

---

STATUTORY INSTRUMENTS

---

**2022 No. 634**

**The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022**

**PART 3**

**Provisions relating to the abolition of Monitor  
and transfer of functions to NHS England**

**Amendment of the National Health Service Trusts (Membership and Procedure) Regulations 1990**

**100.**—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990(1) are amended as follows.

- (2) In regulation 11, in paragraph (1)—
- (a) after sub-paragraph (f) insert “or”;
  - (b) after sub-paragraph (h) omit “or”;
  - (c) omit sub-paragraph (i).

**Amendment of the National Health Service Litigation Authority Regulations 1995**

**101.**—(1) The National Health Service Litigation Authority Regulations 1995(2), as they apply to England, are amended as follows.

- (2) In regulation 7, in paragraph (1)—
- (a) after sub-paragraph (ea) insert “or”;
  - (b) after sub-paragraph (f) omit “or”;
  - (c) omit sub-paragraph (g).

**Amendment of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005**

**102.**—(1) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(3) are amended as follows.

- (2) In regulation 3 omit paragraph (1)(h).

---

(1) S.I. 1990/2024, relevant amending instruments are S.I. 1996/1755, 1998/646, 2000/2434, 2001/3786, 2004/696, 2008/1269, 2010/720, 2012/1641; there are other amending instruments but none is relevant.  
(2) S.I. 1995/2801, amended by S.I. 2004/696, 2006/552, 2012/1641, 2013/235, 2015/137, 2015/1683.  
(3) S.I. 2005/2415, amended by S.I. 2012/1641; there are other amending instruments but none is relevant.

**Amendment of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005**

**103.**—(1) The NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(4) are amended as follows.

- (2) In regulation 3, in paragraph (1)—
- (a) after sub-paragraph (f) insert “or”;
  - (b) omit paragraph (h).

**Amendment of the Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

**104.**—(1) The Legislative and Regulatory Reform (Regulatory Functions) Order 2007(5) is amended as follows.

- (2) In the Schedule, in Part 1, in the list—
- (a) omit the entry relating to Monitor;
  - (b) at the appropriate place insert—  
“NHS England under or by virtue of Chapters 3 and 5 of Part 3 of the Health and Social Care Act 2012”.

**Amendment of the Health and Social Care Act 2008 (Commencement No. 9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009**

**105.**—(1) The Health and Social Care Act 2008 (Commencement No. 9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009(6) is amended as follows.

- (2) In Schedule 3, in paragraph 8—
- (a) in the heading for “Monitor” substitute “NHS England”;
  - (b) in sub-paragraph (1)(b) for “Monitor” substitute “NHS England”.

**Amendment of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (English language text)**

**106.**—(1) The English language text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(7) is amended as follows.

- (2) In regulation 1, in paragraph (2)—
- (a) in the definition of “former health service body” at the end insert “or Monitor”;
  - (b) in the definition of “health service body” omit sub-paragraph (d).
- (3) In regulation 15, omit paragraph (1)(g).

**Amendment of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (Welsh language text)**

**107.**—(1) The Welsh language text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009) is amended as follows.

---

(4) [S.I. 2005/2531](#), amended by [S.I. 2012/1641](#); there are other amending instruments but none is relevant.

(5) [S.I. 2007/3544](#), amended by [S.I. 2014/860](#); there are other amending instruments but none is relevant.

(6) [S.I. 2009/462](#), amended by [S.I. 2012/1641](#).

(7) [S.I. 2009/1385](#), relevant amending instruments are [S.I. 2012/1641](#), [2013/325](#).

- (2) In regulation 1, in paragraph (2)—
  - (a) in the definition of “cyn gorff gwasanaeth iechyd” at the end insert “neu Monitor”;
  - (b) in the definition of “corff gwasanaeth iechyd” omit sub-paragraph (ch).
- (3) In regulation 15, omit paragraph (1)(e).

