

*Draft Regulations laid before Parliament under section 183(4)(c) of the Health and Care Act 2022, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**NATIONAL HEALTH SERVICE  
TRANSFER OF FUNCTIONS**

**The Health Education England (Transfer of Functions,  
Abolition and Transitional Provisions) Regulations 2023**

*Made - - - - - \*\*\*  
Coming into force in accordance with regulation 1(2)  
and (3)*

The Secretary of State makes these Regulations using the powers conferred by sections 103(1), (2) and (4), 105 and 183(1) and (2) of the Health and Care Act 2022<sup>(1)</sup>.

In accordance with section 103(2) of that Act, the Secretary of State considers that these Regulations serve the purpose of improving the exercise of public functions, having regard to efficiency, effectiveness, economy and securing appropriate accountability to Ministers.

In accordance with section 103(4)(c) of that Act, the Secretary of State considers that Health Education England<sup>(2)</sup> is redundant as a result of the transfer of its functions under these Regulations.

In accordance with section 108(3) of that Act, the Secretary of State has consulted Health Education England and NHS England<sup>(3)</sup>, and such other persons as the Secretary of State considered appropriate.

In accordance with section 108(4) of that Act, the Secretary of State has concluded that it is not appropriate to carry out further consultation with respect to changes which appeared appropriate as a result of consultation in accordance with section 108(3).

In accordance with section 183(4)(c) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

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(1) 2022 c. 31.

(2) Health Education England was established by section 96(1) of the Care Act 2014 (c. 23).

(3) NHS England is a body corporate established by section 1H of the National Health Service Act 2006 (c. 41). Section 1H was inserted by section 9(1) of the Health and Social Care Act 2012 (c. 7). Section 1 of, and Schedule 1 to, the Health and Care Act 2022 (the “2022 Act”) renamed the National Health Service Commissioning Board, the body corporate established under section 1H of the National Health Service Act 2006, “NHS England”, and made consequential amendments. Under paragraph 1(3) of Schedule 1 to the 2022 Act, a reference to the NHS Commissioning Board in any enactment (apart from the 2022 Act) passed before the day on which section 1 of that Act comes into force (1 July 2022), and in any instrument or other document made before that day, is to be read, in relation to any time on or after that day, as a reference to NHS England.

### **Citation and commencement**

1.—(1) These Regulations may be cited as the Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023.

(2) Subject to paragraph (3), these Regulations come into force on 1st April 2023.

(3) Paragraph 14 of Schedule 1 (amendment of section 126 of the 2022 Act) comes into force on the date on which section 126 of the 2022 Act comes into force.

### **Extent**

2.—(1) Subject to paragraph (2), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(2) Any amendment, repeal or revocation made by these Regulations, other than paragraph 12(3) of Schedule 1, has the same extent as the provision amended, repealed or revoked.

### **Interpretation**

3. In these Regulations—

“the 2006 Act” means the National Health Service Act 2006(4);

“the 2014 Act” means the Care Act 2014(5);

“the 2022 Act” means the Health and Care Act 2022(6);

“financial year” means a period of 12 months ending with 31st March;

“HEE” means Health Education England, the body corporate established by section 96(1) of the 2014 Act;

“NHS England” means the body corporate established by section 1H of the 2006 Act.

### **Transfer of functions, consequential provision and abolition**

4.—(1) Schedule 1 contains repeals of and amendments to primary legislation to transfer functions of HEE to NHS England, and consequential and related amendments to primary legislation.

(2) Schedule 2 contains revocations of and amendments to secondary legislation that are consequential to the transfer of functions referred to in paragraph (1).

(3) HEE is abolished.

### **Final annual report on exercise of HEE’s functions**

5.—(1) NHS England must, as soon as is practicable, prepare a report on how HEE exercised its functions during the financial year ending with 31st March 2023.

(2) The report must include, in particular, NHS England’s assessment of—

(a) the extent to which HEE during that year—

(i) achieved the objectives and reflected the priorities set by the Secretary of State for the purposes of section 100(1) of the 2014 Act; and

(ii) achieved the outcomes set by the Secretary of State for the purposes of section 100(2) of that Act; and

(b) how effectively HEE discharged any duties imposed on it by or under the 2014 Act.

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(4) 2006 c. 41.

(5) 2014 c. 23.

(6) 2022 c. 31.

- (3) NHS England must—
  - (a) lay a copy of the report before Parliament, and
  - (b) send a copy of it to the Secretary of State.

