

2015 No. 137

HEALTH SERVICES

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

SOCIAL CARE

**The Care Act 2014 (Health Education England and the Health
Research Authority) (Consequential Amendments and
Revocations) Order 2015**

Made - - - - - *4th February 2015*

Laid before Parliament *11th February 2015*

Coming into force - - - *1st April 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by section 123(1) and (2) of the Care Act 2014(a).

In accordance with section 123(5) of the Care Act 2014, the Secretary of State has consulted the Welsh Ministers prior to the making of this Order.

Citation and commencement

1. This Order may be cited as the Care Act 2014 (Health Education England and the Health Research Authority) (Consequential Amendments and Revocations) Order 2015 and comes into force on 1st April 2015.

Revocations

2. The revocations in Schedule 1 to this Order have effect.

Consequential Amendments

3. The amendments in Schedule 2 to this Order have effect.

Signed by authority of the Secretary of State for Health.

4th February 2015

Daniel Poulter
Parliamentary Under-Secretary of State for Health
Department of Health

(a) 2014 c.23.

SCHEDULE 1

Article 2

Revocations

The following instruments are revoked—

- (a) The Health Education England (Establishment and Constitution) Amendment Order 2013(a);
- (b) The Health Education England (Establishment and Constitution) Amendment (No. 2) Order 2013(b).

SCHEDULE 2

Article 3

Consequential Amendments

PART 1

Amendments consequential on the establishment of Health Education England and the Health Research Authority

The National Health Service Trusts (Membership and Procedure) Regulations 1990

1. In regulation 1(2) (interpretation) of the National Health Service Trusts (Membership and Procedure) Regulations 1990(c) in the definition of “health service body” after sub-paragraph (i) add—

- “(j) Health Education England;
- (k) the Health Research Authority;”.

The National Health Service Litigation Authority Regulations 1995

2.—(1) The National Health Service Litigation Authority Regulations 1995(d) are amended as follows.

(2) In regulation 1(2) (interpretation)(e) in the definition of “health service body” after “the National Institute for Health and Care Excellence,” insert “Health Education England, the Health Research Authority;”.

(3) In regulation 7(1) (disqualification for appointment)(f) in sub-paragraph (ea) after “a member of” insert “Health Education England, the Health Research Authority;”.

The Medicines for Human Use (Clinical Trials) Regulations 2004

3. In paragraph 3(6) (membership) of Schedule 2 (additional provisions relating to ethics committees) to the Medicines for Human Use (Clinical Trials) Regulations 2004(g)—

- (a) in paragraph (c) omit “and”;
- (b) after paragraph (d) add—
 - “(e) Health Education England, and

(a) S.I. 2013/647.

(b) S.I. 2013/1197.

(c) S.I. 1990/2024. Sub-paragraph (i) was added by S.I. 2005/525.

(d) S.I. 1995/2801.

(e) The definition of “health service body” was amended by S.I. 1998/646, 2000/696, 2002/2469, 2002/2861, 2004/696, 2006/552, 2012/1641 and 2013/235.

(f) Regulation 7(1)(ea) was inserted by S.I. 2013/235.

(g) S.I. 2004/1031. Paragraph 3(6) was added by S.I. 2013/235.

- (f) the Health Research Authority.”.

The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005

4.—(1) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(a) are amended as follows.

(2) In regulation 1(2) (interpretation)(b) in the definition of “health service body”—

- (a) in sub-paragraph (k) omit “and”;
- (b) after sub-paragraph (l) add—
- “(m)Health Education England, and
- (n) the Health Research Authority;”.

(3) In regulation 3(1) (disqualification for appointment)(c) in sub-paragraph (j)—

- (a) in paragraph (iib) omit “or”;
- (b) after paragraph (v) add—
- “(vi) Health Education England, or
- (vii) the Health Research Authority;”.

The NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005

5. In regulation 1(2) (interpretation) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(d) in the definition of “health service body”—

- (a) in sub-paragraph (k) omit “and”;
- (b) after sub-paragraph (l) add—
- “(m)Health Education England, and
- (n) the Health Research Authority;”.

The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009

6.—(1) The English text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(e) is amended as follows.

(2) In regulation 2 (interpretation)(f) in the definition of “health service body” (“*corff gwasanaeth iechyd*”) after “the National Institute for Health and Care Excellence,” insert “Health Education England, the Health Research Authority,”.

(3) The Welsh text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 is amended as follows.

(4) In regulation 2 (dehongli) in the definition of “*corff gwasanaeth iechyd*” (“*health service body*”) after “y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal,” insert “Addysg Iechyd Lloegr, yr Awdurdod Ymchwil Iechyd,”.

(a) S.I. 2005/2415.

(b) Sub-paragraph (l) was added by S.I. 2008/2250.

(c) Sub-paragraph (j) was inserted by S.I. 2006/633 and amended by S.I. 2012/1641 and 2013/235.

(d) S.I. 2005/2531. Sub-paragraph (l) was added by S.I. 2008/2250.

(e) S.I. 2009/779 (W. 67).

