

HEALTH AND SOCIAL CARE ACT 2001

DIRECTIONS TO LOCAL AUTHORITIES (OVERVIEW AND SCRUTINY COMMITTEES, HEALTH SCRUTINY FUNCTIONS)

The Secretary of State for Health in exercise of the powers conferred on him by section 8(4) of the Health and Social Care Act 2001(a) and regulation 10 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002(b) and of all other powers enabling him in that behalf hereby gives the following directions:—

Application, commencement and interpretation

- 1.—(1) These Directions are given to local authorities in England.
- (2) These Directions shall come into force on 17th July 2003.
- (3) In these Directions—

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

“joint overview and scrutiny committee” has the meaning given in the Regulations;

“local authority” has the meaning given in the Regulations(c);

“local NHS body” has the meaning given in the Regulations;

“overview and scrutiny committee” means an overview and scrutiny committee with functions under the Regulations;

“the Regulations” means the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002.

Consultation of Committees by local NHS bodies

2. Where a local NHS body consults more than one overview and scrutiny committee pursuant to regulation 4 of the Regulations on any proposal it has under consideration for a substantial development of the health service or a substantial variation in the provision of such service, the local authorities of those overview and scrutiny committees shall appoint a joint overview and scrutiny committee for the purposes of the consultation and only that joint overview and scrutiny committee may:—

- (a) make comments on the proposal consulted on to the local NHS body under regulation 4(4) of the Regulations;
- (b) require the local NHS body to provide information about the proposal under regulation 5 of the Regulations; or
- (c) require an officer of the local NHS body to attend before it under regulation 6 of the Regulations to answer such questions as appear to it to be necessary for the discharge of its functions in connection with the consultation.

Signed by authority of the Secretary of State for Health



Flora Goldhill
Date 17th July 2003

Member of the Senior Civil Service
Department of Health

(a) 2001 c.15.

(b) S.I.2002/3048.

(c) See regulation 1(3), paragraph (b), for the definition of local authority in relation to regulation 10 of the Regulations.