#### **Final consolidated annual accounts for HEE**

6.—(1) NHS England must prepare consolidated annual accounts for HEE in respect of the financial year ending with 31st March 2023.

- (2) NHS England must send copies of the consolidated annual accounts to—
  - (a) the Secretary of State, and
  - (b) the Comptroller and Auditor General,

within such period as the Secretary of State directs.

- (3) The Comptroller and Auditor General must—
  - (a) examine, certify and report on the consolidated annual accounts, and
  - (b) lay copies of those accounts and the report on them before Parliament.

#### **General and transitional provisions**

7.—(1) NHS England may do anything which appears to it to be necessary or appropriate for the winding up of the affairs of HEE.

(2) Any act, omission or other thing (including legal proceedings) done or which, at the coming into force of this regulation, is in the process of being done by or in relation to HEE in respect of, or in connection with, the exercise of its functions, is to be treated as an act, omission or thing done or in the process of being done, and may be continued, by or in relation to NHS England.

(3) Any enactment passed before the coming into force of this regulation, and any instrument or other document made before that day, has effect, so far as is necessary for the purposes of or in consequence of these Regulations as if references to (and references which are to be read as references to) HEE were or included references to NHS England.

(4) Documents or forms printed for use in connection with a function transferred by these Regulations may be used in connection with that function even though they contain, or are to be read as containing, references to HEE; and for the purposes of the use of any such documents or forms after the coming into force of these Regulations, those references are to be read as references to NHS England.

Address  
Date

*Name*  
Parliamentary Under Secretary of State  
Department of Health and Social Care

## SCHEDULE 1

Regulation 4(1)

### Consequential Repeals and Amendments to Primary Legislation

#### **Public Records Act 1958**

1. In Part 2 of the Table in Schedule 1 to the Public Records Act 1958(7) (definition of public records), omit “Health Education England.”.

#### **Public Bodies (Admission to Meetings) Act 1960**

2. In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960(8) (bodies to which this Act applies), omit paragraph (bm).

#### **Parliamentary Commissioner Act 1967**

3. In Schedule 2 to the Parliamentary Commissioner Act 1967(9) (departments etc. subject to investigation), omit “Health Education England”.

#### **House of Commons Disqualification Act 1975**

4. In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975(10) (bodies of which all members are disqualified), omit “Health Education England.”.

#### **Copyright, Designs and Patents Act 1988**

5. In section 48(6) of the Copyright, Designs and Patents Act 1988(11) (definition of “the Crown”), omit “, Health Education England”.

#### **Value Added Tax Act 1994**

6. In section 41 of the Value Added Tax Act 1994(12) (application to the Crown), omit subsection (7)(j).

#### **Employment Rights Act 1996**

7. In section 49B of the Employment Rights Act 1996(13) (regulations prohibiting discrimination because of protected disclosure), omit subsection (7)(g).

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(7) 1958 c. 51. An entry for “Health Education England” was inserted into Part 2 of the Table in Schedule 1 by paragraph 29 of Schedule 5 to the Care Act 2014.

(8) 1960 c. 67. Paragraph (bm) was inserted into the Schedule by paragraph 30 of Schedule 5 to the Care Act 2014.

(9) 1967 c. 13. Schedule 2 was substituted by S.I. 2011/2986 and “Health Education England” was inserted into Schedule 2 by paragraph 31 of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

(10) 1975 c. 24. “Health Education England.” was inserted into Part 2 of Schedule 1 by paragraph 32 of Schedule 5 to the Care Act 2014.

(11) 1988 c. 48. Section 48(6) was inserted by paragraph 3 of Schedule 8 to the National Health Service and Community Care Act 1990 (c. 19). The definition of “the Crown” in subsection (6) was amended by paragraph 33 of Schedule 5 to the Care Act 2014; there are other amendments but none is relevant.

(12) 1994 c. 23. Subsection (7) was amended and renumbered by section 107(1) and (2) of the Finance Act 2014 (c. 26). There are other amendments but none is relevant.

(13) 1996 c. 18. Section 49B was inserted by section 149(2) of the Small Business, Enterprise and Employment Act 2015 (c. 26). There are amendments but none is relevant.

## Freedom of Information Act 2000

8. In Part 3 of Schedule 1 to the Freedom of Information Act 2000(14) (the National Health Service), omit “Health Education England.” as inserted by paragraph 34 of Schedule 5 to the 2014 Act.

## National Health Service Act 2006

9.—(1) The 2006 Act is amended as follows.

