
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends seven Acts of Parliament in consequence of the Health and Social Care Act 2012 (c. 7) (“the Act”). The majority of such amendments are made in the Act itself.

The amendments are in consequence in particular of certain aspects of the Act. The amendments at articles 2, 5(b), 6(b) and 7 are in consequence of the abolition of Primary Care Trusts by section 34 of the Act and remove references to these bodies from the amended Acts. The amendment at article 3 is consequential on the fact that the Act moves the definition of “NHS body” in the National Health Service Act 2006 (c. 41) (“2006 Act”) from section 28 to section 275. The amendments at articles 5(a) and 6(a) are in consequence of the establishment of the National Health Service Commissioning Board by section 1H of the 2006 Act, as inserted by section 9 of the Act, and the establishment of clinical commissioning groups under section 14D of the 2006 Act, as inserted by section 25 of the Act. Articles 5(a) and 6(a) add those new bodies to the list of “partner authorities” in section 104 of the Local Government and Public Involvement in Health Act 2007 (c. 28) and to the list of partner authorities in section 9FF of the Local Government Act 2000 (c. 22) which are health service bodies and therefore exempt from the duty in that section. The amendments made by article 4 make clinical commissioning groups subject to the Audit Commission Act 1998, in particular the provisions relating to health service bodies.

A full impact assessment has not been produced for this instrument as the Order itself has no impact on the private sector or civil society organisations. A full Impact Assessment has been produced in relation to the provisions of the Act and a copy is available at www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_123583.