care PCT” substitute “a pilot health body”.
- (20) In regulation 20 (stopping direct payments)—
- (a) in paragraph (1), for “The Secretary of State or an after-care PCT” substitute “A pilot health body”,
  - (b) in paragraph (2)—
    - (i) for “The Secretary of State or an after-care PCT” substitute “A pilot health body”, and
    - (ii) for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (c) in paragraph (3)—
    - (i) for “the Secretary of State or an after-care PCT” substitute “a pilot health body”, and
    - (ii) for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (d) in paragraph (5), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”,
  - (e) in paragraph (6), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (f) in paragraph (7), for “Secretary of State or after-care PCT” substitute “pilot health body”,
  - (g) in paragraph (8), for “Secretary of State or after-care PCT” substitute “pilot health body”, and
  - (h) in paragraph (9), for “Secretary of State or after-care PCT”, in each place where it occurs, substitute “pilot health body”.

**The Town and Country Planning (Development Management Procedure) (England) Order 2010**

**155.** In article 34(3)(j) of the Town and Country Planning (Development Management Procedure) (England) Order 2010(a) (local development orders), for paragraph (i) substitute—

- “(i) a clinical commissioning group;
- (ia) the National Health Service Commissioning Board;”.

**The Family Procedure Rules 2010**

**156.** In rule 12.3 of the Family Procedure Rules 2010(b) (who the parties are)—

- (a) in paragraph (1), in the table, in the entry relating to a secure accommodation order, in column 2—
  - (i) for “Primary Care Trust,” substitute “Secretary of State, National Health Service Commissioning Board, clinical commissioning group,” and
  - (ii) after “providing” insert “or arranging”, and

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(a) S.I. 2010/2184, to which there are amendments not relevant to this Order.  
 (b) S.I. 2010/2955, to which there are amendments not relevant to this Order.

- (b) in paragraph (5), for ““Primary Care Trust”” substitute ““clinical commissioning group””.

#### **The National Health Service (General Dental Services) (Scotland) Regulations 2010**

**157.** In regulation 2(1) of the National Health Service (General Dental Services) (Scotland) Regulations 2010(a) (interpretation), in the definition of “equivalent body”—

- (a) in paragraph (a), for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
- (b) after paragraph (c) insert—
  - “(ca) in relation to any time prior to 1st April 2013 and after 30th September 2002, a Primary Care Trust in England;”.

#### **The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010**

**158.** In Schedule 2 to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(b) (radiological emergencies), in paragraph 4(2)(d), for “Health Protection Agency pursuant to its functions under section 3 of the Health Protection Agency Act 2004” substitute “Department of Health, Social Services and Public Safety in Northern Ireland pursuant to its functions under section 58 of the Health and Social Care Act 2012”.

#### **The Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010**

**159.** In regulation 16(b) of the Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2006(c) (duty to have regard to guidance), for “National Clinical Assessment Service division of the National Patient Safety Agency” substitute “the National Health Service Litigation Authority”.

#### **The Fostering Services (England) Regulations 2011**

**160.**—(1) The Fostering Services (England) Regulations 2011(d) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of “children’s guide” insert—
  - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and
- (b) omit the definition of “Primary Care Trust”.

(3) In Schedule 7 (events and notifications), in the table—

- (a) in the column relating to an area authority, in the row relating to the outbreak of any infectious disease, insert “yes”, and
- (b) in the column relating to a Primary Care Trust—
  - (i) for “Primary Care Trust” substitute “Clinical commissioning group and the National Health Service Commissioning Board”, and
  - (ii) in the row relating to the outbreak of any infectious disease, omit “yes”.

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(a) S.S.I. 2010/208, to which there are amendments not relevant to this Order.  
(b) S.R. 2010/160, to which there are amendments not relevant to this Order.  
(c) S.R. 2010/222.  
(d) S.I. 2011/581, to which there are amendments not relevant to this Order.

### **The Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011**

**161.**—(1) The Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 2000 Act” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”, and

(b) omit the definition of “Primary Care Trust”.

(3) In regulation 7(1)(c) (notification of arrangements), for “the Primary Care Trust” substitute “the National Health Service Commissioning Board and the clinical commissioning group”.

### **The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011**

**162.**—(1) In the English text of the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011(b), in regulation 34(1) (interpretation)—

(a) omit sub-paragraphs (a) and (b), and

(b) after sub-paragraph (c) insert—

“(ca) a clinical commissioning group established under section 14D of the National Health Service Act 2006;

(cb) the National Health Service Commissioning Board;

(cc) a local authority (within the meaning of section 2B of the National Health Service Act 2006) acting in the exercise of public health functions (within the meaning of that Act);”.

(2) In the Welsh text of the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011, in regulation 34(1) (dehongli)—

(a) omit sub-paragraphs (a) and (b), and

(b) after sub-paragraph (c) insert—

“(ca) grŵp comisiynu clinigol a sefydlwyd o dan adran 14D o Ddeddf y Gwasanaeth Iechyd Gwladol 2006;

(cb) Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol;

(cc) awdurdod lleol (o fewn ystyr adran 2B o Ddeddf Iechyd Gwladol 2006) sy'n gweithredu i arfer swyddogaethau iechyd y cyhoedd (o fewn ystyr y Ddeddf honno);”.

### **The Accounts and Audit (England) Regulations 2011**

**163.** In regulation 2(1) of the Accounts and Audit (England) Regulations 2011(c) (interpretation), in the definition of “relevant body”, after “Act 2006” insert “, a clinical commissioning group”.

### **The National Health Service (Charges to Overseas Visitors) Regulations 2011**

**164.** In regulation 2(1) of the National Health Service (Charges to Overseas Visitors) Regulations 2011(d) (interpretation)—

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(a) S.I. 2011/582, to which there are amendments not relevant to this Order.

(b) S.I. 2011/704 (W. 108), to which there are amendments not relevant to this Order.

