

EXPLANATORY MEMORANDUM TO
THE CARE ACT 2014 (HEALTH EDUCATION ENGLAND AND THE HEALTH
RESEARCH AUTHORITY) (CONSEQUENTIAL AMENDMENTS AND
REVOCATIONS) ORDER 2015

2015 No. 137

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**
 - 2.1 The Care Act 2014 (Health Education England and the Health Research Authority) (Consequential Amendments and Revocations) Order 2015 makes revocations in relation to the Special Health Authority known as Health Education England (“HEE”) and amendments consequential upon the establishment of the HEE and the Health Research Authority (“HRA”) as bodies corporate.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None

4. **Legislative Context**
 - 4.1 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).
 - 4.2 The primary powers establishing the HRA came into force on 1st January 2015 (article 5 of [the Care Act 2014 \(Commencement No. 2\) Order 2014](#) (S.I. 2014/2473)). Revocations and some consequential amendments were made in [the Health Research Authority \(Transfer of Staff, Property and Liabilities\) and Care Act 2014 \(Consequential Amendments\) Order 2014](#) (S.I. 2014/3090) (“the HRA Order”).
 - 4.3 The primary powers establishing HEE come into force on 1st April 2015 ([the Care Act 2014 \(Commencement No.3\) Order 2014](#) (S.I. 2014/3186)).

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Regulations make amendments consequential on the abolition of the Special Health Authorities and the establishment of the bodies corporate.

7.2 Article 2 and Schedule 1 revoke instruments amending the Health Education England (Constitution and Establishment) Order 2012 (which is itself revoked by section 96 of the Act). The HRA Order made similar revocations in respect of the HRA.

7.3 Article 3 and Schedule 2 make consequential amendments. Part 1 of Schedule 2 makes amendments in respect of the HRA and HEE. Broadly these relate to the eligibility of members, employees, former members and former employees of the HRA and HEE in respect of membership of other health service bodies.

7.4 Part 2 of Schedule 2 makes amendments in respect of HEE. They broadly:

- include HEE within the Schemes administered by the National Health Service Litigation Authority for meeting losses and liabilities
- add HEE to the list of authorities required to publish information under the Equality Act 2010
- amend references to HEE as a Special Health Authority in instruments relating to health service contracts and agreements

The HRA Order made amendments in relation to the HRA in respect of the first two bullet points.

8. Consultation outcome

8.1 These amendments are consequential on the establishment of the HRA and HEE as bodies corporate. The policy was included in the consultation for the Care Bill. The report of the consultation is contained within [The Care Bill explained: Including a response to consultation and pre-legislative scrutiny on the Draft Care and Support Bill](#). (Details of the consultation in respect of HEE are also set out in the Explanatory Memorandum for [The Health Education England Regulations 2014](#).)

9. Guidance

9.1 None.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible.

10.2 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 these impact assessments 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>.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 None.

13. Contact

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