#### **Amendment of the Medical Profession (Responsible Officers) Regulations 2010**

**108.**—(1) The Medical Profession (Responsible Officers) Regulations 2010(8) are amended as follows.

- (2) In regulation 9, in paragraph (4) for “Monitor” substitute “NHS England”.

#### **Amendment of the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012**

**109.**—(1) The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(9) are amended as follows.

- (2) In regulation 18, in paragraph (2) omit sub-paragraph (d).

#### **Amendment of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012**

**110.**—(1) The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012(10) are amended as follows.

- (2) In regulation 10, in paragraph (2) omit sub-paragraph (b).

#### **Amendment of the National Health Service (Licensing and Pricing) Regulations 2013**

**111.**—(1) The National Health Service (Licensing and Pricing) Regulations 2013(11) are amended as follows.

- (2) In regulation 3, in paragraph (1)(a) for “Monitor” substitute “NHS England”.
- (3) In regulation 4, in paragraph (1)(a) for “Monitor” substitute “NHS England”;
- (4) In regulation 6, in paragraph (1) for “Monitor” substitute “NHS England”.

#### **Amendment of the National Health Service (Licence Exemptions, etc) Regulations 2013**

**112.**—(1) The National Health Service (Licence Exemptions, etc) Regulations 2013(12) are amended as follows.

- (2) In regulation 2, in paragraph (1) omit “Monitor.”.
- (3) In regulation 8—
  - (a) in paragraph (3) for “Monitor” substitute “NHS England”;
  - (b) in paragraph (4)(b) for “Monitor” substitute “NHS England”.
- (4) In regulation 9—
  - (a) in paragraph (2) omit “Monitor, on the request of”;

---

(8) S.I. 2010/2841, relevant amending instruments are S.I. 2012/1641, 2013/391, 2019/248.

(9) S.I. 2012/2996, relevant amending instruments are S.I. 2013/218, 2013/2891, 2014/3215, 2015/643.

(10) S.I. 2012/3094.

(11) S.I. 2013/2214, to which there are amendments not relevant to these Regulation.

(12) S.I. 2013/2677, amended by S.I. 2019/248; there are other amending instruments but none is relevant.

- (b) in paragraph (3)—
  - (i) in sub-paragraph (a) for the words from “the Board” to the end substitute—
    - “—
    - (i) NHS England that it will impose a condition under section 97(1)(i), (j) or (k) of the 2012 Act in relation to the services benefiting from the exemption, or
    - (ii) an integrated care board that it has requested NHS England to impose such a condition,”;
  - (ii) in sub-paragraph (b) for “Monitor” substitute “NHS England”;
- (c) in paragraph (4) for “Monitor” substitute “NHS England”.

#### **Amendment of the National Health Service (Approval of Licensing Criteria) Order 2013**

**113.**—(1) The National Health Service (Approval of Licensing Criteria) Order 2013(**13**) is amended as follows.

- (2) In article 2 for “Monitor” substitute “NHS England”.
- (3) In the Schedule—
  - (a) in the words below the heading “Licensing criteria” for “Monitor” substitute “NHS England”;
  - (b) in paragraph 1, in sub-paragraph (2)(b) for “Monitor”, in both places it occurs, substitute “NHS England”.

#### **Amendment of the Enterprise and Regulatory Reform Act 2013 (Commencement No. 6, Transitional Provisions and Savings) Order 2014**

**114.**—(1) The Enterprise and Regulatory Reform Act 2013 (Commencement No. 6, Transitional Provisions and Savings) Order 2014(**14**) is amended as follows.

- (2) In the Schedule, in paragraph 16, in sub-paragraph (8)—
  - (a) at the end of paragraph (e) insert “, or”;
  - (b) after paragraph (f) omit “or”;
  - (c) omit paragraph (g).