(2) In section 1F(2) (duty as to education and training)(15), for “Health Education England” substitute “NHS England”.

(3) In section 1GA(2) (Secretary of State’s duty to report on workforce systems)(16), omit “and Health Education England”.

(4) In section 9(4) (NHS contracts)(17), omit paragraph (kc).

(5) In section 13J (duty to obtain appropriate advice)(18)—

(a) the existing text becomes subsection (1);

(b) after subsection (1), insert—

“(2) Subsection (1) does not apply in relation to NHS England’s education and training functions (see section 102 of the Care Act 2014 for the obtaining of advice in relation to those functions).”.

(6) In section 13M (duty as to promoting education and training)(19)—

(a) after “functions” insert “other than its education and training functions”;

(b) omit “the Secretary of State and Health Education England”.

(7) In section 13N (duty as to promoting integration)(20), after subsection (2) insert—

“(2A) Subsections (1) and (2) do not apply in relation to the exercise of NHS England’s education and training functions.”.

(8) After section 13P (duty as respects variation in provision of health services), insert—

### “Duty to cooperate for education and training functions and specified functions

13PA.—(1) NHS England must, in exercising its education and training functions, co-operate with the Secretary of State in the exercise of the public health functions of the Secretary of State.

(2) Regulations may require NHS England and a person specified in those regulations to co-operate with each other in the exercise of—

(a) NHS England’s education and training functions;

(b) the functions of the specified person;

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(14) 2000 c. 36. “Health Education England.” was inserted into Part 3 of Schedule 1 “at the appropriate place” by paragraph 34 of Schedule 5 to the Care Act 2014. However, as Part 3 contains individual numbered paragraphs it is impossible to determine where exactly these words have been inserted.

(15) Section 1F was inserted by section 7 of the Health and Social Care Act 2012 (c. 7). Subsection (2) was amended by section 97(4)(a) of the Care Act 2014.

(16) Section 1GA was inserted by section 41 of the Health and Care Act 2022.

(17) Paragraph (kc) of subsection (4) was inserted by paragraph 16 of Schedule 5 to the Care Act 2014. There are other amendments to subsection (4) but none is relevant.

(18) Section 13J was inserted by section 23(1) of the Health and Social Care Act 2012, and amended by paragraph 1(1) of Schedule 1 to the Health and Care Act 2022.

(19) Section 13M was inserted by section 23(1) of the Health and Social Care Act 2012, and amended by section 97(4)(b) of the Care Act 2014 and paragraph 1(1) of Schedule 1 to the Health and Care Act 2022.

(20) Section 13N was inserted by section 23(1) of the Health and Social Care Act 2012. There are amendments but none is relevant.

- (c) such of the functions in paragraphs (a) or (b) as may be specified.”.
- (9) In section 13U(2) (annual report)(**21**)—
- (a) omit the “and” after paragraph (c);
  - (b) at the end of paragraph (d), insert—
    - “, and
    - (e) how effectively it has discharged its education and training functions including, in particular, the extent to which it has during the year achieved the outcomes set by the Secretary of State for the purpose of section 100(2) of the Care Act 2014.”.
- (10) In section 13YA (power of NHS England to provide assistance and support)(**22**)—
- (a) in subsection (1), after paragraph (b) insert—
    - “(c) any public authority, where the assistance or support is in relation to the education or training of health care workers.”;
  - (b) after subsection (1), insert—
    - “(1A) In subsection (1), “health care workers” means persons in relation to whom the Secretary of State’s duty under section 1F(1) is to be performed.”;
  - (c) in subsection (2), for “subsection (1)(a) or (b)” substitute “subsection (1)”;
  - (d) for subsection (3), substitute—
    - “(3) The assistance that may be provided under subsection (1)(a) or (c), or that may be provided under subsection (1)(b) to integrated care boards, also includes financial assistance.”;
  - (e) after subsection (4), insert—
    - “(5) In this section, a reference to a public authority—
      - (a) includes a public authority in the Channel Islands or the Isle of Man, but
      - (b) subject to that, does not include a reference to a public authority outside the United Kingdom.”.
- (11) In section 14Z41 (duty to promote education and training)(**23**), for “Health Education England” substitute “NHS England”.
- (12) In section 71(2) (schemes for meeting losses and liabilities etc of certain health service bodies)(**24**), omit paragraph (dc).
- (13) In section 72 (co-operation between NHS bodies)(**25**), omit subsection (4).
- (14) In section 247C (Secretary of State’s duty to keep health service functions under review)(**26**), in subsection (2), omit paragraph (ea).
- (15) In section 275 (interpretation), after the definition of “dental practitioner”, insert—
- ““education and training functions”, in relation to NHS England, means the functions conferred on it—

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(21) Section 13U was inserted by section 23(1) of the Health and Social Care Act 2012. Subsection (2) was amended by sections 4(5) and 7(4) of the Health and Care Act 2022, and by [S.I. 2023/98](#).

