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STATUTORY INSTRUMENTS

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**2012 No. 2996**

**The National Health Service Commissioning  
Board and Clinical Commissioning Groups  
(Responsibilities and Standing Rules) Regulations 2012**

**PART 7**

**Standing rules: decisions about drugs and other treatments**

**Transitional provisions**

**37.**—(1) For the purposes of this regulation, a relevant body has responsibility for a person in respect of a healthcare intervention only if it has responsibility for that person in relation to services which involve, or would if the intervention was funded involve, the provision of that intervention.

(2) Where, before the relevant date—

(a) a person has made a request for a written statement of the reasons for a Primary Care Trust's general policy on whether a particular health care intervention is to be funded pursuant to direction 3(1) of the Directions to Primary Care Trusts and NHS trusts concerning decisions about drugs and other treatments 2009 which came into force on 1st April 2009 ("the Decisions Directions")<sup>(1)</sup>; and

(b) a written statement of reasons has not been provided by the Primary Care Trust to whom that request was made before the relevant date in accordance with that direction,

the relevant body with responsibility for that person must provide a written statement of reasons as soon as reasonably practicable as if the request had been made under regulation 35(1)(b).

(3) Where, before the relevant date, a Primary Care Trust—

(a) has made a decision to refuse a request for the funding of a health care intervention in respect of a person where the Primary Care Trust's general policy is not to fund that intervention; but

(b) has not provided that person with a written statement of reasons for that decision pursuant to direction 3(3) of the Decisions Directions,

the relevant body with responsibility for that person must provide a written statement of reasons to that person as soon as reasonably practicable as if regulation 35(2) applied.

(4) Where, before the relevant date, a Primary Care Trust—

(a) has made a decision to fund a health care intervention for a person where the Primary Care Trust's general policy is not to fund that intervention; but

(b) has not notified that person of that decision,

the relevant body with responsibility for that person must notify that person as soon as reasonably practicable of that decision, and fund that intervention.

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(1) The Directions can be found at [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH\\_096067](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_096067).

(5) Where, before the relevant date, a Primary Care Trust has received a request for the funding of a health care intervention but has not yet determined it pursuant to arrangements made under direction 2(3)(a) of the Decisions Directions, the relevant body with responsibility for the person who made the request must—

- (a) decide whether or not to fund that intervention; and
- (b) if the decision is to refuse to fund that intervention, provide a written statement of reasons to that person as soon as reasonably practicable as if regulation 35(2) applied.