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STATUTORY INSTRUMENTS

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**2012 No. 1631**

**The National Health Service (Clinical  
Commissioning Groups) Regulations 2012**

**Conditional establishment of CCG**

**8.—(1)** This regulation applies where the Board is not satisfied as to the matters mentioned in section 14C(2) of the 2006 Act in relation to a particular initial application<sup>(1)</sup>.

(2) The Board may nevertheless grant the initial application.

(3) The Board may impose conditions on the grant of the application.

(4) The conditions must be designed to address the respects in which the Board was not satisfied as to the matters mentioned in section 14C(2) of the 2006 Act.

(5) The Board may—

(a) direct the CCG established under section 14D of the 2006 Act on the grant of an initial application not to exercise any functions specified in the direction;

(b) give directions to the CCG about the exercise of any of its functions.

(6) The Board must keep under review any conditions imposed and any directions given by virtue of this regulation.

(7) The Board may—

(a) vary or remove any conditions imposed;

(b) vary or revoke any directions given.

(8) If the Board gives a direction by virtue of paragraph (5)(a), the Board may—

(a) exercise any functions specified in the direction on behalf of the CCG;

(b) arrange for another CCG to exercise those functions on behalf of the CCG.

(9) Before deciding whether to pursue either of the two alternatives set out in paragraph (8), or which one of them to pursue, the Board must take into account the following factors—

(a) whether the exercise by the Board itself of the functions in question would be the most effective way for the functions to be exercised;

(b) the capability and capacity of any other CCG with which arrangements might be made by virtue of paragraph (8)(b);

(c) the willingness of the other CCG to exercise the functions in question.

(10) If the CCG is failing, or has failed, to comply with any conditions imposed by virtue of this regulation, the Board may dissolve the CCG under section 14Z21(7) of the 2006 Act<sup>(2)</sup>.

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(1) “Initial application” is defined in paragraph 1(3) of Schedule 6 to the 2012 Act.

(2) Section 14Z21 is inserted into the 2006 Act by section 26 of the 2012 Act.