(22) Section 13YA was inserted by section 12 of the Health and Care Act 2022.

(23) Section 14Z41 was inserted by section 25(2) of the Health and Care Act 2022.

(24) Subsection (2) was amended by paragraph 24(3) of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

(25) Subsection (4) was inserted by paragraph 15(2) of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

(26) Section 247C was inserted by section 52 of the Health and Social Care Act 2012. Paragraph (ea) of subsection (2) was inserted by paragraph 13(8) of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

- (a) by section 296A of the Health and Social Care Act 2012<sup>(27)</sup> or under arrangements made under that section, or
- (b) by or under Chapter 1 of Part 3 of the Care Act 2014.”.

### **Health Act 2009**

**10.** In section 2 of the Health Act 2009<sup>(28)</sup> (duty to have regard to NHS Constitution), in subsection (2), omit paragraph (h).

### **Equality Act 2010**

**11.** In Part 1 of Schedule 19 to the Equality Act 2010<sup>(29)</sup> (public authorities: general), in the group of entries under the heading “Health, social care and social security”, omit the entry for Health Education England.

### **Health and Social Care Act 2012**

- 12.—**(1) The Health and Social Care Act 2012 is amended as follows.
- (2) In section 290 (other duties to co-operate)<sup>(30)</sup>, omit subsection (3)(ca).
  - (3) After section 296 (arrangements between NHS England and Scottish Ministers etc.), insert—

**“Arrangements between NHS England and devolved authorities in respect of education and training**

**296A.—**(1) NHS England may make arrangements with a devolved authority for NHS England—

- (a) to exercise on behalf of the devolved authority any function of that authority that corresponds to a function of NHS England that is conferred by or under Chapter 1 of Part 3 of the Care Act 2014;
- (b) to provide services or facilities in so far as the devolved authority requires them in connection with the exercise of such a function.

(2) Arrangements under this section may be on such terms and conditions as may be agreed between the parties to the arrangements.

(3) Those terms and conditions may include provision with respect to the making of payments to NHS England in respect of the cost to it of giving effect to the arrangements.

(4) In this section—

“devolved authority” means—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, and
- (c) a Northern Ireland Minister.

“Northern Ireland Minister” includes the First Minister, the deputy First Minister and a Northern Ireland department.”.

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<sup>(27)</sup> 2012 c. 7. Section 296A is inserted by paragraph 12(3) of Schedule 1 to these Regulations.

<sup>(28)</sup> 2009 c. 21. Paragraph (h) of subsection (2) was inserted by section 99(3) of the Care Act 2014. There are other amendments but none is relevant.

<sup>(29)</sup> 2010 c. 15. An entry for “Health Education England” was inserted by paragraph 35 of Schedule 5 to the Care Act 2014.

<sup>(30)</sup> Paragraph (ca) of subsection (3) was inserted by paragraph 15(3) of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

## Care Act 2014

13.—(1) The 2014 Act is amended as follows.

(2) In section 6 (co-operating generally), after subsection (1) insert—

“(1A) Subsection (1) does not apply in relation to the exercise by NHS England of its functions under Chapter 1 of Part 3.”.

(3) For the heading of Chapter 1 of Part 3, substitute “The Education and Training Functions of NHS England”.

(4) Omit section 96 (Health Education England).

(5) In section 97 (planning education and training for health care workers etc.)—

(a) in subsections (1), (2), (5), (6) and (8), in each place it occurs, for “HEE” substitute “NHS England”;

(b) omit subsection (4);

(c) in subsection (9), for “HEE’s” substitute “NHS England’s”.

(6) In section 98(1) (ensuring sufficient skilled health care workers for the health service)—

(a) for “HEE” substitute “NHS England”;

(b) after “its functions” insert “under this Chapter”.

(7) In section 99 (quality improvement in education and training, etc.)—

(a) in subsection (1)—

(i) for “HEE” substitute “NHS England”;

(ii) after “its functions” insert “under this Chapter”;

(iii) omit paragraph (b);

(b) omit subsections (2), (3) and (5);

(c) in subsection (4)—

(i) for “HEE” substitute “NHS England”;

(ii) after “its functions” insert “under this Chapter”.

