STATUTORY INSTRUMENTS

2015 No. 415

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) (Amendment) Regulations 2015

Made - - - -	*24th February 2015*
Laid before Parliament	*5th March 2015*
Coming into force - -	*1st April 2015*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 3B(1), 6E(1) and (2) and 272(7) and (8) of the National Health Service Act 2006(**1**).

Before deciding to make regulations under section 3B of that Act, the Secretary of State obtained appropriate advice and consulted the National Health Service Commissioning Board in accordance with subsection (4) of that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) (Amendment) Regulations 2015 and come into force on 1st April 2015.

(2) In these Regulations, "the principal Regulations" means the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(**2**).

Amendments in relation to services for rare and very rare conditions which are commissioned by the Board

2.—(1) After regulation 11 (specified services for rare and very rare conditions) of the principal Regulations, insert—

(**1**) 2006 c. 41. Section 3B of the National Health Service Act 2006 ("the 2006 Act"), was inserted by section 15 of the Health and Social Care Act 2012 (c. 7) ("the 2012 Act"). Section 6E of the 2006 Act was inserted by section 20 of the 2012 Act. By virtue of section 271(1) of the 2006 Act, the powers exercised in making these Regulations are exercisable by the Secretary of State in relation to England only. *See* section 275(1) of the 2006 Act for the definitions of "prescribed" and "regulations".

(**2**) S.I. 2012/2996, relevant amendments to which were made by S.I. 2013/261, 2014/91, 2014/452 and 2014/1611.

"**Saving and transitional provision in relation to certain services for rare and very rare conditions**

11A.—(1) A relevant contract in relation to transferring services is not terminated or modified by virtue of the omission of those transferring services from Schedule 4 with effect from the transfer date and continues in force as it did immediately before the transfer date.

(2) The Board retains the duty under regulations 7(2)(c), 10(1)(c) and 11 which it held in relation to those transferring services immediately before the transfer date for so long as a relevant contract for the provision of those services continues to have effect in relation to those transferring services but only to the extent of the provision which is made in that relevant contract for such services.

(3) In this regulation—

(a) a "relevant contract" is a contract having effect as between the Board and another person for the provision as part of the health service(**3**) of transferring services where that contract has effect immediately before the transfer date;

(b) "the transfer date" means 1st April 2015;

(c) "transferring services" are wheelchair services as included within the service specified at paragraph 135 in Schedule 4 immediately prior to the transfer date.".

(2) Schedule 4 to the principal Regulations (services for rare and very rare conditions) is amended as follows.

(3) After paragraph 3, insert—

"**3A.** Adult highly specialist oesophageal gastric services in the form of gastro-electrical stimulation for patients with intractable gastroparesis.".

(4) Omit paragraph 11.

(5) For paragraph 31, substitute—

"**31.** Bone conduction hearing implant services.".

(6) For paragraph 59, substitute—

"**59.** Highly specialist adult gynaecological surgery and urinary surgery services for women.

59A. Highly specialist adult urological surgery services for men.".

(7) Omit paragraph 61.

(8) Omit paragraph 76.

(9) After paragraph 107, insert—

"**107A.** Specialist colorectal surgery services.".

(10) For paragraph 116, substitute—

"**116.** Specialist immunology services for adults with deficient immune systems.

116A. Specialist immunology services for children with deficient immune systems.".

(11) At the end of paragraph 135, insert "excluding wheelchair services".

Amendments in relation to NHS funded nursing care

3. In regulation 28 (persons who enter relevant premises or who develop a need for nursing care) of the principal Regulations—

(**3**) *See* section 275(1) of the 2006 Act for the definition of "the health service".