

## **EXPLANATORY NOTES**

### **HEALTH AND SOCIAL CARE ACT 2001**

#### **INTRODUCTION**

#### **SUMMARY**

#### **THE ACT**

#### **COMMENTARY ON SECTIONS**

##### **PART 1: NATIONAL HEALTH SERVICE HEALTH SERVICE FUNDING**

Section 1: Determination of allotments to and resource limits for Health Authorities and Primary Care Trusts

Section 2: Payments relating to past performance

Section 3: Supplementary payments to NHS trusts and Primary Care Trusts

Section 4: Public-Private Partnerships

Section 5: Income Generation

##### **Terms of employment of health service employees**

Section 6: Terms and conditions of employment by certain health service bodies

##### **Scrutiny of Health Service provision, Patient and Public involvement and Independent Advocacy – Background**

##### **Local Authority Scrutiny of Health Service Provision**

Section 7: Functions of overview and scrutiny committees

Section 8: Joint overview and scrutiny committees etc

Section 9: Overview and scrutiny committees: exempt information

Section 10: Application to the City of London

##### **Public involvement and consultation**

Section 11: Public involvement and consultation.

**Independent advocacy services**

Section 12: Independent advocacy services

**Intervention powers**

Section 13: Intervention orders

**Abolition of Medical Practices Committee and National Health Service Tribunal**

Section 14: Abolition of Medical Practices Committee

Section 15: Vacancies for medical practitioners

Section 16: Abolition of NHS Tribunal

**General and personal medical services, general dental services, general ophthalmic services and pharmaceutical services**

Section 17: Remuneration of General Medical Practitioners

Section 18: Out of hours medical services

Section 19: Enhanced criminal record certificates

Section 20: Medical, dental, ophthalmic and pharmaceutical lists etc.

Section 21: Conditional inclusion in medical, dental, ophthalmic and pharmaceutical lists

Section 22: Dental Corporations

Section 23: Declaration of financial interests, gifts, etc.

Section 24: Supplementary lists

Section 25: Suspension and disqualification of practitioners

**Personal medical services and personal dental services**

Section 26: PMS and PDS lists

**The Family Health Services Appeal Authority**

Section 27: The Family Health Services Appeal Authority

**PART 2: PHARMACEUTICAL SERVICES**

**Chapter 1: Local Pharmaceutical Services**

**Preparation and making of pilot schemes**

Section 28: Pilot Schemes

Section 29: Making Pilot Schemes

Section 30: Designation of priority neighbourhoods or premises

**Reviews, variation and termination of pilot schemes**

Section 31: Reviews of Pilot Schemes

Section 32: Variation and Termination of Pilot Schemes

**NHS contracts and financial provision**

Section 33: NHS Contracts

Section 34: Funding of preparatory work

Section 35: Charges, recovery of payments and penalties

**General**

Section 36: Effect of the 1977 Act

Section 37: Premises from which pilot services may be provided

Section 38: Control of Entry Regulations

**Assessing the result of pilot schemes**

Section 39: Assessing pilot schemes

**Provision for local pharmaceutical schemes**

Section 40: Provision for LPS schemes

**Corresponding provision, etc.**

Section 41: Corresponding provision and application of enactments

Schedule 2: Pilot Schemes

Schedule 3: Local Pharmaceutical Services

**Chapter 2: Changes to existing arrangements England and Wales**

Section 42: Dispensing of NHS prescriptions and provision of pharmaceutical services

Section 43: Remote provision of pharmaceutical, etc. services

**Scotland**

Section 44: Dispensing of NHS prescriptions

**PART 3: CARE TRUSTS AND PARTNERSHIP ARRANGEMENTS**

Sections 45 -47: Care Trusts and directed partnership arrangements

Section 45: Care Trusts where voluntary arrangements

Sections 46 and 47: Directed partnership arrangements and further provisions about directions in connection with such arrangements and Care Trusts.

Section 48: Transfer of staff in connection with partnership arrangements

## **PART 4 : SOCIAL CARE**

### **Nursing care**

Section 49: Exclusion of nursing care from community care services

### **Preserved rights**

Section 50: Preserved rights: transfer to local authorities of responsibilities as to accommodation

Section 51: Preserved rights: disclosure of information

Section 52: Preserved rights: alignment of social security benefits

### **Measures to increase availability of Part 3 accommodation**

Section 53: Disregarding of resources when determining need for residential accommodation

Section 54: Funding by resident etc. of more expensive accommodation

Section 55: Power for local authorities to take charges on land instead of contributions

Section 56: Cross-Border Placements

### **Direct payments**

Section 57: Direct Payments

Section 58: Direct payments in respect of children

Section 59: Interpretation of Part 4

## **PART 5 : MISCELLANEOUS AND SUPPLEMENTARY**

### **Patient information**

Section 60: Control of patient information

Section 61: Patient Information Advisory Group

### **Services for disabled people**

Section 62: Reports to Parliament on services for disabled people

### **Prescribing rights**

Section 63: Extension of prescribing rights

Section 64: Regulations and orders

Section 65: Supplementary and consequential provision etc

Section 66: Interpretation

*These notes refer to the Health and Social Care Act 2001 (c.15)*

Section 67: Minor and Consequential amendments and repeals

Section 68: Powers of National Assembly for Wales for Wales under amended Acts

Section 69: Financial provisions

Section 70: Short title, commencement and extent

**COMMENCEMENT AND EXTENT**

**ANNEX A OUTLINE OF THE EXISTING LAW**

**ANNEX B EXISTING LEGISLATION ABOUT SOCIAL CARE**

**ANNEX C MISCELLANEOUS**