
STATUTORY INSTRUMENTS

2018 No. 757

The National Health Service (Property Expenses Scheme) (England) Regulations 2018

PART 2

The Scheme

Miscellaneous

Duty of members to provide information

14.—(1) In this regulation “specified” means specified by the Secretary of State in a notice under paragraph (2).

(2) The Secretary of State may by notice in writing require a member to provide the Secretary of State with specified information.

(3) Specified information includes—

- (a) the nature of any relevant function carried on, or to be carried on, by the member in a specified membership year;
- (b) the number of the member’s employees who are engaged in the member’s performance of a specified relevant function or in a specified part of any such function;
- (c) the qualifications and experience of those employees; and
- (d) any event of which the member is aware which it considers might give rise to an expense to which the Scheme applies.

(4) The member must comply with a notice under paragraph (2) and must—

- (a) provide the information within 28 days of the notice being sent or within such further period as the Secretary of State may in writing allow;
- (b) provide the information in any specified form; and
- (c) submit the information in any specified manner.

Commencement Information

II [Reg. 14](#) in force at 1.8.2018, see [reg. 1\(2\)](#)

Directions and guidance

15.—(1) The Secretary of State must make the following information available to eligible bodies in such form and at such times as the Secretary of State considers appropriate—

- (a) any directions which the Secretary of State gives to a relevant body with respect to the exercise by that body of its functions in connection with administering the Scheme; and

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(b) any guidance which the Secretary of State gives to a relevant body as to the manner in which the Scheme is to be administered.

(2) “Relevant body” means a body directed by the Secretary of State under any enactment to carry out functions in connection with the administration of the Scheme.

Commencement Information

I2 [Reg. 15](#) in force at 1.8.2018, see [reg. 1\(2\)](#)

Revocations and savings

16.—(1) Subject to paragraph (2), the instruments specified in the first column of the table set out in the Schedule are, in relation to England only, revoked to the extent stated in the third column of that table.

(2) Where an expense was incurred before the appointed day—

- (a) any determination as to whether the Scheme applies to the expense; and
- (b) any determination as to whether to make a payment in respect of the expense (and the amount of any such payment),

is to be made in accordance with the relevant provisions of the 1999 Regulations as if those Regulations remained in force.

Commencement Information

I3 [Reg. 16](#) in force at 1.8.2018, see [reg. 1\(2\)](#)

Transitional provision

17.—(1) An eligible body which, immediately before the appointed day, was a member of the Scheme is to continue to be a member of the Scheme (subject to any cancellation of the membership under regulation 6 (cancellation by a member) or 7 (cancellation by the Secretary of State)(1).

(2) Any application for membership of the Scheme which—

- (a) has been made under regulation 6 of the 1999 Regulations (membership of the Scheme) before the appointed day; and
- (b) has not been determined before the appointed day,

is to be dealt with as if the application had been made under regulation 5 of these Regulations (membership of the Scheme).

(3) For the purposes of regulation 9(2)(a), in relation to loss of, or damage to, property which occurred on or after 1st April 1999 and before 1st May 2014, “relevant function” is to have the meaning given in regulation 1(2) of the 1999 Regulations on 1st May 2014.

(4) Any amount payable by a member of the Scheme under regulation 8 of the 1999 Regulations (members’ contributions to the Scheme) which has not been paid before the appointed day is to be treated as payable under regulation 10 of these Regulations (duty of members to make contributions to the Scheme).

(1) By virtue of regulation 3(1) of these Regulations, a notice given under regulation 7 of the National Health Service (Property Expenses Scheme) Regulations 1999 (termination of membership) has effect as if given under the corresponding provisions of these Regulations in any case where membership of the Scheme has not ceased by the date on which these Regulations come into force.

(5) Where a period of time specified in the 1999 Regulations is current on the appointed day, and a period of time is also specified in a corresponding provision of these Regulations, these Regulations have effect as if the corresponding provision of these Regulations had been in force when the period began to run.

(6) Except as stated in regulation 16(2)—

- (a) anything done, if effective immediately before the appointed day, has effect after the appointed day as if done under or for the purposes of the corresponding provision of these Regulations; and
- (b) any matter that is ongoing under or for the purposes of the 1999 Regulations immediately before the appointed day is to be treated as ongoing under these Regulations.

Commencement Information

I4 [Reg. 17](#) in force at 1.8.2018, see [reg. 1\(2\)](#)

[^{F1}Provision that is consequential on the Health and Care Act 2022: liabilities transferred to integrated care boards and NHS England

18.—(1) A claim for an expense of [^{F2}an integrated care board] that was made and not determined or paid before 1st July 2022 continues as a claim of the relevant integrated care board.

(2) An expense of [^{F2}an integrated care board] that arose and was not claimed before 1st July 2022 may be the subject of a claim on or after that date by the relevant integrated care board.

(3) A claim for an expense of NHS TDA which was made and not determined or paid before 1st July 2022 continues as a claim of NHS England.

(4) An expense of NHS TDA which arose and was not claimed before 1st July 2022 may be the subject of a claim on or after that date by NHS England.

(5) An expense of Monitor which—

- (a) arose before 1st July 2022, and
- (b) is an expense of the kind which may be claimed by a member under the Scheme,

may be claimed on or after that date by NHS England.

(6) In this Regulation—

“[^{F2}an integrated care board]” means a body corporate which, immediately before 1st July 2022, was established in accordance with Chapter A2 of Part 2 of the 2006 Act;

“claim” means a claim under the Scheme;

“expense” means an expense to which the Scheme applies;

“Monitor” means the body corporate which, immediately before 1st July 2022, was known as Monitor in accordance with section 61 of the Health and Social Care Act 2012;

“NHS TDA” means the Special Health Authority which, immediately before 1st July 2022, was established in accordance with article 2 of the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012;

“relevant integrated care board” means the integrated care board to whom the liability was transferred under section 14Z28 of the 2006 Act.]

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Textual Amendments

- F1** Reg. 18 inserted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **219(3)**
- F2** Words in Regulations substituted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), reg. 1(2), Sch. para. 1(1)(3) (with Sch. para. 1(2))

[^{F3}Provision that is consequential on the transfer of functions from the Health and Social Care Information Centre to NHS England

19. An expense of the Health and Social Care Information Centre which—
- (a) arose before the day on which regulation 1 of the Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 comes into force, and
 - (b) is an expense of the kind which may be claimed by a member under the Scheme,
- may be claimed on or after that date by NHS England.]

Textual Amendments

- F3** Reg. 19 inserted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 60(3)** (with reg. 3)

[^{F4}Provision that is consequential on the transfer of functions from Heath Education England to NHS England

20. An expense of Health Education England which—
- (a) arose before 1st April 2023, and
 - (b) is an expense of the kind which may be claimed by a member under the Scheme,
- may be claimed on or after that date by NHS England.]

Textual Amendments

- F4** Reg. 20 inserted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 2 para. 26(3)** (with reg. 7)

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 4\(1\)\(l\)](#) and word inserted by [S.I. 2023/948 reg. 5\(2\)\(b\)](#)