

2018 No. 000

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Licence Exemptions, etc.)
Amendment Regulations 2018**

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - - - ***

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 83(1)(a), (2) and (3)(b), 304(9) and (10) of the Health and Social Care Act 2012(a).

[In accordance with section 83(4) to (7) of that Act, the Secretary of State has given notice to Monitor, the National Health Service Commissioning Board, and the Care Quality Commission and its Healthwatch England committee and published that notice.]

Citation and commencement

1. These Regulations may be cited as the National Health Service (Licence Exemptions, etc.) Amendment Regulations 2018 and come into force on [insert date].

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

2.—(1) The National Health Service (Licence Exemptions, etc.) Regulations 2013(b) are amended as follows.

(2) In regulation 8 (exemption from the requirement to hold a licence: applicable turnover)—

(a) for paragraph (1) substitute—

““A provider is exempt from the requirement to hold a licence if their applicable turnover in any twelve month period mentioned in paragraph (1A) is reasonably expected to be less than £10 million.””;

(b) after paragraph (1) insert—

““(1A) For the purposes of paragraph (1), a provider must estimate their applicable turnover for a twelve month period beginning:

(a) on the day the provider starts providing NHS health care services; and

(b) each month following the month in which the provider started providing NHS health care service.””;

(c) omit paragraphs (2) and (4);

(a) 2012 c. 7. See section 150(1) of the Health and Social Care Act 2012 (c.7) for the meaning of “prescribed”.
(b) S.I. 2013/2677.

- (d) in paragraph (3), for “P”, substitute for the first place in which it occurs “A provider”, for the second place in which it occurs substitute “the provider”, and for the third place in which it occurs substitute (it);
- (e) in paragraph (5), for “P”, substitute for the first place in which it occurs “a provider”, for the second place in which it occurs substitute “the provider”, for the third place in which it occurs substitute “it”, and for the fourth place in which it occurs substitute “the provider”;
- (f) in paragraph (6), omit from “relevant business year” to “available” and insert ““provider” means a provider of health care services for the purposes of the NHS(a)”.

Signed by authority of the Secretary of State for Health.

[Insert date]

[Insert name]
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Licence Exemptions, etc.) Regulations 2013 (“the 2013 Regulations”).

Regulation 2 amends the applicable turnover exemption in regulation 8 of the 2013 Regulations. Regulation 2(2) substitutes a new prospective test which requires providers of NHS health care services to estimate their applicable turnover on the date they start providing NHS services, and every month thereafter, for the purpose of determining whether their applicable turnover is reasonably expected to be less than the £10 million exemption threshold in regulation 8 of the 2013 Regulations.

A full impact assessment has not been produced for this instrument as it has no effect on the public sector and no significant effect on private or civil society organisations.

(a) See section 64(3), (4) and (5) of the Health and Social Care Act 2012 (c.7) for the meaning of “health care”, “the NHS” and the provision of health care services for the purposes of the NHS.