

Local Health Scrutiny Bill

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TO

Make provision about health scrutiny by local authorities, including scrutiny of clinical commissioning groups' decisions; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Scrutiny of proposals made by responsible persons

(1) Regulation 23 of the Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations is amended as follows.

(2) After paragraph (3), insert—

“(3A) Where an authority has been consulted under paragraph (1), it may use its powers under regulation 27 to require a member or employee of R to provide such information as it reasonably requires to understand—

- (a) the process by which R has decided to make the proposal; 5
- (b) alternative proposals which have been considered but disregarded by R, and the reasons for this; and 10
- (c) the impact of the proposals on patients and staff.”

(3) After paragraph (5)(a), insert—

“(aa) R must set out the reasons for disagreeing with the recommendations made by the authority;”.

(4) After paragraph (11), insert—

“(11A) R may not implement a proposal where—

- (a) the proposal is the subject of a report under paragraph (9); and
- (b) the Secretary of State has not yet provided a notice under regulation 25(4).” 15

2 Notification of direction and decisions

(1) Regulation 25 of the Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations is amended as follows. 20

- “(4) Where a local authority has reported to the Secretary of State under regulation 23(9), the Secretary of State must provide a notice to the local authority and responsible person setting out—
- (a) any decisions which have been made by the Secretary of State under paragraph (1); 5
 - (b) any directions which will be made by the Board to a clinical commissioning group under paragraph (2); and
 - (c) the reasons for any decisions made by the Secretary of State or directions which will be made by the Board.
- (5) The Secretary of State must provide the notice under paragraph (4) within 45 days of receiving a report from a local authority under regulation 23(9).” 10

3 Interpretation

In this Act, “the Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations” means the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218). 15

4 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This Act comes into force at the end of a period of two months starting the day on which it is passed. 20
- (3) This Act may be cited as the Local Health Scrutiny Act 2018.

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