
STATUTORY INSTRUMENTS

2013 No. 2891

**The National Health Service Commissioning Board
and Clinical Commissioning Groups (Responsibilities
and Standing Rules) (Amendment) Regulations 2013**

Amendments in relation to choice of health service provider

4.—(1) In regulation 39 of the 2012 Regulations (duty to ensure persons are offered a choice of health service provider)—

(a) for paragraph (2) substitute—

“(2) Subject to regulations 40 and 41, the choices specified for the purposes of this paragraph are the choice—

(a) in respect of a first outpatient appointment with a consultant or a member of a consultant’s team, of—

(i) any clinically appropriate health service provider with whom any relevant body has a commissioning contract for the service required as a result of the referral, and

(ii) any clinically appropriate team led by a named consultant who is employed or engaged by that health service provider; and

(b) in relation to an elective referral for mental health services in respect of which the patient’s first outpatient appointment is not with a consultant or a member of a consultant’s team, of—

(i) any clinically appropriate health service provider with whom any relevant body has a commissioning contract for the service required as a result of the referral, and

(ii) any clinically appropriate team led by a named health care professional who is employed or engaged by that health service provider.”;

(b) omit paragraphs (3) and (4); and

(c) in paragraph (5), for “paragraphs (1) and (3)”, substitute “paragraph (1)”.

(2) In regulation 40 of the 2012 Regulations (services to which the duties as to choice do not apply)—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (a), insert “or”;

(ii) omit the “or” at the end of sub-paragraph (b); and

(iii) omit sub-paragraph (c); and

(b) in paragraph (2), for “Regulation 39(1) and (3) do”, substitute “Regulation 39(1) does”.

(3) In regulation 41 of the 2012 Regulations (persons to whom the duties as to choice do not apply), for “Regulations 39(1) and (3) do”, substitute “Regulation 39(1) does”.

Status: This is the original version (as it was originally made).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

(4) In regulation 42(2)(a)(iii) of the 2012 Regulations (duty to publicise and promote information about choice), for “regulation 39(3)” substitute “regulation 39(1)”.