
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Public-Private Partnerships) Directions 2023

The Secretary of State for Health and Social Care, in exercise of the powers conferred by sections 7(1), 8(1) and 272(7) and (8) of the National Health Service Act 2006(a), gives the following Directions.

Citation, commencement, application and interpretation

1.—(1) These Directions may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Public-Private Partnerships) Directions 2023.

(2) These Directions come into force on 21 January 2023.

(3) These Directions extend to England and Wales and apply in relation to England only.

(4) In these Directions—

“the Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(b);

“the company” means NHS Shared Business Services Limited, whose registered company number with Companies House is 05280446.

Exercise of the Secretary of State’s functions in relation to the company

2.—(1) The Secretary of State directs the Authority to exercise the functions of the Secretary of State under sections 2 (general power), 223 (powers in relation to public-private partnerships) and 254A (support functions of the Secretary of State) of the National Health Service Act 2006(c) in respect of the company to—

(a) hold shares in the company;

(b) make any further investment in the company (whether by acquiring assets, securities or rights or otherwise), as the Authority considers appropriate;

(c) undertake any shareholder roles and duties in accordance with the company’s articles of association;

(a) 2006 c.41. Section 7 was substituted by section 21 of the Health and Social Care Act 2012 (c.7) (the “2012 Act”). Section 8 was amended by paragraph 5 of Schedule 4 to the 2012 Act.

(b) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) was established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005, S.I. 2005/2414, amended by S.I. 2006/632, 2007/1201, 2013/235, 2015/1862, 2017/959, 2018/378 and 2019/776.

(c) The functions of the Secretary of State which the Authority is directed to exercise by these directions remain exercisable by the Secretary of State in accordance with section 73(2) of the National Health Service Act 2006 (the “2006 Act”). Section 2 of the 2006 Act was substituted by paragraphs 9 and 10 of Schedule 5 to the Health and Care Act 2022 (c.31) (the “2022 Act”). Section 223 of the 2006 Act was amended by paragraph 117(1) and (2) of Schedule 4 to the 2012 Act, paragraph 258(1) and (2) of Schedule 1 to S.I. 2009/1941 and paragraph 1(1) and (2) of Schedule 1 to the 2022 Act. Section 254A of the 2006 Act was inserted by paragraph 128 of Schedule 4 to the 2012 Act.

- (d) provide loans and guarantees and make other kinds of financial provision to or in respect of the company; and
- (e) do such other things as the Authority considers appropriate to oversee or support the exercise of the company's functions in relation to the health service.

(2) In exercising the functions referred to in paragraph (1), the Authority must have regard to any guidance issued to the Authority about the exercise of those functions by the Secretary of State.

Signed by authority of the Secretary of State for Health and Social Care



Date 21st January 2023

Benjamin Michael Patrick Masterson
Member of the Senior Civil Service
Department of Health and Social Care