

2024 No. 15

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Notifiable Reconfigurations and
Transitional Provision) Regulations 2024**

<i>Made</i> - - - -	<i>8th January 2024</i>
<i>Laid before Parliament</i>	<i>9th January 2024</i>
<i>Coming into force</i> - -	<i>31st January 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 272(7) and (8) of, and paragraph 2(2) of Schedule 10A to, the National Health Service Act 2006(a).

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Notifiable Reconfigurations and Transitional Provision) Regulations 2024 and come into force on 31st January 2024.

(2) These Regulations extend to England and Wales and apply in England.

(3) In these Regulations—

“the 2013 Regulations” means the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013(b);

“responsible person” has the meaning given in regulation 20(1) of the 2013 Regulations.

Notifiable reconfigurations

2.—(1) A reconfiguration of NHS services(c) is a notifiable reconfiguration for the purposes of paragraph 2 of Schedule 10A to the National Health Service Act 2006 if it falls within paragraph (2).

(2) Subject to regulation 3, a reconfiguration of NHS services falls within this paragraph if a responsible person is obliged to undertake a consultation in respect of a proposal for such a reconfiguration under regulation 23(1)(a) of the 2013 Regulations(d).

(a) 2006 c. 41. Schedule 10A is inserted by the Health and Care Act 2022 (c. 31), section 46 and Schedule 6.
(b) S.I. 2013/218; relevant amendments were made by S.I. 2022/634 (to change references from clinical commissioning groups to integrated care boards) and S.I. 2023/1071 (to change references from NHS Commissioning Board to NHS England).
(c) See paragraph 1 of Schedule 10A to the National Health Service Act 2006 for the definition of “reconfiguration of NHS services”.
(d) For exemptions to the duty to consult in accordance with regulation 23(1)(a) of S.I. 2013/218, see regulations 23(2) and 24 of those Regulations.

Transitional provision

3. A reconfiguration of NHS services will not be notifiable if, prior to 31st January 2024, a responsible person has begun a consultation in respect of a proposal for such a reconfiguration under regulation 23(1)(a) of the 2013 Regulations.

Signed by authority of the Secretary of State for Health and Social Care

8th January 2024

Andrew Stephenson
Minister of State
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for what constitutes a “notifiable reconfiguration of NHS services” for the purposes of paragraph 2 of Schedule 10A to the National Health Service Act 2006 (c. 41).

Schedule 10A was inserted by the Health and Care Act 2022 (c. 31) and provides the Secretary of State with intervention powers in relation to the reconfiguration of NHS services. Paragraph 2 of that Schedule requires NHS England or an integrated care board to notify the Secretary of a notifiable reconfiguration.

Regulation 2 prescribes notifiable reconfigurations as those where a proposal would oblige a responsible person (namely NHS England or an integrated care board) under regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218) (“the 2013 Regulations”) to consult the relevant local authority. This duty arises where the reconfiguration proposal would involve a substantial development of the health service in the area of a local authority, or a substantial variation in the provision of such service.

Regulation 3 provides that a notifiable reconfiguration will not include a reconfiguration where, prior to 31st January 2024, a consultation has begun with the local authority or a joint overview and scrutiny committee on such a proposal in accordance with regulation 23(1)(a) of the 2013 Regulations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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