



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 5

#### PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

### CHAPTER 2

#### LOCAL GOVERNMENT

#### *Health and Wellbeing Boards: supplementary*

#### **197 Participation of NHS Commissioning Board**

- (1) Subsection (2) applies where a Health and Wellbeing Board is (by virtue of section 196(1)) preparing—
  - (a) an assessment of relevant needs under section 116 of the Local Government and Public Involvement in Health Act 2007, or
  - (b) a strategy under section 116A of that Act.
- (2) The National Health Service Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its preparation of the assessment or (as the case may be) the strategy.
- (3) Subsection (4) applies where a Health and Wellbeing Board is considering a matter that relates to the exercise or proposed exercise of the commissioning functions of the National Health Service Commissioning Board in relation to the area of the authority that established the Health and Wellbeing Board.
- (4) If the Health and Wellbeing Board so requests, the National Health Service Commissioning Board must appoint a representative to join the Health and Wellbeing Board for the purpose of participating in its consideration of the matter.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The person appointed under subsection (2) or (4) may, with the agreement of the Health and Wellbeing Board, be a person who is not a member or employee of the National Health Service Commissioning Board.
- (6) In this section—
- “commissioning functions”, in relation to the National Health Service Commissioning Board, means the functions of the Board in arranging for the provision of services as part of the health service in England;
- “the health service” has the same meaning as in the National Health Service Act 2006.

### **198 Discharge of functions of Health and Wellbeing Boards**

Two or more Health and Wellbeing Boards may make arrangements for—

- (a) any of their functions to be exercisable jointly;
- (b) any of their functions to be exercisable by a joint sub-committee of the Boards;
- (c) a joint sub-committee of the Boards to advise them on any matter related to the exercise of their functions.

### **199 Supply of information to Health and Wellbeing Boards**

- (1) A Health and Wellbeing Board may, for the purpose of enabling or assisting it to perform its functions, request any of the following persons to supply it with such information as may be specified in the request—
- (a) the local authority that established the Health and Wellbeing Board;
  - (b) any person who is represented on the Health and Wellbeing Board by virtue of section 194(2)(e) to (g) or (8);
  - (c) any person who is a member of a Health and Wellbeing Board by virtue of section 194(2)(g) or (8) but is not acting as a representative.
- (2) A person who is requested to supply information under subsection (1) must comply with the request.
- (3) Information supplied to a Health and Wellbeing Board under this section may be used by the Board only for the purpose of enabling or assisting it to perform its functions.
- (4) Information requested under subsection (1) must be information that relates to—
- (a) a function of the person to whom the request is made, or
  - (b) a person in respect of whom a function is exercisable by that person.