(8) In section 100 (objectives, priorities and outcomes)(**31**)—

(a) omit subsection (1);

(b) for subsection (2) substitute—

“(2) The Secretary of State must publish a document (called the “Education Outcomes Framework”) setting outcomes for NHS England to achieve in relation to the education and training to be provided for health care workers.

(2A) In setting those outcomes, the Secretary of State must have regard to any objectives that are specified in the mandate published under section 13A of the National Health Service Act 2006(**32**) and that relate to the education and training of health care workers.”;

(c) in subsection (3), omit “(1) or”;

(d) for subsection (4), substitute—

“(4) NHS England must publish a document which—

(a) specifies—

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**(31)** Subsection (4) was amended by section 90(3) of the Health and Care Act 2022.

**(32)** Section 13A was inserted by section 23(1) of the Health and Social Care Act 2012 and amended by section 4(2) of, paragraphs 1(1) and 8 of Schedule 1 and paragraph 96 of Schedule 4 to the Health and Care Act 2022.



- (i) the objectives and priorities that NHS England has set, for the period specified in the document, for the planning and delivery of education and training for health care workers, and
      - (ii) how it proposes to achieve those objectives,
    - (b) specifies—
      - (i) the outcomes that NHS England expects to achieve in relation to the education and training of health care workers during that period having regard to those objectives and priorities, and
      - (ii) how it proposes to achieve those outcomes, and
    - (c) specifies how NHS England proposes to achieve the outcomes set by the Secretary of State in accordance with subsection (2).”;
  - (e) in subsection (5), for “HEE” substitute “NHS England”;
  - (f) in subsection (6)—
    - (i) for “HEE” substitute “NHS England”;
    - (ii) for “subsections (1) and (2)” substitute “subsection (2) and any objectives specified for it in the mandate published under section 13A of the National Health Service Act 2006 that relate to the education and training of health care workers”;
  - (g) in subsection (8), in both places it occurs, for “HEE” substitute “NHS England”;
  - (h) in subsection (9), for “HEE” substitute “NHS England”;
  - (i) in subsection (10)—
    - (i) in both places it occurs, for “HEE” substitute “NHS England”;
    - (ii) in paragraph (a), omit “(1),”.
- (9) In section 101 (sections 98 and 100: matters to which HEE must have regard)(33)—
- (a) in the heading, for “HEE” substitute “NHS England”;
  - (b) in subsection (1)—
    - (i) in the words before paragraph (a), for “HEE” substitute “NHS England”;
    - (ii) omit paragraphs (d) and (f);
    - (iii) in paragraph (g), for “section 100(1), (2) or (3)” substitute “section 100(2) or (3)”;
  - (c) for subsection (2) substitute—
    - “(2) In subsection (1)—
    - “health provision”, “health-related provision” and “care and support provision” each have the same meaning as in section 3;
    - “health services” means health services provided as part of the health service.”.
- (10) In section 102 (advice)—
- (a) in subsection (1)—
    - (i) in both places it occurs, for “HEE” substitute “NHS England”;
    - (ii) after “its functions” insert “under this Chapter”;
  - (b) in subsections (2) and (3), for “HEE” substitute “NHS England”;
  - (c) in subsection (4)—
    - (i) for “HEE” substitute “NHS England”;

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(33) Paragraph (f) of subsection (1) was amended by paragraph 1(1) of Schedule 1 to the Health and Care Act 2022.

(ii) after “its functions” insert “under this Chapter”.

(11) In section 108 (tariffs)(34), in subsection (9), for “HEE” substitute “NHS England”.

(12) In section 118 (transfer orders), in subsection (1) omit “section 96 (establishment of Health Education England) or”.

(13) In section 119 (Chapters 1 and 2: interpretation and supplementary provision)(35), in the table in subsection (1)—

(a) in the second column of the entry relating to “health services”, for “Section 99” substitute “Section 101”;

(b) omit the entry relating to “HEE”.

(14) In section 125 (regulations and orders), in subsection (6), omit paragraph (a).

(15) In section 126 (general interpretation), in the definition of “financial year”, omit “, paragraph 19 of Schedule 5”.

(16) In section 128 (extent and application), in subsection (3), omit paragraph (h).

(17) Omit Schedule 5 (Health Education England).

