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STATUTORY INSTRUMENTS

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**2023 No. 53**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (NHS Payment Scheme – Consultation) (No. 2) Regulations 2023**

*Made* - - - - *18th January 2023*  
*Coming into force* - - *19th January 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 114D(1)(b), 150(1), and 304(1) and (9) of the Health and Social Care Act 2012(1).

In accordance with section 304(5)(g) of that Act, a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (NHS Payment Scheme – Consultation) (No. 2) Regulations 2023.

(2) These Regulations come into force on the day after the day on which they are made.

**Objections to proposed NHS payment scheme**

2.—(1) The percentage prescribed for the purposes of section 114D(1)(b)(i) of the Health and Social Care Act 2012 (“objection percentage” for integrated care boards) is 66 per cent.

(2) The percentage prescribed for the purposes of section 114D(1)(b)(ii) of that Act (“objection percentage” for relevant providers) is 66 per cent.

18th January 2023

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

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(1) 2012 c. 7. Sections 114D and 304(5)(g) were inserted by the Health and Care Act 2022 (c. 31), section 77 and Schedule 10, paragraphs 1, 3 and 4. Section 150(1) is cited for the meaning of “prescribed”.

**Status:** This is the original version (as it was originally made).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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## **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations make provision concerning the consultation that NHS England must conduct prior to publishing the NHS payment scheme.

Regulation 2 provides the “objection percentages” referred to in section 114D of the Act, which are the proportions of integrated care boards or (as the case may be) relevant providers that object to a proposed NHS payment scheme, beyond which NHS England must take certain additional steps prior to publishing the scheme.