(f) The definition of “health service body” (“*corff gwasanaeth iechyd*”) was amended by S.I. 2012/1641 and 2013/235.

The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009

7.—(1) The English text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(a) is amended as follows.

(2) In regulation 1(2) (interpretation)(b) in the definition of “health service body” (“*corff gwasanaeth iechyd*”) after sub-paragraph (g) add—

- “(h) Health Education England;
- (i) the Health Research Authority;”.

(3) The Welsh text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 is amended as follows.

(4) In regulation 1(2) (dehongli) in the definition of “*corff gwasanaeth iechyd*” (“*health service body*”) after sub-paragraph (e) add—

- “(f) Addysg Iechyd Lloegr;
- (ff) yr Awdurdod Ymchwil Iechyd;”.

The Welsh Health Specialised Services Committee (Wales) Regulations 2009

8.—(1) The English text of the Welsh Health Specialised Services Committee (Wales) Regulations 2009(c) is amended as follows.

(2) In regulation 2 (interpretation)(d) in the definition of “health service body” (“*corff gwasanaeth iechyd*”) after “the National Institute for Health and Care Excellence,” insert “Health Education England, the Health Research Authority;”.

(3) The Welsh text of the Welsh Health Specialised Services Committee (Wales) Regulations 2009 is amended as follows.

(4) In regulation 2 (dehongli) in the definition of “*corff gwasanaeth iechyd*” (“*health service body*”) after “y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal,” insert “Addysg Iechyd Lloegr, yr Awdurdod Ymchwil Iechyd;”.

The Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010

9.—(1) The English text of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010(e) is amended as follows.

(2) In regulation 12(1)(f) (disqualification for membership)—

- (a) in sub-paragraph (a) after “health service body” insert “, Health Education England, the Health Research Authority”;
- (b) in sub-paragraph (b) after “health service body” insert “, Health Education England, the Health Research Authority”;
- (c) in sub-paragraph (h) after “health service body” insert “, Health Education England, the Health Research Authority”.

(3) The Welsh text of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010 is amended as follows.

(4) In regulation 12(1) (anghymhwysio rhag bod yn aelod)—

(a) S.I. 2009/1385 (W. 141).

(b) Sub-paragraph (g) was added by S.I. 2013/235.

(c) S.I. 2009/3097 (W. 270).

(d) The definition of “health service body” (“*corff gwasanaeth iechyd*”) was amended by S.I. 2012/1641 and 2013/235.

(e) S.I. 2010/288 (W. 37).

(f) Regulation 12 was amended by S.I. 2013/235.

- (a) in sub-paragraph (a) after “gorff gwasanaeth iechyd perthnasol” insert “, Addysg Iechyd Lloegr, yr Awdurdod Ymchwil Iechyd”;
- (b) in sub-paragraph (b) after “gorff gwasanaeth iechyd perthnasol” insert “, Addysg Iechyd Lloegr, yr Awdurdod Ymchwil Iechyd”;
- (c) in sub-paragraph (f) after “chorff gwasanaeth iechyd” insert “, Addysg Iechyd Lloegr, yr Awdurdod Ymchwil Iechyd”.

The National Health Service Trust Development Agency Regulations 2012

10.—(1) The National Health Service Trust Development Agency Regulations 2012(a) are amended as follows.

(2) In regulation 1(2) (interpretation)(b) in the definition of “health service body” after sub-paragraph (ga) insert—

- “(gb) Health Education England;
- (gc) the Health Research Authority;”.

(3) In regulation 3(1)(j) (disqualification for appointment)(c)—

- (a) in paragraphs (iv) and (v) omit “or”;
- (b) after paragraph (v) insert—
 - “(vi) Health Education England; or
 - (vii) the Health Research Authority; or”.

The Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012

11.—(1) The English text of the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012(d) is amended as follows.

(2) In regulation 2 (interpretation)(e) in the definition of “health service body” (“*corff gwasanaeth iechyd*”) after “the National Institute for Health and Care Excellence,” insert “Health Education England, the Health Research Authority,”.

(3) The Welsh text of the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012 is amended as follows.

(4) In regulation 2 (dehongli) in the definition of “*corff gwasanaeth iechyd*” (“*health service body*”) after “y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal,” insert “Addysg Iechyd Lloegr, yr Awdurdod Ymchwil Iechyd,”.

The Emergency Ambulance Services Committee (Wales) Regulations 2014

12.—(1) The English text of the Emergency Ambulance Services Committee (Wales) Regulations 2014(f) is amended as follows.

(2) In regulation 2 (interpretation) in the definition of “health service body” (“*corff gwasanaeth iechyd*”) after “the National Institute for Health and Care Excellence,” insert “Health Education England, the Health Research Authority,”.

(3) The Welsh text of the Emergency Ambulance Services Committee (Wales) Regulations 2014 is amended as follows.

(a) S.I. 2012/922.
 (b) Sub-paragraph (ga) was inserted by S.I. 2012/1641.
 (c) Paragraph (v) was added by S.I. 2012/1641.
 (d) S.I. 2012/1261 (W. 156).
 (e) The definition of “health service body” (“*corff gwasanaeth iechyd*”) was amended by S.I. 2013/235.
 (f) S.I. 2014/566 (W. 67).