(c) S.I. 2011/817. The relevant amending instrument is S.I. 2012/854.

(d) S.I. 2011/1556, to which there are amendments not relevant to this Order.

- (a) in the definition of “relevant NHS body”—
  - (i) omit “a Primary Care Trust, a Strategic Health Authority or”, and
  - (ii) after “Special Health Authority” insert “or a local authority (within the meaning of section 2B of the National Health Service Act 2006) in the exercise of public health functions (within the meaning of that Act)”, and
- (b) in the definition of “relevant services”, for “provided under section 3(1) of the Act (Secretary of State’s duty as to provision of certain services)” substitute “which are provided, or whose provision is arranged, under section 2A, 2B, 3, 3A or 3B of the Act”.

### **The Education (Student Support) Regulations 2011**

**165.** In regulation 38(7) of the Education (Student Support) Regulations 2011(a) (general qualifying conditions for grants for living and other costs)—

- (a) in sub-paragraph (a), for “primary care trust” substitute “clinical commissioning group”,
- (b) after sub-paragraph (b) insert—
  - “(ba) unpaid service with a local authority (within the meaning of section 2B of the National Health Service Act 2006) acting in the exercise of public health functions (within the meaning of that Act);”, and
- (c) in sub-paragraph (e), for paragraph (i) substitute—
  - “(i) a Special Health Authority established pursuant to section 28 of the National Health Service Act 2006;
  - (ia) the National Health Service Commissioning Board;
  - (ib) the National Institute for Health and Care Excellence;
  - (ic) the Health and Social Care Information Centre;”.

### **The Equality Act 2010 (Specific Duties) Regulations 2011**

**166.** In Schedule 1 to the Equality Act 2010 (Specific Duties) Regulations 2011(b) (public authorities required to publish information by 31st January 2012)—

- (a) after the entry beginning “An NHS trust” insert—
  - “A clinical commissioning group established under section 14D of that Act.
  - The National Health Service Commissioning Board.
  - The National Institute for Health and Care Excellence.
  - The Health and Social Care Information Centre.”,
- (b) omit the entry beginning “A Primary Care Trust”, and
- (c) omit the entry beginning “A Strategic Health Authority”.

### **The Health Research Authority Regulations 2011**

**167.**—(1) In regulation 1(2) of Health Research Authority Regulations 2011(c) (interpretation), in the definition of “health service body”, after paragraph (e) insert—

- “(ea) the National Institute for Health and Care Excellence;
  - (eb) the Health and Social Care Information Centre;”.
- (2) This paragraph applies in relation to England only.

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(a) S.I. 2011/1986, to which there are amendments not relevant to this Order.  
 (b) S.I. 2011/2260, to which there are amendments not relevant to this Order.  
 (c) S.I. 2011/2341, to which there are amendments not relevant to this Order.

### **The Neighbourhood Planning (General) Regulations 2012**

**168.** In Schedule 1 to the Neighbourhood Planning (General) Regulations 2012(a) (consultation bodies), in paragraph 1(l), for paragraph (i) substitute—

- “(i) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
- (ia) the National Health Service Commissioning Board;”.

### **The Town and Country Planning (Local Planning) (England) Regulations 2012**

**169.**—(1) The Town and Country Planning (Local Planning) (England) Regulations 2012(b) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “specific consultation bodies”, in paragraph (j), for sub-paragraph (i) substitute—

- “(i) a clinical commissioning group established under section 14D of the National Health Service Act 2006;
- (ia) the National Health Service Commissioning Board;”.

(3) In regulation 4(1) (duty to co-operate), for sub-paragraph (g) substitute—

- “(g) each clinical commissioning group established under section 14D of the National Health Service Act 2006;
- (ga) the National Health Service Commissioning Board;”.

### **The National Health Service Trust Development Authority (Establishment and Constitution) Order 2012**

**170.** In article 3(1)(b)(iii) of the National Health Service Trust Development Authority Regulations (Establishment and Constitution) Order 2012(c) (functions of the Authority)—

- (a) omit “Primary Care Trusts,”, and
- (b) for “, Special Health Authorities and Strategic Health Authorities” substitute “and Special Health Authorities”.

### **The National Health Service Trust Development Authority Regulations 2012**

**171.**—(1) The National Health Service Trust Development Authority Regulations 2012(d) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “health service body”, after paragraph (e) insert—

- “(ea) the National Institute for Health and Care Excellence;
- (eb) the Health and Social Care Information Centre;”.

(3) In regulation 3(1)(j) (disqualification for appointment)—

- (a) after paragraph (ii) insert—
  - “(iia) the National Institute for Health and Care Excellence,
  - (iib) the Health and Social Care Information Centre,”, and
- (b) omit paragraph (iii) (together with the “or” following it).

(4) This paragraph applies in relation to England only.

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(a) S.I. 2012/637.

(b) S.I. 2012/767, to which there are amendments not relevant to this Order.

(c) S.I. 2012/901.

(d) S.I. 2012/922, to which there are amendments not relevant to this Order.

## The Local Authorities (Committee System) (England) Regulations 2012

172.—(1) The Local Authorities (Committee System) (England) Regulations 2012(a) are amended as follows.

- (2) In regulation 4 (overview and scrutiny committees)—
- (a) in paragraph (3)—
    - (i) omit sub-paragraph (a), and
    - (ii) omit sub-paragraph (b) (together with the “or” following it), and
  - (b) for paragraph (5) substitute—

“(5) An overview and scrutiny committee of a local authority may not discharge any functions other than—

    - (a) its functions under this Part,
    - (b) its functions under section 19 of the 2006 Act (local authority scrutiny of crime and disorder matters), or
    - (c) any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).”
- (3) In regulation 9(6) (relevant partner authorities: reports and recommendations)—
- (a) after sub-paragraph (a) insert—

“(aa) a clinical commissioning group;

(ab) the National Health Service Commissioning Board; or”, and
  - (b) omit sub-paragraph (c) and the “or” immediately preceding it.

