

SCHEDULES

SCHEDULE 6

PART 1: TRANSITIONAL PROVISION

Conditional establishment of clinical commissioning groups

- 8 (1) Regulations may make provision authorising the Board to grant an initial application where the Board is not satisfied as to the matters mentioned in section 14C(2) of the 2006 Act.
- (2) In the following provisions of this paragraph, any reference to the grant of an initial application is a reference to the grant of such an application by virtue of the regulations.
- (3) The regulations may authorise the Board to impose conditions on the grant of an initial application.
- (4) The regulations may, in relation to a clinical commissioning group established under section 14D of the 2006 Act on the grant of an initial application, authorise the Board—
- (a) to direct the group not to exercise any functions specified in the direction;
 - (b) to give directions to the group about the exercise of any of its functions.
- (5) If the regulations authorise the Board to give a direction mentioned in subparagraph (4)(a), they may also authorise or require the Board to—
- (a) exercise any functions specified in such a direction on behalf of the clinical commissioning group;
 - (b) arrange for another clinical commissioning group to exercise those functions on behalf of the group.
- (6) The 2006 Act applies in relation to a clinical commissioning group established on the grant of an initial application with such modifications as may be specified in the regulations.
- (7) The regulations may, in particular, provide for the power in section 14Z21(7) of the 2006 Act to be exercisable by the Board where a clinical commissioning group is failing or has failed to comply with any conditions imposed by virtue of the regulations.
- (8) The regulations may make provision requiring the Board to keep under review any conditions imposed or directions given by virtue of the regulations.
- (9) The regulations must make provision authorising the Board to vary or remove any conditions imposed, or to vary or revoke any directions given, by virtue of the regulations.
- (10) The regulations may make provision—

Status: This is the original version (as it was originally enacted).

- (a) as to factors which the Board must or may take into account in deciding how to exercise any power conferred on the Board by the regulations;
 - (b) as to the procedure to be followed by the Board before exercising any such power.
- (11) Sub-paragraph (12) applies if all the conditions imposed and directions given in relation to a clinical commissioning group are removed or (as the case may be) revoked.
- (12) In relation to any time after the day on which the clinical commissioning group ceases to be subject to any conditions or directions, the group is to be deemed to have been established by virtue of an application granted under section 14C of the 2006 Act.