#### **Amendment of the Competition Act 1998 (Concurrency) Regulations 2014**

**115.**—(1) The Competition Act 1998 (Concurrency) Regulations 2014(**15**) are amended as follows.

- (2) In regulation 2 omit paragraph (2).
- (3) In regulation 5—
  - (a) in paragraph (4)(b) omit “(subject to paragraph (5))”;
  - (b) omit paragraph (5).
- (4) In regulation 8 in paragraph (1)—
  - (a) after sub-paragraph (a) omit “and”;
  - (b) omit sub-paragraph (b).

---

(13) [S.I. 2013/2960](#).

(14) [S.I. 2014/416](#), to which there are amendments not relevant to these Regulations.

(15) [S.I. 2014/536](#).

### **Amendment of the Public Interest Disclosure (Prescribed Persons) Order 2014**

**116.**—(1) The Public Interest Disclosure (Prescribed Persons) Order 2014<sup>(16)</sup> is amended as follows.

- (2) In the Schedule—
- (a) omit the entry relating to Monitor;
  - (b) at the appropriate place insert—

---

“NHS England	Matters relating to the provision of services pursuant to a contract, agreement or arrangement under Part 4 (which relates to primary medical services), Part 5 (which relates to primary dental services), Part 6 (which relates to primary ophthalmic services) or Part 7 (which relates to pharmaceutical services and local pharmaceutical services) of the National Health Service Act 2006 <sup>(17)</sup> .
	Matters relating to NHS England’s regulatory functions as defined in section 13SB(2) of the National Health Service Act 2006.
	Matters relating to NHS England’s functions of oversight and support of NHS Trusts in section 27A of the National Health Service Act 2006.”.

---

### **Amendment of the National Health Service Pension Scheme Regulations 2015**

**117.**—(1) The National Health Service Pension Scheme Regulations 2015<sup>(18)</sup> are amended as follows.

- (2) In Schedule 6, in paragraph 1 omit sub-paragraph (2)(d).

### **Amendment of the National Health Service (Charges to Overseas Visitors) Regulations 2015**

**118.**—(1) The National Health Service (Charges to Overseas Visitors) Regulations 2015<sup>(19)</sup> are amended as follows.

- (2) In regulation 7—
- (a) in paragraph (10)(b) for “Monitor” substitute “NHS England”;
  - (b) in paragraph (13), in the definition of “national tariff” for “Monitor” substitute “NHS England”.

---

<sup>(16)</sup> S.I. 2014/2418, amended by S.I. 2015/1981; there are other amending instruments but none is relevant.

<sup>(17)</sup> 2006 c. 41.

<sup>(18)</sup> S.I. 2015/94, amended by S.I. 2015/581; there are other amending instruments but none is relevant.

<sup>(19)</sup> S.I. 2015/238, to which there are amendments not relevant to these Regulations.

### **Amendment of the Care Quality Commission (Membership) Regulations 2015**

**119.**—(1) The Care Quality Commission (Membership) Regulations 2015<sup>(20)</sup> are amended as follows.

(2) In regulation 1, in paragraph (2), in the definition of “NHS Body” at the end insert—

“(s) a clinical commissioning group which, immediately before 1st July 2022, was established in accordance with Chapter A2 of Part 2 of the NHS Act 2006;”.

### **Amendment of the Trade Union (Facility Time Publication Requirements) Regulations 2017**

**120.**—(1) The Trade Union (Facility Time Publication Requirements) Regulations 2017<sup>(21)</sup> are amended as follows.

(2) In Schedule 1 omit paragraph 33.

### **Amendment of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017**

**121.**—(1) The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017<sup>(22)</sup> are amended as follows.

(2) Omit regulation 7.

(3) In Schedule 2, in the list of public authorities, under the heading “Health, social care and social security” omit “Monitor.”.

---

<sup>(20)</sup> S.I. 2015/1479.

<sup>(21)</sup> S.I. 2017/328.

<sup>(22)</sup> S.I. 2017/353, to which there are amendments not relevant to these Regulations.