## The Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012

173.—(1) The English text of the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012(b) is amended as follows.

(2) In regulation 2 (interpretation), in the definition of “health service body” (“*corff gwasanaeth iechyd*”), after “means” insert “a clinical commissioning group, the National Health Service Commissioning Board, the National Institute for Health and Care Excellence, the Health and Social Care Information Centre,”.

- (3) In the Schedule (eligibility requirements), in paragraph 1 (general requirements)—
- (a) in sub-paragraph (2)—
    - (i) omit the “or” at the end of paragraph (c),
    - (ii) in paragraph (d), after “health service body”, in the first place where it occurs, insert “(other than a clinical commissioning group)”, and
    - (iii) after paragraph (d) insert—

“or

      - (e) has been removed from office as the chair or a member of the governing body of a clinical commissioning group.”, and
  - (b) in sub-paragraph (4), after “health service body” insert “(other than a clinical commissioning group), or of having held the position of chair or member of the governing body of a clinical commissioning group”.

(4) The Welsh text of the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012 is amended as follows.

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(a) S.I. 2012/1020.

(b) S.I. 2012/1261 (W. 156).

(5) In regulation 2 (dehongli), in the definition of “corff gwasanaeth iechyd” (“*health service body*”), after “yw” insert “grŵp comisiynu clinigol, Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol, y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal, y Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol,”.

(6) In the Schedule (gofynion cymhwysra), in paragraph 1 (gofynion cyffredinol)—

(a) in sub-paragraph (2)—

(i) omit the “neu” at the end of paragraph (c),

(ii) in paragraph (d), after “gorff gwasanaeth iechyd”, insert “(ac eithrio grŵp comisiynu clinigol)”, and

(iii) after paragraph (d) insert—

“neu

(e) wedi ei ddiswyddo fel cadeirydd neu aelod o gorff llywodraethu grŵp comisiynu clinigol.”, and

(b) in sub-paragraph (4), after “corff gwasanaeth iechyd” insert “(ac eithrio grŵp comisiynu clinigol), neu oherwydd iddo ddal swydd cadeirydd neu aelod o gorff llywodraethu grŵp comisiynu clinigol”.

### **The Health Education England Regulations 2012**

**174.**—(1) In regulation 1(2) of the Health Education England Regulations 2012(a) (interpretation), in the definition of “health service body”, after paragraph (e) insert—

“(ea) the National Institute for Health and Care Excellence;

(eb) the Health and Social Care Information Centre;”.

(2) This paragraph applies in relation to England only.

### **The National Health Service (Clinical Commissioning Groups) Regulations 2012**

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

(2) In Schedule 4 (individuals excluded from being lay members of CCG governing bodies)—

(a) in paragraph 3, for “an NHS foundation trust or a Primary Care Trust” substitute “or an NHS foundation trust”,

(b) omit paragraph 5, and

(c) after paragraph 9 insert—

“**9A.** A member or employee of the National Institute for Health and Care Excellence.

**9B.** A member or employee of the Health and Social Care Information Centre.”

(3) In Schedule 5 (individuals disqualified from membership of CCG governing bodies), in paragraph 6(1), after paragraph (m) insert—

“(ma) the National Institute for Health and Care Excellence,

(mb) the Health and Social Care Information Centre;”.

### **The Human Medicines Regulations 2012**

**176.**—(1) The Human Medicines Regulations 2012(c) are amended as follows.

(2) In regulation 213(1) (interpretation)—

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(a) S.I. 2012/1290, to which there are amendments not relevant to this Order.

(b) S.I. 2012/1631.

(c) S.I. 2012/1916.

- (a) before the definition of “the Common Services Agency” insert—
    - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”,
  - (b) in the definition of “health authority”, omit paragraph (a),
  - (c) omit the definition of “Health Protection Agency”,
  - (d) after the definition of “independent medical agency” insert—
    - ““local authority” has the same meaning as in section 2B of the National Health Service Act 2006;”,
  - (e) in the definition of “NHS body”—
    - (i) after paragraph (c) insert—
      - “(ca) a clinical commissioning group;
      - (cb) the National Health Service Commissioning Board;”, and
    - (ii) omit paragraph (d), and
  - (f) omit the definition of “Primary Care Trust”.
- (3) In regulation 229 (exemption for supply by national health service bodies)—
- (a) in the heading, after “bodies” insert “and local authorities”,
  - (b) after paragraph (1)(d) insert—
    - “(da) a local authority in the exercise of public health functions (within the meaning of the National Health Service Act 2006); or”,
  - (c) omit paragraph (1)(e) (together with the “or” following it), and
  - (d) in paragraph (1)(f)—
    - (i) after “arrangement with” insert “a clinical commissioning group, the National Health Service Commissioning Board or”, and
    - (ii) for “to (e)” substitute “to (da)”.
- (4) In regulation 230(6)(a) (exemption for supply etc under a PGD to assist doctors or dentists), for “or Primary Care Trust” substitute “, local authority or National Health Service Commissioning Board”.
- (5) In regulation 233 (exemption for supply etc under a PGD by person conducting a retail pharmacy business)—
- (a) in paragraph (1)(a)—
    - (i) after paragraph (iv) insert—
      - “(iva) a clinical commissioning group,
      - (ivb) the National Health Service Commissioning Board,
      - (ivc) a local authority in the exercise of public health functions (within the meaning of the National Health Service Act 2006);”, and
    - (ii) omit paragraph (v), and
  - (b) in paragraph (5)(a), for “to (v)” substitute “to (ivc) ”.
- (6) In regulation 247 (exemption for supply in the event or anticipation of pandemic disease)—
- (a) in paragraph (3)(a), for “, an NHS body or the Health Protection Agency” substitute “or an NHS body”, and
  - (b) after sub-paragraph (3) insert—
    - “(4) A function of the Ministers under this regulation may be exercised by either of them acting alone or both of them acting jointly (and the reference in this regulation to “the Ministers” is to be read accordingly).”
- (7) In Schedule 16 (patient group directions), in the table in Part 2—
- (a) after the row relating to an NHS trust or NHS foundation trust insert—

|                  |  |
|------------------|--|
| “Local authority | The Chief Executive or Director of Public Health of the local authority” |
|------------------|--|