## **Health and Care Act 2022**

14. In section 126 of the 2022 Act (co-operation), omit subsection (3)(i).

## SCHEDULE 2

Regulation 4(2)

### Consequential Revocations and Amendments to Secondary Legislation

#### **Amendment of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995**

1. In article 1 (2) (citation, commencement and interpretation) of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995(36), in the definition of “NHS body”, omit “Health Education England,”.

#### **Amendment of the National Health Service Litigation Authority Regulations 1995**

2. In regulation 7(1)(ea) (disqualification for appointment) of the National Health Service Litigation Authority Regulations 1995(37), omit “Health Education England,”.

#### **Amendment of the National Health Service (Liabilities to Third Parties Scheme) Regulations 1999**

3. In regulation 3 (eligible bodies) of the National Health Service (Liabilities to Third Parties Scheme) Regulations 1999(38), omit paragraph (cza).

(34) Subsection (9) was amended by section 90(5) of the Health and Care Act 2022.

(35) The table in subsection (1) was amended by section 90(6) of the Health and Care Act 2022.

(36) S.I. 1995/2800, as amended by S.I. 2015/137; there are other amendments but none is relevant.

(37) S.I. 1995/2801; relevant amending instruments are S.I. 2013/235 and 2015/137.

(38) S.I. 1999/873; relevant amending instruments are S.I. 2015/137 and 2018/756. Regulation 3 is revoked in relation to England by S.I. 2018/756 but remains in force in Wales.

### **Amendment of the National Health Service (Property Expenses Scheme) Regulations 1999**

4. In regulation 3 (eligible bodies) of the National Health Service (Property Expenses Scheme) Regulations 1999(39), omit paragraph (cza).

### **Amendment of the National Health Service (General Dental Services Contracts) Regulations 2005**

5. In paragraph 79A (duty as to education and training) in Part 10 of Schedule 3 (other contractual terms) to the National Health Service (General Dental Services Contracts) Regulations 2005(40), in both places it occurs, for “Health Education England” substitute “NHS England”.

### **Amendment of the National Health Service (Personal Dental Services Agreements) Regulations 2005**

6. In paragraph 77A (duty as to education and training) in Part 10 of Schedule 3 (other contractual terms) to the National Health Service (Personal Dental Services Agreements) Regulations 2005(41), in both places it occurs, for “Health Education England” substitute “NHS England”.

### **Amendment of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005**

7. In regulation 3 (disqualification for appointment) of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(42), in paragraph (1)(j), omit paragraph (vi) but not the “or” after it.

### **Amendment of the General Ophthalmic Services Contracts Regulations 2008**

8. In paragraph 56 (duty as to education and training) in Part 8 of Schedule 1 (other contractual terms) to the General Ophthalmic Services Contracts Regulations 2008(43), in both places it occurs, for “Health Education England” substitute “NHS England”.

### **Amendment of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (English language text)**

9.—(1) The English language text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(44) is amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in the definition of “former health service body” (“cyn gorff gwasanaeth iechyd”), for “or the Health and Social Care Information Centre” substitute “, the Health and Social Care Information Centre or Health Education England”;
- (b) in the definition of “health service body” (“corff gwasanaeth iechyd”), omit “Health Education England.”

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(39) S.I. 1999/874; relevant amending instruments are S.I. 2015/137 and 2018/757. Regulation 3 is revoked in relation to England by S.I. 2018/757 but remains in force in Wales.

(40) S.I. 2005/3361; relevant amending instruments are S.I. 2013/364 and 2015/137.

(41) S.I. 2005/3373; relevant amending instruments are S.I. 2013/364 and 2015/137.

(42) S.I. 2005/2415; relevant amending instruments are S.I. 2006/633 and 2015/137.

(43) S.I. 2008/1185; relevant amending instruments are S.I. 2013/365 and 2015/137.

(44) S.I. 2009/779 (W. 67); relevant amending instruments are S.I. 2012/1641, 2013/235, 2015/137, 2022/634 and 2023/98.

**Amendment of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (Welsh language text)**

10.—(1) The Welsh language text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(45) (Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2009) is amended as follows.

(2) In regulation 2 (dehongli)—

- (a) in the definition of “cyn gorff gwasanaeth iechyd” (“former health service body”), for “neu’r Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol” substitute “, y Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol neu Addysg Iechyd Lloegr”;
- (b) in the definition of “corff gwasanaeth iechyd” (“health service body”), omit “Addysg Iechyd Lloegr”.

