

**2003 No. 1617**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Strategic Health Authorities (Consultation on Changes) Regulations 2003**

*Made* - - - - - 23rd June 2003

*Laid before Parliament* 27th June 2003

*Coming into force* - - 18th July 2003

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 8(5) and 126(4) of the National Health Service Act 1977(a), section 7(3) of the Health and Social Care Act 2001(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Strategic Health Authorities (Consultation on Changes) Regulations 2003 and shall come into force on 18th July 2003.

(2) In these Regulations—

“the Act” means the National Health Service Act 1977;

“the 2001 Act” means the Health and Social Care Act 2001;

“overview and scrutiny committee” means a committee—

(a) appointed in accordance with executive arrangements made under section 21 of the Local Government Act 2000(c) by a local authority to which section 7 of the 2001 Act applies, or

(b) appointed in accordance with arrangements made under regulations pursuant to section 32 of the Local Government Act 2000 (and which, by virtue of the application to it by those regulations of provision made under section 7 of the 2001 Act, has the function of review and scrutiny of the health service), or

(c) established by the Common Council of the City of London under section 10 of the 2001 Act; and

“Strategic Health Authority Order” means an Order under section 8(4) of the Act.

**Consultation requirements for Strategic Health Authority Orders**

2.—(1) For the purposes of section 8(5) of the Act, the prescribed consultation which must be completed before the Secretary of State may make a Strategic Health Authority Order is—

(a) consultation by the Strategic Health Authority which is the subject of the proposed Order; or

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(a) 1977 c. 49; section 8 was substituted by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the 2002 Act”). Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19), section 65(2); by the Health Act 1999 (c. 8), section 65(1) and Schedule 4, paragraphs 4, 37(1) and (6); by the Health and Social Care Act 2001 (c. 15), section 67(1) and Schedule 5, Part I, paragraphs 5(1) and 13(b); and by the 2002 Act, sections 6(3)(c) and 37(1) and Schedule 8, paragraphs 1 and 10(a).

(b) 2001 c. 15. Section 7(3) was amended by the 2002 Act, section 21.

(c) 2000 c. 22.

(b) in the case of an Order to establish a new Strategic Health Authority, by any Strategic Health Authority which would be abolished or varied as a result of the proposed Order,  
with the bodies listed in paragraph (2).

(2) The bodies referred to in paragraph (1) are—

- (a) any Primary Care Trust whose area falls, wholly or partly, within the area of the Strategic Health Authority;
- (b) any NHS trust which provides goods or services to persons for whom a Primary Care Trust, whose area falls wholly or partly within the area of the Strategic Health Authority, is responsible, unless the amount of goods or level of services is, in the opinion of the Strategic Health Authority, not significant;
- (c) any local authority whose area falls, wholly or partly, within the area of the Strategic Health Authority;
- (d) any overview and scrutiny committee (including any joint overview and scrutiny committee<sup>(a)</sup>) of a local authority whose area falls, wholly or partly, within the area of the Strategic Health Authority;
- (e) the Commission for Patient and Public Involvement in Health<sup>(b)</sup>;
- (f) any Patients' Forum<sup>(c)</sup> established for a Primary Care Trust or for a NHS trust with which consultation is required under sub-paragraph (a) or (b);
- (g) any Community Health Council<sup>(d)</sup> whose area falls, wholly or partly, within the area of the Strategic Health Authority;
- (h) such voluntary organisations as appear to the Strategic Health Authority to represent the interests of persons who are provided with health services under the 1977 Act in its area; and
- (i) such other persons as the Strategic Health Authority considers appropriate.

#### **Combination of consultation**

3. Where more than one Strategic Health Authority is the subject of or is affected by a proposed Strategic Health Authority Order, the consultation required under regulation 2 may be carried out jointly by the Strategic Health Authorities concerned or by one of them on behalf of all of them.

#### **Reference to the Secretary of State**

4.—(1) A Strategic Health Authority must not publish or send to the bodies listed in regulation 2(2) any written documentation prepared for the purposes of a consultation under these Regulations unless the consultation has been approved by the Secretary of State.

(2) Within the period of 14 days beginning on the date on which a consultation required by these Regulations ends, or such longer period as the Secretary of State may determine, the Strategic Health Authority which has carried out the consultation must—

- (a) send to the Secretary of State such documents or information as the Secretary of State may require; and
- (b) report the results of the consultation to the Secretary of State and, if the Secretary of State so requires, provide copies of any written responses to the consultation.

Signed by authority of the Secretary of State for Health

23rd June 2003

*John Hutton*  
Minister of State,  
Department of Health

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(a) See regulation 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 S.I. 2002/3048.

(b) See section 20 of the 2002 Act.

(c) See section 15 of the 2002 Act.

(d) Community Health Councils are abolished by the 2002 Act, section 22, which is not yet in force.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Regulations set out the consultation requirements which must be complied with before the Secretary of State may make an order which varies the area of, abolishes, establishes or changes the name of a Strategic Health Authority. Regulation 2 provides that the consultation must be carried out by the Strategic Health Authority which is the subject of, or is affected by, a proposed order and lists the bodies which must be consulted. Regulation 3 provides for consultation to be combined where more than one Strategic Health Authority is involved. Regulation 4 requires the Strategic Health Authority conducting the consultation first to seek the Secretary of State's approval of any consultation and secondly to report the results of the consultation to the Secretary of State.

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