- (b) omit the row relating to a Primary Care Trust,
  - (c) in the last row, in column 1—
    - (i) after paragraph (d) insert—
      - “(da) a clinical commissioning group;
      - (db) the National Health Service Commissioning Board;
      - (dc) a local authority; or”, and
    - (ii) omit paragraph (f) and the “or” immediately preceding it.
  - (d) in the last row, in column 2—
    - (i) after paragraph (c) insert—
      - “(ca) a clinical commissioning group,
      - (cb) the National Health Service Commissioning Board,
      - (cc) a local authority, or”, and
    - (ii) omit paragraph (e) and the “or” immediately preceding it.
- (8) In Schedule 22 (classes of person for the purposes of regulation 249)—
- (a) after the entry relating to an NHS Foundation trust insert—
    - “A local authority in the exercise of public health functions (within the meaning of the National Health Service Act 2006).”,
  - (b) omit the entry relating to a Primary Care Trust, and
  - (c) in the entry which follows the entry relating to a Primary Care Trust—
    - (i) after paragraph (b) insert—
      - “(ba) a clinical commissioning group;
      - (bb) the National Health Service Commissioning Board;
      - (bc) a local authority; or”, and
    - (ii) omit paragraph (d) and the “or” immediately preceding it.

### **The Nursing and Midwifery Council (Midwives) Rules 2012**

**177.**—(1) The Nursing and Midwifery Council (Midwives) Rules 2012(a) are amended as follows.

- (2) In rule 4 (notifications by local supervising authority)—
  - (a) in paragraph (1), for “A local supervising authority” substitute “Each local supervising authority in Wales, Scotland or Northern Ireland”, and
  - (b) after paragraph (1), insert—
    - “(1A) The local supervising authority in England must publish—
      - (a) the name and address of each of its midwifery officers to one of whom a notice under rule 3(2) or (3) is to be submitted;
      - (b) the date by which a midwife must give notice under rule 3(3).”
- (3) In rule 7 (the local supervising authority midwifery officer)—
  - (a) in paragraph (1), for “Each local supervising authority” substitute “Each local supervising authority in Wales, Scotland or Northern Ireland”,
  - (b) after paragraph (1) insert—

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(a) The Rules are Scheduled to the Nursing and Midwifery (Midwives) Rules Order of Council 2012 (S.I. 2012/3025).

“(1A) The local supervising authority in England must, in accordance with any standards set by the Council under article 43(3) of the Order, appoint an adequate number of midwifery officers who satisfy the relevant qualifications and who are to be responsible for exercising its functions in relation to the supervision of midwives practising in its area.”, and

- (c) in paragraph (2), for “Those relevant qualifications” substitute “The relevant qualifications mentioned in paragraphs (1) and (1A)”.

### **The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012**

**178.**—(1) The Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012(a) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) after the definition of “education and library board” insert—

““former health service body” means a Strategic Health Authority, a Primary Care Trust or the Health Protection Agency;”, and

- (b) in the definition of “health service body”—

(i) in paragraph (a), omit sub-paragraph (i),

- (ii) in paragraph (a), after sub-paragraph (ii) insert—

“(iia) a clinical commissioning group;

(iib) the National Health Service Commissioning Board;

(iic) the National Institute for Health and Care Excellence;

(iid) the Health and Social Care Information Centre;”, and

- (iii) in paragraph (a), omit sub-paragraph (iii), and

- (iv) omit paragraph (d).

(3) In regulation 5 (disqualification for appointment)—

- (a) in paragraph (1)(b), after “health service body,” insert “a former health service body;”,

- (b) in paragraph (1)(f), after “health service body” insert “(other than a clinical commissioning group)”,

- (c) after paragraph (1)(f) insert—

“(fa) is the chair or a member of the governing body of a clinical commissioning group;”,

- (d) in paragraph (1)(h), for “health service body,” substitute “health service body (other than a clinical commissioning group), a former health service body”, and

- (e) after paragraph (1)(h) insert—

“(ha) is a person who has been removed from office as the chair or a member of the governing body of a clinical commissioning group;”, and

- (f) in paragraph (3)(a)—

(i) after “his being” insert “(i)”,

(ii) for “health service body,” substitute “health service body (other than a clinical commissioning group), a former health service body”, and

- (iii) after “regulatory person or body;” insert—

“or

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(a) S.R. 2012/324.

- (ii) the chair or a member of the governing body of a clinical commissioning group;”.

## PART 2

### Instruments revoked

#### **The National Institute for Clinical Excellence (Establishment and Constitution) Order 1999**

**179.** The National Institute for Clinical Excellence (Establishment and Constitution) Order 1999(a) is revoked.

#### **The National Institute for Clinical Excellence Regulations 1999**

**180.** The National Institute for Clinical Excellence Regulations 1999(b) are revoked.

#### **The National Institute for Clinical Excellence (Amendment) Regulations 1999**

**181.** The National Institute for Clinical Excellence (Amendment) Regulations 1999(c) are revoked.

#### **The National Institute for Clinical Excellence (Establishment and Constitution) Amendment Order 1999**

**182.** The National Institute for Clinical Excellence (Establishment and Constitution) Amendment Order 1999(d) is revoked.

