
STATUTORY INSTRUMENTS

2012 No. 1313

LOCAL GOVERNMENT, ENGLAND

The Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012

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| <i>Made</i> | - - - - | <i>17th May 2012</i> |
| <i>Laid before Parliament</i> | | <i>21st May 2012</i> |
| <i>Coming into force</i> | - - | <i>27th June 2012</i> |

The Secretary of State for Communities and Local Government makes these Regulations in exercise of the powers conferred by sections 81(1)(b), 81(5) and 235(2)(a) of the Localism Act 2011⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012 and shall come into force on 27th June 2012.

Interpretation

2. In these Regulations references to sections are to sections of the Localism Act 2011.

Requirements for expression of interest

3. The requirements listed in Schedule 1 are specified for the purposes of section 81(1)(b) (requirements for expression of interest).

Excluded services

4.—(1) Subject to paragraph (2), the services referred to in Schedule 2 are specified for the purposes of section 81(5) (excluded services).

(2) Paragraphs 2 and 3 of Schedule 2 cease to have effect on 1st April 2014.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Communities and Local Government

17th May 2012

Andrew Stunell
Parliamentary Under Secretary of State
Department for Communities and Local
Government

SCHEDULE 1

Regulation 3

Requirements for expression of interest

1. An expression of interest must include the following information and, where the relevant body proposes to deliver the relevant service as part of a consortium or to use a sub-contractor for delivery of any part of the relevant service, the information and evidence referred to in paragraphs 2 and 3 must be given in respect of each member of the consortium and each sub-contractor as appropriate.
2. Information about the financial resources of the relevant body submitting the expression of interest.
3. Evidence that demonstrates that by the time of any procurement exercise the relevant body submitting the expression of interest will be capable of providing or assisting in providing the relevant service.
4. Information about the relevant service sufficient to identify it and the geographical area to which the expression of interest relates.
5. Information about the outcomes to be achieved by the relevant body or, where appropriate, the consortium of which it is a part, in providing or assisting in the provision of the relevant service, in particular—
 - (a) how the provision or assistance will promote or improve the social, economic or environmental well-being of the relevant authority's area; and
 - (b) how it will meet the needs of the users of the relevant service.
6. Where the relevant body consists of employees as described in section 81(6)(d), details of how that relevant body proposes to engage other employees of the relevant authority who are affected by the expression of interest.

SCHEDULE 2

Regulation 4

Excluded services

1. In this Schedule—
 - “health services” means services provided as part of the health service in England;
 - “the health service” means the health service referred to in section 1(1) of the National Health Service Act 2006⁽²⁾;
 - “NHS body” has the same meaning as in regulation 2 of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000⁽³⁾;
 - “Strategic Health Authority” has the same meaning as in section 13 of the National Health Service Act 2006.
2. A relevant service commissioned in conjunction with one or more health services—
 - (a) by a relevant authority or by an NHS body under a partnership arrangement made in accordance with the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000, or
 - (b) by a relevant authority and an NHS body or a Strategic Health Authority, acting jointly.
3. A relevant service commissioned by an NHS body on behalf of a relevant authority.

(2) 2006 c.41.

(3) S.I. 2000/617; relevant amendments were made by S.I. 2002/2469.

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4. A relevant service commissioned or provided by a relevant authority in respect of a named person with complex individual health or social care needs.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers contained in Chapter 2 of Part 5 of the Localism Act 2011, which sets out a right whereby certain bodies may submit an expression of interest in providing or assisting in providing services on behalf of specified authorities in the exercise of any of those authorities' functions in relation to England.

Regulation 3 and Schedule 1 set out what information must be included in an expression of interest.

Regulation 4 and Schedule 2 set out certain services that are excluded from the right. The services excluded from the right by paragraph 2 of the Schedule are relevant services which are commissioned together with one or more health services either jointly by a relevant authority and a Primary Care Trust, NHS trust or NHS foundation trust ("NHS body") or a Strategic Health Authority, or pursuant to a partnership arrangement made between an NHS body and a relevant authority. The services excluded from the right by paragraph 3 are relevant services commissioned by an NHS body on behalf of a relevant authority. The services set out in paragraphs 2 and 3 are excluded from the right only until 1st April 2014. Paragraph 4 excludes from the right relevant services commissioned or provided by a relevant authority to a named individual with complex health and social care needs.

An impact assessment of the effect that this instrument may have as placing new burdens on relevant authorities is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk Copies have also been placed in the Libraries of both Houses of Parliament and may also be obtained from the Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU (Telephone 0303 44 41349).