

2015 No. 1940

NATIONAL HEALTH SERVICE, ENGLAND
LOCAL GOVERNMENT, ENGLAND

**The NHS Bodies and Local Authorities Partnership
Arrangements (Amendment) Regulations 2015**

<i>Made</i> - - - -	<i>25th November 2015</i>
<i>Laid before Parliament</i>	<i>30th November 2015</i>
<i>Coming into force</i> - -	<i>1st April 2016</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 75(1), (2) and (3) and 272(7) of the National Health Service Act 2006^(a).

Citation and commencement

1. These Regulations may be cited as the NHS Bodies and Local Authorities Partnership Arrangements (Amendment) Regulations 2015 and come into force on 1st April 2016.

Amendment of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000

2.—(1) The NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000^(b) are amended as follows.

(2) In regulation 4 (partnership arrangements between NHS bodies and local authorities), for paragraph (2A) substitute—

“(2A) Paragraph (2) does not apply where the partnership arrangements—

- (a) have been consulted upon pursuant to section 77(1A)(b) of the 2006 Act and regulation 4 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 (consultation arrangements); or
- (b) are entered into pursuant to section 223GA(3) of the 2006 Act (expenditure on integration).”^(c)

(3) In regulation 5 (functions of NHS bodies), paragraph (a), for “sections 3, 3A and 3B” substitute “sections 3, 3A, 3B and 83”.

(a) 2006 c.41. By virtue of section 271(1) of the National Health Service Act 2006 the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(b) S.I. 2000/617; relevant amendments are made by S.I. 2003/629 and 2012/3094.

(c) Section 77(1A)(b) of the National Health Service Act 2006 was inserted by section 200(2) of the Health and Social Care Act 2012 (c.7). There are no relevant amendments to the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 (S.I. 2012/3094). Section 223GA of the National Health Service Act 2006 was inserted by section 121(2) of the Care Act 2014 (c.23).

(4) In regulation 7 (pooled fund arrangements)—

(a) in paragraph (6), for “the Audit Commission” substitute “the appropriate person or body”;
and

(b) after paragraph (6), insert—

“(7) “the appropriate person or body” for the purposes of paragraph (6) means the person or body appointed to exercise the functions of the Audit Commission under section 28(1)(d) of the Audit Commission Act 1998, by virtue of an order made under section 49(5) of the Local Audit and Accountability Act 2014.”(a).

Signed by authority of the Secretary of State for Health.

Ben Gummer
Parliamentary Under-Secretary of State,
Department of Health

25th November 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (“the 2000 Regulations”). The 2000 Regulations make provision for certain NHS bodies and local authorities to enter into partnership arrangements under section 75 of the National Health Service Act 2006 (“the 2006 Act”). Those arrangements include the establishment of funds made up of contributions by one or more NHS bodies and one or more local authorities (“pooled funds”).

Sections 223B and 223GA of the 2006 Act, as amended by section 121 of the Care Act 2014, make provision for a fund for the integration of care and support with health services (known as the Better Care Fund). As part of the Better Care Fund arrangements, the National Health Service Commissioning Board must require NHS bodies (in this case clinical commissioning groups) to make payments into a pooled fund as part of arrangements made with local authorities under section 75 of the 2006 Act.

Regulation 2(2) amends the 2000 Regulations so that, in the case of partnership arrangements entered into as part of the Better Care Fund, there is no longer a requirement for clinical commissioning groups and local authorities to consult persons who appear to be affected by such arrangements.

Regulation 2(3) amends the 2000 Regulations to include the function of arranging primary medical services under section 83 of the 2006 Act (a function of the National Health Service Commissioning Board) as a function in respect of which partnership arrangements can be entered into.

Regulation 2(4) amends regulation 7 of the 2000 Regulations to reflect the fact that the Audit Commission is abolished by section 1 of the Local Audit and Accountability Act 2014.

An impact assessment has not been produced for this instrument as no significant cost impact in the private or voluntary sector is foreseen.

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