
STATUTORY INSTRUMENTS

2023 No. 1348

The Health Care Services (Provider Selection Regime) Regulations 2023

PART 1

General

Application

3.—(1) These Regulations apply where a relevant authority procures relevant health care services for the purposes of the health service in England, whether alone or as part of a mixed procurement.

(2) In this regulation, “mixed procurement” means the procurement of—

- (a) relevant health care services for the purposes of the health service in England, and
- (b) other goods or services that are procured together with those health care services,

where both the criteria in paragraph (3) are met.

(3) The criteria are that—

- (a) the main subject-matter of the procurement is relevant health care services for the purposes of the health service in England; and
- (b) the relevant authority is of the view that the other goods or services could not reasonably be supplied under a separate contract.

(4) For the purposes of the criteria in paragraph (3)—

- (a) the main subject-matter is determined by which of—
 - (i) the estimated lifetime value of the relevant health care services in paragraph (2)(a); or
 - (ii) the estimated lifetime value of the other goods or services in paragraph (2)(b),is the higher;
- (b) a relevant authority may only determine that the other goods or services could not reasonably be supplied under a separate contract where the relevant authority is of the view that procuring the relevant health care services and the other goods and services separately would, or would be likely to, have a material adverse impact on the relevant authority’s ability to act in accordance with the procurement principles.

(5) Where a relevant authority procures relevant health care services as part of a mixed procurement, the term “relevant health care services” in these Regulations, except this regulation, includes any goods or services procured together with those relevant health care services.