

Changes to legislation: National Health Service Act 2006, SCHEDULE 10A is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 10A

Section 68A

INTERVENTION POWERS IN RELATION TO THE RECONFIGURATION OF NHS SERVICES

Textual Amendments

- F1** Sch. 10A inserted (31.1.2024 for specified purposes) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\)](#), [Sch. 6](#); [S.I. 2023/1431, reg. 4\(c\)](#)

Definitions

- 1 In this Schedule—
- “NHS commissioning body” means NHS England or an integrated care board;
 - “NHS services” means services provided as part of the health service in England;
 - “NHS trust” means an NHS trust established under section 25;
 - “reconfiguration of NHS services” means a change in the arrangements made by an NHS commissioning body for the provision of NHS services where that change has an impact on—
 - (a) the manner in which a service is delivered to individuals (at the point when the service is received by users), or
 - (b) the range of health services available to individuals.

Duty to notify Secretary of State of reconfiguration proposals

- 2 (1) If an NHS commissioning body proposes a notifiable reconfiguration of NHS services it must notify the Secretary of State.
- (2) For the purposes of this paragraph a reconfiguration of NHS services is “notifiable” if it is of a description specified in regulations.

Power to call-in proposal for reconfiguration

- 3 (1) The Secretary of State may give an NHS commissioning body a direction calling in any proposal by the body for the reconfiguration of NHS services.
- (2) Where a direction is given under sub-paragraph (1), the Secretary of State—
- (a) may, within the period of 6 months beginning with the date of the direction, take any decision in relation to the proposal that could have been taken by the NHS commissioning body, and
 - (b) must notify the NHS commissioning body once the Secretary of State has finished considering the proposal.

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- (3) The power of the Secretary of State to take decisions under sub-paragraph (2)(a) includes—
- (a) power to decide whether a proposal should, or should not, proceed, or should proceed in a modified form;
 - (b) power to decide particular results to be achieved by the NHS commissioning body in taking decisions in relation to the proposal;
 - (c) power to decide procedural or other steps that should, or should not, be taken in relation to the proposal;
 - (d) power to retake any decision previously taken by the NHS commissioning body.
- (4) The Secretary of State must, before acting under sub-paragraph (2), give each of the following an opportunity to make representations to the Secretary of State in relation to the proposal—
- (a) the NHS commissioning body,
 - (b) if the NHS commissioning body is an integrated care board, NHS England,
 - (c) each local authority (within the meaning of section 2B) to whose area the proposed reconfiguration of NHS services relates, and
 - (d) any other person that the Secretary of State considers appropriate.
- (5) The Secretary of State must—
- (a) publish any decision under sub-paragraph (2)(a) together with an explanation of the reasons for taking it, and
 - (b) notify the NHS commissioning body of the decision and the reasons.
- (6) The Secretary of State must publish a summary of any representations made under sub-paragraph (4).
- 4 (1) This paragraph applies where the Secretary of State gives a direction under paragraph 3(1) calling in a proposal for the reconfiguration of NHS services.
- (2) Until notified that the Secretary of State has finished considering the proposal, the NHS commissioning body must not take further steps in relation to a proposal except to such extent (if any) as may be permitted by the direction.
- (3) Once notified that the Secretary of State has finished considering the proposal, the NHS commissioning body must give effect to any decision of the Secretary of State under paragraph 3(2)(a) in relation to the proposal.

Power to require consideration of proposals for reconfiguration

- 5 (1) The Secretary of State may direct an NHS commissioning body to consider a reconfiguration of NHS services.
- (2) The Secretary of State must publish any direction under this paragraph, together with an explanation of the reasons for giving it.

Duties to provide information and other assistance

- 6 An NHS commissioning body, NHS trust or NHS foundation trust must give the Secretary of State any information or other assistance that the Secretary of State requires it to give for the purposes of carrying out any functions under this Schedule.

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Guidance

- 7 (1) The Secretary of State must publish guidance for NHS commissioning bodies, NHS trusts and NHS foundation trusts about—
- (a) the exercise of their functions under this Schedule, and
 - (b) how the Secretary of State proposes to exercise the Secretary of State’s functions under this Schedule.
- (2) NHS commissioning bodies, NHS trusts and NHS foundation trusts must have regard to any guidance published under sub- paragraph (1).]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)