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STATUTORY INSTRUMENTS

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**2023 No. 368**

**The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023.

(2) Subject to paragraph (3), these Regulations come into force on 1st April 2023.

(3) Paragraph 14 of Schedule 1 (amendment of section 126 of the 2022 Act) comes into force on the date on which section 126 of the 2022 Act comes into force.

**Extent**

2.—(1) Subject to paragraph (2), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(2) Any amendment, repeal or revocation made by these Regulations, other than paragraph 12(3) of Schedule 1, has the same extent as the provision amended, repealed or revoked.

**Interpretation**

3. In these Regulations—

“the 2006 Act” means the National Health Service Act 2006(1);

“the 2014 Act” means the Care Act 2014(2);

“the 2022 Act” means the Health and Care Act 2022(3);

“financial year” means a period of 12 months ending with 31st March;

“HEE” means Health Education England, the body corporate established by section 96(1) of the 2014 Act;

“NHS England” means the body corporate established by section 1H of the 2006 Act.

**Transfer of functions, consequential provision and abolition**

4.—(1) Schedule 1 contains repeals of and amendments to primary legislation to transfer functions of HEE to NHS England, and consequential and related amendments to primary legislation.

(2) Schedule 2 contains revocations of and amendments to secondary legislation that are consequential to the transfer of functions referred to in paragraph (1).

(3) HEE is abolished.

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(1) 2006 c. 41.

(2) 2014 c. 23.

(3) 2022 c. 31.

### **Final annual report on exercise of HEE's functions**

5.—(1) NHS England must, as soon as is practicable, prepare a report on how HEE exercised its functions during the financial year ending with 31st March 2023.

- (2) The report must include, in particular, NHS England's assessment of—
- (a) the extent to which HEE during that year—
    - (i) achieved the objectives and reflected the priorities set by the Secretary of State for the purposes of section 100(1) of the 2014 Act; and
    - (ii) achieved the outcomes set by the Secretary of State for the purposes of section 100(2) of that Act; and
  - (b) how effectively HEE discharged any duties imposed on it by or under the 2014 Act.
- (3) NHS England must—
- (a) lay a copy of the report before Parliament, and
  - (b) send a copy of it to the Secretary of State.

### **Final consolidated annual accounts for HEE**

6.—(1) NHS England must prepare consolidated annual accounts for HEE in respect of the financial year ending with 31st March 2023.

- (2) NHS England must send copies of the consolidated annual accounts to—
- (a) the Secretary of State, and
  - (b) the Comptroller and Auditor General,
- within such period as the Secretary of State directs.
- (3) The Comptroller and Auditor General must—
- (a) examine, certify and report on the consolidated annual accounts, and
  - (b) lay copies of those accounts and the report on them before Parliament.

### **General and transitional provisions**

7.—(1) NHS England may do anything which appears to it to be necessary or appropriate for the winding up of the affairs of HEE.

(2) Any act, omission or other thing (including legal proceedings) done or which, at the coming into force of this regulation, is in the process of being done by or in relation to HEE in respect of, or in connection with, the exercise of its functions, is to be treated as an act, omission or thing done or in the process of being done, and may be continued, by or in relation to NHS England.

(3) Any enactment passed before the coming into force of this regulation, and any instrument or other document made before that day, has effect, so far as is necessary for the purposes of or in consequence of these Regulations as if references to (and references which are to be read as references to) HEE were or included references to NHS England.

(4) Documents or forms printed for use in connection with a function transferred by these Regulations may be used in connection with that function even though they contain, or are to be read as containing, references to HEE; and for the purposes of the use of any such documents or forms after the coming into force of these Regulations, those references are to be read as references to NHS England.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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27th March 2023

*Will Quince*  
Minister of State,  
Department of Health and Social Care