**Amendment of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (English language text)**

11.—(1) The English language text of Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(46) is amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

- (a) in the definition of “former health service body” (“cyn gorff gwasanaeth iechyd”), for “or the Health and Social Care Information Centre” substitute “, the Health and Social Care Information Centre or Health Education England”;
- (b) in the definition of “health service body” (“corff gwasanaeth iechyd”), omit subparagraph (h).

**Amendment of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (Welsh language text)**

12.—(1) The Welsh language text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(47) (Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009) is amended as follows.

(2) In regulation 1(2) (enwi, cychwyn a dehongli)—

- (a) in the definition of “cyn gorff gwasanaeth iechyd” (“former health service body”), for “neu’r Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol” substitute “, y Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol neu Addysg Iechyd Lloegr”;
- (b) in the definition of “corff gwasanaeth iechyd” (“health service body”), omit subparagraph (h).

**Amendment of the Medical Profession (Responsible Officers) Regulations 2010**

13.—(1) The Medical Profession (Responsible Officers) Regulations 2010(48) are amended as follows.

(2) In regulation 5 (duty to nominate or appoint responsible officers)—

- (a) omit paragraphs (2A) and (4A);
- (b) in paragraph (3), for “paragraphs (1), (2) or (2A)” substitute “paragraphs (1) or (2)”.

(45) S.I. 2009/779 (W. 67); relevant amending instruments are S.I. 2012/1641, 2013/235, 2015/137, 2022/634 and 2023/98.

(46) S.I. 2009/1385 (W. 141); relevant amending instruments are S.I. 2013/235, 2015/137, 2022/634 and 2023/98.

(47) S.I. 2009/1385 (W. 141); relevant amending instruments are S.I. 2013/235, 2015/137, 2022/634 and 2023/98.

(48) S.I. 2010/2841; relevant amending instruments are S.I. 2013/391 and 2022/634.

(3) In regulation 10(1)(a)(ia) (connection between designated bodies and medical practitioners), in both places it occurs, for “Health Education England” substitute “NHS England”.

(4) In regulation 12 (connection between designated bodies and medical practitioners who are responsible officers), in the table in paragraph (1), omit entry 3.

(5) In Part 1 to the Schedule (designated bodies), omit paragraph 14A.

### **Amendment of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013**

**14.**—(1) The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013(**49**) are amended as follows.

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

(3) In paragraph 33 (co-operation with Health Education England) of Part 4 of Schedule 4 (terms of service of NHS pharmacists), in each place it occurs, including the heading, for “Health Education England” substitute “NHS England”.

(4) In paragraph 23 (co-operation with Health Education England) of Schedule 5 (terms of service of NHS appliance contractors), in each place it occurs, including the heading, for “Health Education England” substitute “NHS England”.

(5) In paragraph 16 (co-operation with Health Education England) of Schedule 7 (mandatory terms for LPS schemes), in each place it occurs, including the heading, for “Health Education England” substitute “NHS England”.

### **Revocation of the Health Education England Regulations 2014**

**15.** The Health Education England Regulations 2014(**50**) are revoked.

### **Revocation of the Health Education England (Transfer of Staff, Property and Liabilities) Order 2014**

**16.** The Health Education England (Transfer of Staff, Property and Liabilities) Order 2014(**51**) is revoked.

### **Amendment of the Public Interest Disclosure (Prescribed Persons) Order 2014**

**17.** In the table in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014(**52**)—

(a) omit the entry relating to Health Education England;

(b) in the second column of the entry relating to NHS England, at the end insert “Matters relating to NHS England’s education and training functions conferred on NHS England by or under Chapter 1 of Part 3 of the Care Act 2014.”.

### **Amendment of the National Health Service (Clinical Negligence Scheme) Regulations 2015**

**18.** In regulation 4 (eligible bodies) of the National Health Service (Clinical Negligence Scheme) Regulations 2015(**53**), omit paragraph (1)(e).

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(49) [S.I. 2013/349](#), as amended by [S.I. 2015/137](#); there are other amendments but none is relevant.

(50) [S.I. 2014/3215](#).

(51) [S.I. 2014/3218](#).

(52) [S.I. 2014/2418](#); relevant amending instruments are [S.I. 2015/1981](#) and [2022/634](#).

(53) [S.I. 2015/559](#), to which there are no relevant amendments.

### **Amendment of the Town and Country Planning (General Permitted Development) (England) Order 2015**

19. In Part 12A (development by Local Authorities and Health Service Bodies) of Schedule 2 (permitted development rights) to the Town and Country Planning (General Permitted Development) (England) Order 2015(54), in paragraph A.3(1), in the definition of “health service body”, omit paragraph (d).

