
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the seventh commencement order under the [Local Government and Public Involvement in Health Act 2007](#) (“the Act”) (c.28).

Article 2 appoints the days for the coming into force of sections 233(1) to (4), 233(5) (partially) and 234 of the Act.

Section 233(1) to (4) amends section 242 of the [National Health Service Act 2006](#) (“the 2006 Act”) (c.41), which relates to public involvement and consultation. The amendments alter the way in which section 242 of the 2006 Act applies to English bodies by making changes to the duty on English bodies to involve users of health services and by introducing a requirement that English bodies have regard to any guidance given by the Secretary of State in relation to that duty.

Section 233(5) inserts section 242B of the 2006 Act (directions in cases where Strategic Health Authority arranges involvement). Section 242B gives the Secretary of State the power to make regulations to enable a Strategic Health Authority to direct a Primary Care Trust not to involve persons in matters in which the Primary Care Trust would otherwise have involved those persons pursuant to arrangements made under section 242(1B) of the 2006 Act.

Section 234 amends the 2006 Act to include new provisions requiring Strategic Health Authorities and Primary Care Trusts to prepare reports on consultation on commissioning decisions or other matters when directed to do so by the Secretary of State. It also gives the Secretary of State the power to make directions about the content and publication of reports and about decisions which may be treated as a commissioning decision for the purposes of these provisions.