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STATUTORY INSTRUMENTS

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**2013 No. 257**

**The National Health Service (Procurement, Patient Choice and Competition) Regulations 2013**

**PART 2**

Requirements as to procurement, patient choice and competition

**Procurement: general requirements**

**3.**—(1) When procuring health care services for the purposes of the NHS (including taking a decision referred to in regulation 7(2)), a relevant body must comply with paragraphs (2) to (4).

(2) The relevant body must—

- (a) act in a transparent and proportionate way, and
- (b) treat providers equally and in a non-discriminatory way, including by not treating a provider, or type of provider, more favourably than any other provider, in particular on the basis of ownership.

(3) The relevant body must procure the services from one or more providers that—

- (a) are most capable of delivering the objective referred to in regulation 2 in relation to the services, and
- (b) provide best value for money in doing so.

(4) In acting with a view to improving quality and efficiency in the provision of the services the relevant body must consider appropriate means of making such improvements, including through—

- (a) the services being provided in an integrated way (including with other health care services, health-related services, or social care services),
- (b) enabling providers to compete to provide the services, and
- (c) allowing patients a choice of provider of the services.

(5) A relevant body must, in relation to each contract awarded by it for the provision of health care services for the purposes of the NHS, maintain a record of—

- (a) in the case of a contract awarded by the Board, details of how in awarding the contract it complies with its duties under sections 13D and 13E (duties as to effectiveness, efficiency etc and improvement in quality of services) of the 2006 Act<sup>(1)</sup>;
- (b) in the case of a contract awarded by a CCG, details of how in awarding the contract it complies with its duties under sections 14Q and 14R of that Act<sup>(2)</sup> (duties as to effectiveness, efficiency etc and improvement in quality of services).

(6) In paragraph (4), “health-related services” and “social care services” have the same meaning as in section 62(11) of the Health and Social Care Act 2012.

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(1) Sections 13D and 13E are inserted into the 2006 Act by section 23(1) of the 2012 Act.

(2) Sections 14Q and 14R are inserted into the 2006 Act by section 26 of the 2012 Act.

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**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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