#### **The National Patient Safety Agency Regulations 2001**

**183.** The National Patient Safety Agency Regulations 2001(e) are revoked.

#### **The National Institute for Clinical Excellence (Amendment) Regulations 2002**

**184.** The National Institute for Clinical Excellence (Amendment) Regulations 2002(f) are revoked.

#### **The National Institute for Clinical Excellence (Establishment and Constitution) Amendment Order 2002**

**185.** The National Institute for Clinical Excellence (Establishment and Constitution) Amendment Order 2002(g) is revoked.

#### **The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002**

**186.** The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002(h) are revoked.

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- (a) S.I. 1999/220.  
(b) S.I. 1999/260.  
(c) S.I. 1999/2218.  
(d) S.I. 1999/2219.  
(e) S.I. 2001/1742.  
(f) S.I. 2002/1759.  
(g) S.I. 2002/1760.  
(h) S.I. 2002/2375.

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2003**

187. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2003(a) are revoked.

**The National Institute for Clinical Excellence (Establishment and Constitution) Amendment Order 2005**

188. The National Institute for Clinical Excellence (Establishment and Constitution) Amendment Order 2005(b) is revoked.

**The National Institute for Clinical Excellence (Amendment) Regulations 2005**

189. The National Institute for Clinical Excellence (Amendment) Regulations 2005(c) are revoked.

**The Health and Social Care Information Centre (Establishment and Constitution) Order 2005**

190. The Health and Social Care Information Centre (Establishment and Constitution) Order 2005(d) is revoked.

**The Health and Social Care Information Centre Regulations 2005**

191. The Health and Social Care Information Centre Regulations 2005(e) are revoked.

**The NHS Institute for Innovation and Improvement Regulations 2005**

192. The NHS Institute for Innovation and Improvement Regulations 2005(f) are revoked.

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2006**

193. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2006(g) are revoked.

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2007**

194. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2007(h) are revoked.

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- (a) S.I. 2003/1497.
  - (b) S.I. 2005/497.
  - (c) S.I. 2005/498.
  - (d) S.I. 2005/499.
  - (e) S.I. 2005/500.
  - (f) S.I. 2005/1447.
  - (g) S.I. 2006/359.
  - (h) S.I. 2007/559.

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment No. 2) Regulations 2007**

195. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment No. 2) Regulations 2007(a) are revoked.

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2008**

196. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2008(b) are revoked.

**The Health and Social Care Information Centre (Transfer of Staff, Property and Liabilities) Order 2008**

197. The Health and Social Care Information Centre (Transfer of Staff, Property and Liabilities) Order 2008(c) is revoked.

**The National Health Service (Directions by Strategic Health Authorities to Primary Care Trusts Regarding Arrangements for Involvement) (No. 2) Regulations 2008**

198. The National Health Service (Directions by Strategic Health Authorities to Primary Care Trusts Regarding Arrangements for Involvement) (No. 2) Regulations 2008(d) are revoked.

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2009**

199. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2009(e) are revoked.

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

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

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Amendment (No. 2) Regulations 2010**

201. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Amendment (No. 2) Regulations 2010(g) are revoked.

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(a) S.I. 2007/1818.  
(b) S.I. 2008/224.  
(c) S.I. 2008/519.  
(d) S.I. 2008/2677.  
(e) S.I. 2009/112.  
(f) S.I. 2010/405.  
(g) S.I. 2010/2649.

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2011**

202. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2011(a) are revoked.

**The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2012**

203. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) (Amendment) Regulations 2012(b) are revoked.

**The National Patient Safety Agency (Amendment) Regulations 2012**

204. The National Patient Safety Agency (Amendment) Regulations 2012(c) are revoked.

SCHEDULE 3

Article 12

Transitional and Saving Provisions

**Elections relating to statutory sick pay**

1.—(1) The amendments made by paragraph 15 of Schedule 2—

- (a) do not affect the continuing validity or effect of any election made before 1st April 2013 under regulation 2 of the Statutory Sick Pay (National Health Service Employees) Regulations 1991(d), and
- (b) do not prevent a person employed immediately before that date (“the employee”) from making an election under that regulation on or after that date.

(2) An election made by virtue of sub-paragraph (1)(b) is to be made to the person to whom the employee’s contract of employment is transferred by virtue of a transfer scheme under section 300 of the Health and Social Care Act 2012(e).

**Elections relating to statutory maternity pay**

2.—(1) The amendments made by paragraph 16 of Schedule 2—

- (a) do not affect the continuing validity or effect of any election made before 1st April 2013 under regulation 2 of the Statutory Maternity Pay (National Health Service Employees) Regulations 1991(f), and
- (b) do not prevent a person employed immediately before that date (“the employee”) from making an election under that regulation on or after that date.

(2) An election made by virtue of sub-paragraph (1)(b) is to be made to the person to whom the employee’s contract of employment is transferred by virtue of a transfer scheme under section 300 of the Health and Social Care Act 2012.

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(a) S.I. 2011/503.  
(b) S.I. 2012/417.  
(c) S.I. 2012/1425.  
(d) S.I. 1991/589. The relevant amending instrument is S.I. 2000/694.  
(e) 2012 c. 7.  
(f) S.I. 1991/590. The relevant amending instrument is S.I. 2000/694.

### **Continuing effect of applications to court**

3. Any application in respect of a child to a court under section 25 of the Children Act 1989 made by a Primary Care Trust as a result of regulation 2 of the Children (Secure Accommodation) (No. 2) Regulations 1991(a) is, so far as necessary for any purposes after 31st March 2013, to be treated as made by the person (namely, the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group) responsible for making arrangements for the provision of accommodation for the child.

### **Special educational needs: unfulfilled requests for medical advice**

4. Any request for medical advice from a Primary Care Trust under regulation 7(1)(c) of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(b) which remains unfulfilled immediately before 1st April 2013 must be fulfilled by the person (namely the National Health Service Commissioning Board or a clinical commissioning group) to whom the request would have been made had it been made after 31st March 2013.