(4) In regulation 2 (dehongli) in the definition of “corff gwasanaeth iechyd” (“*health service body*”) after “y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal,” insert “Addysg Iechyd Lloegr, yr Awdurdod Ymchwil Iechyd,”.

PART 2

Amendments consequential on the establishment of Health Education England

The National Health Service Litigation Authority (Establishment and Constitution) Order 1995

13. In article 1(2) (interpretation) of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995(a) in the definition of “NHS body” after “clinical commissioning group,” insert “Health Education England,”.

The National Health Service (Clinical Negligence Scheme) Regulations 1996

14. In regulation 3(1) (eligible bodies) of the National Health Service (Clinical Negligence Scheme) Regulations 1996(b) after sub-paragraph (f) insert—
“(fza) Health Education England,”.

The National Health Service (Liabilities to Third Parties Scheme) Regulations 1999

15. In regulation 3 (eligible bodies) of the National Health Service (Liabilities to Third Parties Scheme) Regulations 1999(c) after sub-paragraph (c) insert—
“(cza) Health Education England,”.

The National Health Service (Property Expenses Scheme) Regulations 1999

16. In regulation 3 (eligible bodies) of the National Health Service (Property Expenses Scheme) Regulations 1999(d) after sub-paragraph (c) insert—
“(cza) Health Education England,”.

The National Health Service (General Dental Services Contracts) Regulations 2005

17. In paragraph 79A (duty as to education and training) of Schedule 3 (other contractual terms) to the National Health Service (General Dental Services Contracts) Regulations 2005(e) for “a direction under section 7 of that Act” substitute “section 97 of the Care Act 2014”.

The National Health Service (Personal Dental Services Agreements) Regulations 2005

18. In paragraph 77A (duty as to education and training) of Schedule 3 (other contractual terms) to the National Health Service (Personal Dental Services Agreements) Regulations 2005(f) for “a direction under section 7 of that Act” substitute “section 97 of the Care Act 2014”.

(a) S.I. 1995/2800. Article 1(2) was substituted by S.I. 2013/295 and amended by S.I. 2014/3090.

(b) S.I. 1996/251. Sub-paragraph (f) was inserted by S.I. 2013/497 and sub-paragraph (fa) by S.I. 2014/3090.

(c) S.I. 1999/873. Sub-paragraph (ca) was inserted by S.I. 2014/3090.

(d) S.I. 1999/874. Sub-paragraph (ca) was inserted by S.I. 2014/3090.

(e) S.I. 2005/3361. Paragraph 79A was inserted by S.I. 2013/364.

(f) S.I. 2005/3373. Paragraph 77A was inserted by S.I. 2013/364.

The General Ophthalmic Services Contracts Regulations 2008

19. In paragraph 56 (duty as to education and training) of Schedule 1 (other contractual terms) to the General Ophthalmic Services Contracts Regulations 2008(a) for “a direction under section 7” substitute “section 97 of the Care Act 2014”.

The Equality Act 2010 (Specific Duties) Regulations 2011

20. In Schedule 1 (public authorities required to publish information by 31st January 2012) to the Equality Act 2010 (Specific Duties) Regulations 2011(b) under the heading “Health, social care and social security” after the entry for the Child Maintenance and Enforcement Commission insert “Health Education England.”.

The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

21. In regulation 2(1) (interpretation) of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013(c) for the definition of “Health Education England” substitute—

““Health Education England” means the body established by section 96 of the Care Act 2014;”.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 3 of the Care Act 2014 (“the Act”) abolishes the Special Health Authorities known as Health Education England and the Health Research Authority and establishes bodies corporate called Health Education England (section 96 of the Act) and the Health Research Authority (section 109 of the Act).

Article 2 of, and Schedule 1 to, this Order make revocations in relation to the Special Health Authority known as Health Education England. (Revocations in respect of the Health Research Authority were made by the Health Research Authority (Transfer of Staff, Property and Liabilities) and Care Act 2014 (Consequential Amendments) Order 2014 (S.I. 2014/3090).)

Article 3 of, and Schedule 2 to, this Order make amendments consequential upon the establishment of Health Education England and the Health Research Authority as bodies corporate.

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 including provisions relating to the establishment of Health Education England and the Health Research Authority and the abolition of the respective Special Health Authorities. A copy of this impact assessment is available from the libraries of both Houses of Parliament, and may also be obtained from the Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS or on the Department of Health’s web site at <https://www.gov.uk/government/publications/the-government-published-a-series-of-impact-assessments-alongside-the-care-bill>.

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(a) S.I. 2008/1185. Paragraph 56 was inserted by S.I. 2013/365.

(b) S.I. 2011/2260. The Health Research Authority was added to Schedule 1 by S.I. 2014/3090. There are amendments not relevant to this instrument.

(c) S.I. 2013/349. There are amendments not relevant to this instrument.

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