
STATUTORY INSTRUMENTS

2013 No. 218

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

PART 3

LOCAL AUTHORITY PUBLIC HEALTH FUNCTIONS

Amendment of the Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012

19.—(1) The Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012(1) are amended as follows.

(2) In regulation 4(2) (excluded services) for “2 and 3” substitute “2, 3 and 5”.

(3) After regulation 4(2) insert—

“(3) Paragraph 7 of Schedule 2 ceases to have effect on 1st April 2016.”.

(4) In Schedule 2 (excluded services)—

(a) in paragraph 1, before the definition of “health services” insert the following definition—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006(2);”;

(b) after paragraph 4 insert—

5. A relevant service provided by or on behalf of a relevant authority in the exercise of any of its functions under sections 2B and 111 of, and paragraphs 1 to 7B and 13 of Schedule 1 to, the National Health Service Act 2006(3), except a service specified in paragraph 6.

6. A relevant service provided by a relevant authority in exercise of the Secretary of State’s functions under sections 2A and 2B of the National Health Service Act 2006(4), in so far as it consists of the provision of such information and advice to a clinical commissioning group as the authority considers necessary or appropriate, with a view to protecting and improving the health of the people in the authority’s area.

7. A relevant service provided by or on behalf of a relevant authority in respect of children aged under five years, in so far as it consists of the provision of health visiting services for the purpose of reviewing the development of the children concerned and for

(1) [S.I. 2012/1313](#).

(2) [2006 c.41](#); section 14D is inserted by section 25 of the 2012 Act.

(3) Section 2B of the National Health Service Act 2006 (“the 2006 Act”) is inserted by section 12 of the 2012 Act; section 111 of the 2006 Act is amended by section 29(1) and (2) of the 2012 Act; paragraphs 1 to 7B and 13 of Schedule 1 to the 2006 Act are amended by section 17(2) to (8) and section 17(13) of the 2012 Act.

(4) Section 2A of the 2006 Act is inserted by section 11 of the 2012 Act; the Secretary of State’s functions under sections 2A and 2B of the 2006 Act may be exercisable by a relevant authority by virtue of regulations made under section 6C(1) of the 2006 Act, as inserted by section 18 of the 2012 Act.

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the promotion of their health and welfare, or the provision of other health services for that purpose.”.