### **Continuing validity of prescription forms**

5. Notwithstanding the amendments made by paragraphs 50 and 58 of Schedule 2, a prescription form provided by a Primary Care Trust for the purposes of private prescribing (which may also be used for the purposes of issuing a health prescription) is to continue to be valid for the purposes of—

- (a) regulations 15(1)(aa), (1A) and (1B) and 16(1D) of the Misuse of Drugs Regulations 2001(c), and
- (b) regulations 15(1)(aa), (1A) and (1B) and 16(1D) of the Misuse of Drugs Regulations (Northern Ireland) 2002(d).

### **Local supervising authority**

6.—(1) So far as necessary for any purposes after 31st March 2013, any act or omission by or in relation to a Strategic Health Authority before 1st April 2013 in its capacity as a local supervising authority under or in connection with—

- (a) article 43 of the Nursing and Midwifery Order 2001(e), or
- (b) rules made under articles 42 and 43 of that Order,

is to be treated as an act or omission by or in relation to the National Health Service Commissioning Board in its capacity as such an authority.

(2) The amendment made by paragraph 51(1) and (3) of Schedule 2 does not affect the continuing validity or effect —

- (a) of any appointment before 1st April 2013 of any person in accordance with rules made under articles 42 and 43 of the Nursing and Midwifery Order 2001, or
- (b) of any act or omission done by or in relation to any such person in their capacity as such an appointee before 1st April 2013.

(3) In this paragraph, “local supervising authority” has the same meaning as in the Nursing and Midwifery Order 2001.

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(a) S.I. 1991/2034. Relevant amending instruments are S.I. 2000/694, S.I. 2002/546 and S.I. 2010/1172.  
(b) S.I. 2001/3455. The relevant amending instrument is S.I. 2002/2469.  
(c) S.I. 2001/3998. The relevant amending instrument is S.I. 2006/1450.  
(d) S.R. 2002/1. The relevant amending instrument is S.R. 2006/264.  
(e) S.I. 2002/253.

### **Elections relating to statutory paternity and statutory adoption pay**

7.—(1) The amendments made by paragraph 56 of Schedule 2—

- (a) do not affect the continuing validity or effect of any election made before 1st April 2013 under regulation 2 of the Statutory Paternity Pay and Statutory Adoption Pay (National Health Service Employees) Regulations 2002(a), and
- (b) do not prevent a person employed immediately before that date (“the employee”) from making an election under that regulation on or after that date.

(2) An election made by virtue of sub-paragraph (1)(b) is to be made to the person to whom the employee’s contract of employment is transferred by virtue of a transfer scheme under section 300 of the Health and Social Care Act 2012.

### **Continuing validity of medical cards**

8. Notwithstanding the amendments made by paragraphs 64(1) and (2)(c), 70(1) and (2)(b), 71(1) and (2)(b) and 75(1) and (2)(b) of Schedule 2, a medical card issued by a Primary Care Trust is to continue to be valid for the purposes of—

- (a) the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(b),
- (b) the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(c),
- (c) the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(d), and
- (d) the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(e).

### **Duty to co-operate with complaints**

9. The amendment made by paragraph 64(1) and (8) of Schedule 2 does not affect the duty of a contractor under paragraph 95 of Schedule 6 to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 to co-operate with any investigation of a complaint which is begun by a Primary Care Trust and which continues to be investigated after 31st March 2013.

10. The amendment made by paragraph 70(1) and (3)(b) of Schedule 2 does not affect the duty of a contractor under paragraph 87 of Schedule 5 to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 to co-operate with any investigation of a complaint which is begun by a Primary Care Trust and which continues to be investigated after 31st March 2013.

11. The amendment made by paragraph 71(1) and (3) of Schedule 2 does not affect the duty of a provider under paragraph 52 of Schedule 1 to the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004 to co-operate with any investigation of a complaint which is begun by a Primary Care Trust and which continues to be investigated after 31st March 2013.

12. The amendment made by paragraph 75(1) and (4)(b) of Schedule 2 does not affect the duty of a contractor under paragraph 89 of Schedule 5 to the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004 to co-operate with any

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(a) S.I. 2002/2819.  
(b) S.I. 2004/478.  
(c) S.S.I. 2004/115.  
(d) S.S.I.2004/116.  
(e) S.R. 2004/140.

investigation of a complaint which is begun by a Primary Care Trust and which continues to be investigated after 31st March 2013.

13. The amendment made by paragraph 95(1) and (4)(c) of Schedule 2 does not affect the duty of a contractor under paragraph 51 of Schedule 3 to the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(a) to co-operate with any investigation of a complaint which is begun by a Primary Care Trust and which continues to be investigated after 31st March 2013.

14. The amendment made by paragraph 96(1) and (4)(c) of Schedule 2 does not affect the duty of a contractor under paragraph 51 of Schedule 3 to the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006(b) to co-operate with any investigation of a complaint which is begun by a Primary Care Trust and which continues to be investigated after 31st March 2013.

#### **Continuing validity of nominations**

15. The amendments made by paragraph 66(1) and (2) of Schedule 2 do not affect the continuation of any person's nomination as a legal representative for the purposes of Schedule 1 to the Medicines for Human Use (Clinical Trials) Regulations 2004(c) if that person was nominated by a Primary Care Trust or Strategic Health Authority.

#### **Continuing validity of guidance**

16. Any guidance issued by the National Institute for Health and Clinical Excellence for the purposes of paragraph 15 of Schedule 3 to the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 which has effect immediately before 1st April 2013 is to be treated after 31st March 2013 as if issued by the National Institute for Health and Care Excellence for those purposes.

17. Any guidance issued by the National Institute for Health and Clinical Excellence for the purposes of paragraph 14 of Schedule 3 to the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006 which has effect immediately before 1st April 2013 is to be treated after 31st March 2013 as if issued by the National Institute for Health and Care Excellence for those purposes.

