



Health and Social Care Act 2001

2001 CHAPTER 15

PART 1

NATIONAL HEALTH SERVICE

Local authority scrutiny of health service provision

7 Functions of overview and scrutiny committees

- (1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees), in subsection (2), after paragraph (e) there shall be inserted—
- “(f) in the case of the overview and scrutiny committee or committees of an authority to which section 7 of the Health and Social Care Act 2001 applies, to review and scrutinise, in accordance with regulations under that section, matters relating to the health service (within the meaning of that section) in the authority’s area, and to make reports and recommendations on such matters in accordance with the regulations.”
- (2) This section applies to—
- any county council,
 - any county borough council,
 - the council of any district comprised in an area for which there is no county council,
 - any London borough council.
- (3) Regulations may, in relation to an overview and scrutiny committee of an authority to which this section applies, make provision—
- as to matters relating to the health service in the authority’s area which the committee may review and scrutinise,
 - as to matters relating to the health service in the authority’s area on which the committee may make reports and recommendations to local NHS bodies,

- (c) as to matters on which local NHS bodies must consult the committee in accordance with the regulations,
 - (d) as to information which local NHS bodies must provide to the committee,
 - (e) as to information which may not be disclosed by a local NHS body to the committee,
 - (f) requiring any officer of a local NHS body to attend before the committee to answer questions.
- (4) For the purposes of any provision of subsection (3) “local NHS body”, in relation to an overview and scrutiny committee, means a Health Authority, Primary Care Trust or NHS trust specified for those purposes by regulations in relation to the committee.
- (5) In this section—
- “the health service” has the same meaning as in the 1977 Act, except that it includes services provided in pursuance of section 31 arrangements in relation to the exercise of health-related functions of a local authority;
 - “section 31 arrangements” means arrangements under regulations under section 31 of the Health Act 1999 (c. 8) (arrangements between NHS bodies and local authorities).

8 Joint overview and scrutiny committees etc.

- (1) In this section, “relevant functions”—
- (a) in relation to a local authority operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22) (“the 2000 Act”), are functions which are, or, but for regulations under this section, would be, exercisable under section 21(2)(f) of that Act by an overview and scrutiny committee of that authority, and
 - (b) in relation to a local authority operating alternative arrangements under that Part, are any corresponding functions which are, or, but for regulations under this section, would be, exercisable by a committee of the authority falling within paragraph (b) of section 32(1) of that Act;
- and references to an overview and scrutiny committee include references to a committee falling within that paragraph.
- (2) Regulations may make provision under which—
- (a) two or more local authorities may appoint a joint committee of those authorities (a “joint overview and scrutiny committee”) and arrange for relevant functions in relation to any (or all) of those authorities to be exercisable by the committee;
 - (b) a local authority may arrange for relevant functions in relation to that authority to be exercisable by an overview and scrutiny committee of another local authority;
 - (c) a county council for any area may arrange for one or more of the members of an overview and scrutiny committee of the council for a district comprised in that area to be appointed as—
 - (i) a member of an overview and scrutiny committee of the county council or another local authority, for the purposes of relevant functions of the committee in relation to the county council, or

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- (ii) a member of an overview and scrutiny committee of the county council, for the purposes of relevant functions of the committee in relation to another local authority.
- (3) The regulations may in particular—
- (a) provide for arrangements to be made only in specified circumstances, or subject to specified conditions or limitations;
 - (b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of section 21(4) and (6) to (15) of the 2000 Act or section 9 of, and Schedule 1 to, this Act, with or without modifications.
- (4) The regulations may require, or enable the relevant authority to direct, a local authority—
- (a) to make arrangements of any description within subsection (2), and
 - (b) to comply with such requirements in connection with the arrangements as may be specified in the regulations or as the relevant authority may direct.
- (5) In section 7(3) and (4), references to an overview and scrutiny committee include references to a joint overview and scrutiny committee.
- (6) In subsection (2)(c), references to an overview and scrutiny committee of a county council include references to a joint overview and scrutiny committee of the council and another local authority.
- (7) Section 21(4) of the 2000 Act does not apply to the discharge of functions by virtue of arrangements under regulations under subsection (2).
- (8) Section 21(10) of the 2000 Act does not apply to persons who are members of an overview and scrutiny committee by virtue of arrangements under regulations under subsection (2)(c).
- (9) In this section “local authority” means a county council, county borough council, district council or London borough council.

9 Overview and scrutiny committees: exempt information

- (1) This section applies in relation to any item of business at a meeting of an overview and scrutiny committee which is an item relating to functions of the committee under section 21(2)(f) of the Local Government Act 2000 (c. 22).
- (2) In relation to any such item, information is exempt information for the purposes of section 100A(4) of the Local Government Act 1972 (c. 70) (exclusion of public from meetings to prevent disclosure of exempt information) if it falls within any of the descriptions of information which are for the time being specified in Part 1 of Schedule 1 to this Act, but subject to any qualifications contained in Part 2 of that Schedule.
- (3) Part 3 of that Schedule has effect for the interpretation of that Schedule.
- (4) The relevant authority may by order vary that Schedule—
- (a) by adding any description or other provision in connection with a relevant body or services provided by, or under arrangements made by, a relevant body, or

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- (b) by deleting or varying any description or other provision for the time being specified or contained in that Schedule.
- (5) The relevant authority may exercise the power conferred by subsection (4) by amending any Part of Schedule 1, with or without amendment of any other Part.
- (6) In this section and Schedule 1 “relevant body” means a body in respect of which overview and scrutiny committees exercise functions under regulations under section 7.

10 Application to the City of London

- (1) The Common Council may establish a committee which has, in relation to the City of London, the powers which under section 21(2)(f) of the Local Government Act 2000 a local authority’s overview and scrutiny committee has in relation to the authority’s area.
- (2) Sections 7(3) to (5), 8 and 9 and Schedule 1 apply as if such a committee were an overview and scrutiny committee and as if the Common Council were a London borough council.
- (3) Section 21 of the Local Government Act 2000 applies as if such a committee were an overview and scrutiny committee and as if the Common Council were a local authority, but with the omission—
 - (a) of subsections (1) to (3), (5) and (9),
 - (b) in subsection (8), of “Executive”,
 - (c) in subsection (11), of paragraph (b), and
 - (d) in subsection (13)(a), of the reference to members of the executive.
- (4) In the provisions applied by subsections (2) and (3), references to functions under any provision of section 21(2) of the 2000 Act are, in the case of the committee established under subsection (1), references to its functions under that subsection.
- (5) “The Common Council” means the Common Council of the City of London.