### **Amendment of the National Health Service (General Medical Services Contracts) Regulations 2015**

20. In regulation 90 (co-operation with the Secretary of State and Health Education England) of the National Health Service (General Medical Services Contracts) Regulations 2015(55), in each place it occurs, including in the heading, for “Health Education England” substitute “NHS England”.

### **Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2015**

21. In regulation 82 (co-operation with the Secretary of State and Health Education England) of the National Health Service (Personal Medical Services Agreements) Regulations 2015(56), in each place it occurs, including in the heading, for “Health Education England” substitute “NHS England”.

### **Amendment of the Trade Union (Facility Time Publication Requirements) Regulations 2017**

22. In Schedule 1 (public authorities) to the Trade Union (Facility Time Publication Requirements) Regulations 2017(57), in Part 5 (other bodies), omit paragraph 106.

### **Amendment of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017**

23. In Schedule 2 (public authorities required to publish information) to the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017(58), under the heading “Health, social care and social security”, omit “Health Education England”.

### **Amendment of the Higher Education and Research Act 2017 (Cooperation and Information Sharing) Regulations 2018**

24. In the Schedule (relevant persons and relevant functions) to the Higher Education and Research Act 2017 (Cooperation and Information Sharing) Regulations 2018(59), in the entry relating to Health Education England—

- (a) in the column entitled “relevant person”, for “Health Education England” substitute “NHS England”;
- (b) in the column entitled “relevant function”, for “Its functions under the Care Act 2014” substitute “Its education and training functions conferred by or under Chapter 1 of Part 3 of the Care Act 2014”.

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(54) [S.I. 2015/596](#). Part 12A was inserted by [S.I. 2020/412](#). There are other amendments but none is relevant.

(55) [S.I. 2015/1862](#), to which there are no relevant amendments.

(56) [S.I. 2015/1879](#), to which there are no relevant amendments.

(57) [S.I. 2017/328](#), to which there are no relevant amendments.

(58) [S.I. 2017/353](#), to which there are no relevant amendments.

(59) [S.I. 2018/607](#).

### **Amendment of the National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018**

**25.** In regulation 4 (eligible bodies) of the National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018(**60**), omit paragraph (1)(g).

### **Amendment of the National Health Service (Property Expenses Scheme) (England) Regulations 2018**

**26.—**(1) The National Health Service (Property Expenses Scheme) (England) Regulations 2018(**61**) are amended as follows.

(2) In regulation 4 (eligible bodies), omit paragraph (1)(g).

(3) After regulation 19 (provision that is consequential on the transfer of functions from the Health and Social Care Information Centre to NHS England), insert—

#### **“Provision that is consequential on the transfer of functions from Health Education England to NHS England**

**20.** An expense of Health Education England which—

(a) arose before 1st April 2023, and

(b) is an expense of the kind which may be claimed by a member under the Scheme,

may be claimed on or after that date by NHS England.”.

### **Amendment of the Scottish Parliament (Disqualification) Order 2020**

**27.** In Part 1 of the Schedule (office-holders disqualified from being a member of the Scottish Parliament) to the Scottish Parliament (Disqualification) Order 2020(**62**), omit “Any member of Health Education England.”.

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## **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations transfer the functions conferred on Health Education England (“HEE”) by the Care Act 2014 (c. 23) to NHS England (see regulation 4).

HEE and NHS England are bodies corporate established under section 96 of the Care Act 2014 and section 1H of the National Health Service Act 2006 (c. 41) respectively.

The transfer of functions is given effect by making amendments to the National Health Service Act 2006, the Health and Social Care Act 2012 (c. 7) and the Care Act 2014, as well as consequential amendments to other pieces of primary and secondary legislation (see regulation 4(1) and (2), and Schedules 1 and 2).

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(60) S.I. 2018/756, to which there are no relevant amendments.

(61) S.I. 2018/757, as amended by S.I. 2023/98; there are other amendments but none is relevant.

(62) S.S.I. 2020/321, to which there are no relevant amendments.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 No. 368*

The Regulations also abolish HEE (see regulation 4(3)), make transitional provision about final reports and accounts in relation to HEE (see regulations 5 and 6), and make transitional provision in relation to the winding up of HEE's affairs, legal proceedings, references to HEE in enactments and other instruments, and in documents and forms (see regulation 7).

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