#### **Complaints under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009**

18. The amendments made by paragraph 123 of Schedule 2 do not affect the handling of any complaint which immediately before 1st April 2013 is being or is to be handled by a provider in accordance with regulation 7 of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009(d).

19.—(1) This paragraph applies to any complaint made to a Primary Care Trust or Strategic Health Authority ("the predecessor body") under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 which is still being handled by the predecessor body immediately before 1st April 2013.

(2) If the complaint relates to the exercise of a function which after 31st March 2013 is that of the National Health Service Commissioning Board, or to a service which after that date is provided under arrangements made by the Board, the Board must take over the handling of the complaint.

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(a) S.I. 2006/489, to which there are amendments not relevant to this Order.  
(b) S.I. 2006/490, to which there are amendments not relevant to this Order.  
(c) S.I. 2004/1031, to which there are amendments not relevant to this Order.  
(d) S.I. 2009/309, to which there are amendments not relevant to this Order

(3) If the complaint relates to the exercise of a function which after 31st March 2013 is that of a clinical commissioning group, or to a service which after that date is provided under arrangements made by such a group, the group must take over the handling of the complaint.

(4) If the complaint relates to the exercise of a function which after 31st March 2013 is that of a local authority exercising public health functions (within the meaning of the National Health Service Act 2006<sup>(a)</sup>), or to a service which after that date is provided under arrangements made by such an authority, the authority must take over the handling of the complaint as if the complaint had been made in accordance with Part 5 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012<sup>(b)</sup>.

**20.**—(1) This paragraph applies to any complaint under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009—

- (a) which falls to be made after 31st March 2013,
- (b) which relates to anything occurring before 1st April 2013, and
- (c) which if made before that date would have been made to a Primary Care Trust or Strategic Health Authority (“the predecessor body”).

(2) If the complaint relates to the exercise of a function which after 31st March 2013 is that of the National Health Service Commissioning Board, or to a service which after that date is provided under arrangements made by the Board, the complaint must be made to the Board which shall deal with or handle it in accordance with those Regulations.

(3) If the complaint relates to the exercise of a function which after 31st March 2013 is that of a clinical commissioning group, or to a service which after that date is provided under arrangements made by such a group, the complaint must be made to the group which shall deal with or handle it in accordance with those Regulations.

(4) If the complaint relates to the exercise of a function which after 31st March 2013 is that of a local authority exercising public health functions (within the meaning of the National Health Service Act 2006), or to a service which after that date is provided under arrangements made by such an authority, the complaint must be made to the authority which shall deal with or handle the complaint as if it had been made in accordance with Part 5 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

**21.** If a local authority—

- (a) takes over the handling of a complaint in accordance with paragraph 19(4), or
- (b) deals with or handles a complaint in accordance with paragraph 20(4),

regulation 29(2)(c) of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 is to have effect as if the reference to the right to take a complaint to a Local Commissioner under the Local Government Act 1974<sup>(c)</sup> were a reference to the right to take a complaint to the Health Service Commissioner for England under the Health Service Commissioners Act 1993<sup>(d)</sup>.

### **Continuing operation of pilot schemes**

**22.**—(1) The amendments made by paragraph 154 of Schedule 2 do not affect the continuing operation after 31st March 2013 of any pilot scheme which has effect immediately before 1st April 2013.

(2) Any direct payment which but for that abolition could be payable under a pilot scheme by a Primary Care Trust after 31st March 2013 is to be payable by a successor body.

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(a) 2006 c. 41.  
(b) S.I. 2012/3094.  
(c) 1974 c. 7.  
(d) 1993 c. 46.

(3) Any act or omission by or in relation to a Primary Care Trust before 1st April 2013 under or in connection with any provision of a pilot scheme or the Direct Payments Regulations is, where appropriate, to be treated as an act or omission by or in relation to a successor body.

(4) Anything which is in the process of being done by or in relation to a Primary Care Trust immediately before 1st April 2013 under or in connection with any provision of a pilot scheme or the Direct Payments Regulations is, where appropriate, to be treated as done by or in relation to, and may be continued by or in relation to, a successor body.

(5) Any reference (however expressed) in a pilot scheme to a Primary Care Trust is, where appropriate, to be treated as a reference to a successor body.

(6) In the application of the Direct Payments Regulations to a pilot scheme which has continuing operation by virtue of sub-paragraph (1), any reference in those Regulations to a pilot health body is, where appropriate, to be treated as reference to a successor body.

(7) Where there is more than one successor body in relation to a Primary Care Trust in respect of which a pilot scheme has been made—

- (a) sub-paragraphs (2) to (5) are to apply separately in relation to each successor body, and
- (b) sub-paragraph (6), in its application to regulations 3 to 5 of the Direct Payments Regulations, is to have effect as if for “a successor body” there were substituted “all of the successor bodies”.

(8) In this paragraph—

“direct payment” means a direct payment under a pilot scheme;

“the Direct Payments Regulations” means the National Health Service (Direct Payments) Regulations 2010(a);

“health body” means a clinical commissioning group, a local authority (within the meaning of section 2B of the National Health Service Act 2006(b)) or the National Health Commissioning Board;

“pilot scheme” means a pilot scheme under the Direct Payments Regulations;

“relevant function” means a power or duty to provide or arrange for the provision of anything to a person;

“successor body”, in relation to a Primary Care Trust in respect of which a pilot scheme has been made, means a health body whose relevant functions after 31st March 2013 are or include functions in respect of which, if criteria in the pilot scheme were met, direct payments under the scheme could be made.

### **Ongoing complaints: Wales**

23.—(1) Sub-paragraph (2) applies if—

- (a) arrangements by a Strategic Health Authority or Primary Care Trust with a Welsh NHS body falling within Part 7 of the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011(c), or
- (b) liabilities under or in connection with such arrangements,

are transferred to a clinical commissioning group, the National Health Service Commissioning Board, a local authority (within the meaning of section 2B of the National Health Service Act 2006) or another person by virtue of a transfer scheme under section 300 of the Health and Social Care Act 2012.

