
STATUTORY INSTRUMENTS

2023 No. 368

**NATIONAL HEALTH SERVICE
TRANSFER OF FUNCTIONS**

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

*Made - - - - 27th March 2023
Coming into force in accordance with regulation 1(2)
and (3)*

The Secretary of State makes these Regulations using the powers conferred by sections 103(1), (2) and (4), 105 and 183(1) and (2) of the Health and Care Act 2022⁽¹⁾.

In accordance with section 103(2) of that Act, the Secretary of State considers that these Regulations serve the purpose of improving the exercise of public functions, having regard to efficiency, effectiveness, economy and securing appropriate accountability to Ministers.

In accordance with section 103(4)(c) of that Act, the Secretary of State considers that Health Education England⁽²⁾ is redundant as a result of the transfer of its functions under these Regulations.

In accordance with section 108(3) of that Act, the Secretary of State has consulted Health Education England and NHS England⁽³⁾, and such other persons as the Secretary of State considered appropriate.

In accordance with section 108(4) of that Act, the Secretary of State has concluded that it is not appropriate to carry out further consultation with respect to changes which appeared appropriate as a result of consultation in accordance with section 108(3).

In accordance with section 183(4)(c) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

(1) 2022 c. 31.

(2) Health Education England was established by section 96(1) of the Care Act 2014 (c. 23).

(3) NHS England is a body corporate established by section 1H of the National Health Service Act 2006 (c. 41). Section 1H was inserted by section 9(1) of the Health and Social Care Act 2012 (c. 7). Section 1 of, and Schedule 1 to, the Health and Care Act 2022 (the “2022 Act”) renamed the National Health Service Commissioning Board, the body corporate established under section 1H of the National Health Service Act 2006, “NHS England”, and made consequential amendments. Under paragraph 1(3) of Schedule 1 to the 2022 Act, a reference to the NHS Commissioning Board in any enactment (apart from the 2022 Act) passed before the day on which section 1 of that Act comes into force (1 July 2022), and in any instrument or other document made before that day, is to be read, in relation to any time on or after that day, as a reference to NHS England.