
STATUTORY INSTRUMENTS

2012 No. 2996

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

PART 11

Financial duties of a relevant body in relation to administration

Matters relating to administration in revenue resource use by a relevant body

57.—(1) Subject to paragraph (3), for the purposes of section 223E(3) and section 223J(3) of the Act (powers to direct that revenue resource use by a relevant body in a financial year attributable to prescribed administrative matters does not exceed specified amounts), the following matters relating to administration are prescribed—

- (a) the payment of remuneration, national insurance, pensions, allowances or gratuities to the persons listed in paragraph (2), insofar as the payment is attributable to any of the activities referred to in paragraph (1)(d) or (e);
- (b) the provision of education and training for the persons listed in paragraph (2), where the education or training relates to any of the activities referred to in paragraph (1)(d) or (e);
- (c) securing the provision of goods, facilities or services for use by a relevant body in the exercise of its functions(1), including costs relating to—
 - (i) accommodation, including the cost of rent, rates, utilities and maintenance;
 - (ii) information technology, including telecommunications and computer maintenance;
 - (iii) office services, including stationery, postage and rental of office equipment;
 - (iv) management consultancy;
 - (v) services to support arranging the provision of the services referred to in paragraph (3); and
 - (vi) depreciation, amortisation, impairment, write-off or other alterations in the value of assets;
- (d) the costs incurred in the exercise of—
 - (i) the Board's functions in relation to CCGs, or
 - (ii) a relevant body's functions of arranging for the provision of the services referred to in paragraph (3),

including costs which are incurred in the carrying out of activities designed to improve the exercise of those functions, but excluding costs incurred in relation to activities whose sole or primary purpose is to improve the quality of those services;

(1) Section 1H of the 2006 Act sets out the general functions of the Board and section 1I of the 2006 Act sets out the general functions of CCGs.

- (e) the costs, other than those referred to in paragraph (1)(a) to (d), which are incurred in the carrying out of the following administrative or support activities—
 - (i) human resources,
 - (ii) finance,
 - (iii) corporate, business and administrative support;
 - (iv) management,
 - (v) governance,
 - (vi) formulation and monitoring of policy and strategy in relation to the exercise of functions,
 - (vii) administration of grant payments,
 - (viii) legal and regulatory advice,
 - (ix) marketing and communications, and
 - (x) programme and project management.
- (2) The persons referred to in paragraph (1)(a) and (b) are—
 - (a) employees of a relevant body;
 - (b) non-executive members of the Board;
 - (c) members of a CCG governing body;
 - (d) members of committees of the Board, a CCG or a CCG governing body and members of sub-committees of those committees;
 - (e) members of a CCG who are individuals; and
 - (f) individuals authorised to act on behalf of a member of a CCG in dealings between the member and the CCG.
- (3) The prescribed matters relating to administration do not include—
 - (a) payments made to persons providing services as part of the health service under arrangements made by a relevant body, in respect of the provision of such services pursuant to those arrangements; and
 - (b) payments made by a relevant body under or by virtue of section 12A of the 2006 Act.