(2) That group, Board, authority or person is to be responsible for any relevant functions under Part 7 of those Regulations that fall to be performed after 31st March 2013.

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(a) S.I. 2010/1000, to which there are amendments not relevant to this Order.

(b) Section 2B was inserted by section 12 of the Health and Social Care Act 2012 (c. 7).

(c) S.I. 2011/704, to which there are amendments not relevant to this Order.

### **Unpaid service to be taken into account**

24. The amendments made by paragraph 165 of Schedule 2 are not to prevent unpaid service with a Primary Care Trust or Strategic Health Authority being taken into account for the purposes of regulation 38(6) of the Education (Student Support) Regulations 2011(a).

### **Publication of public sector equality duty information and equality objectives**

25. In its application to a clinical commissioning group, the National Health Service Commissioning Board, the National Institute for Health and Care Excellence or the Health and Social Care Information Centre, regulation 2(2)(a) of the Equality Act 2010 (Specific Duties) Regulations 2011(b) (publication of public sector equality duty information not later than 31st January 2012) is to have effect as if the reference to 31st January 2012 were a reference to 31st January 2014.

26. In its application to the National Health Service Commissioning Board, the National Institute for Health and Care Excellence or the Health and Social Care Information Centre, regulation 3(2)(a) of those Regulations (publication of equality objectives not later than 6th April 2012) is to have effect as if the reference to 6th April 2012 were a reference to 6th April 2013.

27. In its application to a clinical commissioning group, regulation 3(2)(a) of those Regulations is to have effect as if the reference to 6th April 2012 were a reference to 13th October 2013.

### **Continuing validity and effect of patient group directions**

28.—(1) The amendments made by paragraph 176 of Schedule 2 do not affect the continuing validity or effect of any patient group direction (within the meaning of Part 12 of the Human Medicines Regulations 2012(c)) which has effect immediately before 1st April 2013.

(2) Any such patient group direction is to have effect until it expires or is replaced.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the abolition of the National Treatment Agency (“the Agency”) and makes provision in consequence of the Health and Social Care Act 2012 (c. 7) (“the Act”).

Part 2 of the Order deals with the Agency, which was established by the National Treatment Agency (Establishment and Constitution) Order 2001, made under what is now section 28 of the National Health Service Act 2006 (“the 2006 Act”). Article 3 of the Order abolishes the Agency on 1st April 2013. Articles 4 and 5 make provision for the transfer of the staff, property and liabilities of the Agency. Article 6 makes provision for continuity and other matters relating to transfer. Articles 7 and 8 provide for the handling of complaints against the Agency, and the winding up of its affairs, after 1st April 2013. Article 9 and Schedule 1 make consequential revocations and amendments.

Part 3 of the Order makes consequential, transitional and saving provisions in relation to the Act. Article 10 deals with contracts and agreements entered into by Primary Care Trusts (“PCTs”) for the provision of primary medical or primary dental services which are still in existence and which are dealt with by the Orders listed in article 10(1). Article 10 ensures that, following the abolition of PCTs by section 34 of the Act, the National Health Service Commissioning Board (established by section 1H of the 2006 Act, as inserted by section 9 of the Act) will take on PCTs’ responsibilities under such contracts.

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(a) S.I. 2011/1986, to which there are amendments not relevant to this Order.

(b) S.I. 2011/2260, to which there are amendments not relevant to this Order.

(c) S.I. 2012/1916.

Article 11 and Part 1 of Schedule 2 amend secondary legislation (including Wales, Scotland and Northern Ireland secondary legislation) in consequence of the Act. These provisions are in consequence in particular of certain aspects of the Act:

- the abolition of Strategic Health Authorities and PCTs by sections 33 and 34 of the Act;
- the establishment of the National Health Service Commissioning Board;
- the establishment of clinical commissioning groups under section 14D of the 2006 Act, as inserted by section 25 of the Act;
- the assumption by the Secretary of State and local authorities of new functions in relation to public health (see section 1H(5) of the 2006 Act, as inserted by section 9 of the Act);
- the abolition of the right of certain bodies to discharge patients under section 23 of the Mental Health Act 1983 (c. 20) by section 39 of the Act;
- the abolition of the Health Protection Agency (see section 56 of the Act);
- the amendments made to Part 14 of the Local Government and Public Involvement in Health Act 2007 (c. 28) by Part 5 of the Act to provide for Local Healthwatch organisations to take on the role of representing service users which was formerly discharged by local involvement networks;
- the changes made to the system of scrutiny of the health service by Part 5 of the Act including, in particular, amendments to section 244 of the 2006 Act to provide for health scrutiny functions to be conferred directly on local authorities;
- the abolition of two Special Health Authorities (the National Institute for Health and Clinical Excellence and the Health and Social Care Information Centre) and their replacement by two new non-Departmental Public Bodies (the National Institute for Health and Care Excellence – see Part 8 of, and Schedules 17 and 18 to, the Act, and the Health and Social Care Information Centre – see Chapter 2 of Part 9 of, and Schedules 18 and 19 to, the Act); and
- the abolition of certain other bodies by Part 10 of, and Schedule 20 to, the Act (the Alcohol Education and Research Council, the Appointments Commission, the National Information Governance Board for Health and Social Care, the National Patient Safety Agency and the NHS Institute for Innovation and Improvement).

Part 2 of Schedule 2 to the Order lists the statutory instruments which are revoked in their entirety in consequence of the Act. Schedule 3 to the Order makes transitional and saving provision in respect of certain of the consequential amendments made by Schedule 2.

A full impact assessment has not been produced for this instrument as the Order itself has no impact on the private sector or civil society organisations. A full Impact Assessment has been produced in relation to the provisions of the Act and a copy is available at [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH\\_123583](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_123583)

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