



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 1

#### PROMOTION AND PROVISION OF THE HEALTH SERVICE IN ENGLAND

##### *Provision of services otherwise than in England*

#### 6 Performance of functions outside England

[<sup>F1</sup>(1) Where the Secretary of State has a duty or power to provide anything under section 2A or 2B or Schedule 1, that thing may be provided outside England.]

[<sup>F2</sup>(1A) Where [<sup>F3</sup>an integrated care board] or [<sup>F4</sup>NHS England] has a duty or power to arrange for the provision of anything under section 3, 3A, 3B or 4 or Schedule 1, it may arrange for that thing to be provided outside England.]

- (2) [<sup>F5</sup>The functions of the Secretary of State, [<sup>F4</sup>NHS England] and [<sup>F6</sup>integrated care boards]] may be performed outside England and Wales, in so far as they relate to—
- holidays for patients,
  - the transfer of patients to or from Scotland, Northern Ireland, the Isle of Man or the Channel Islands, or
  - the return of patients who have received treatment in England and Wales, to countries or territories outside the British Islands (including for this purpose the Republic of Ireland).

#### Textual Amendments

- F1** S. 6(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 2\(2\); S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F2** S. 6(1A) inserted (1.2.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 4 para. 2\(3\); S.I. 2012/2657, art. 2\(4\)](#)
- F3** Words in s. 6(1A) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 4 para. 88\(2\); S.I. 2022/734, reg. 2\(a\), Sch.](#) (with regs. 13, 29, 30)

*Changes to legislation: National Health Service Act 2006, Cross Heading: Provision of services otherwise than in England is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F4** Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in s. 6(2) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 4 para. 2(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in s. 6(2) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 88(3); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F7 6A. Reimbursement of cost of services provided in another EEA state**

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**Textual Amendments**

**F7** S. 6A omitted (31.12.2020) by virtue of The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/777), regs. 1(1), 3(a) (with reg. 15, Sch. 1) (as amended by S.I. 2020/1348, regs. 10-12);. 2020 c. 1, Sch. 5 para. 1(1)

**F8 6B. Prior authorisation for the purposes of section 6A**

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**Textual Amendments**

**F8** S. 6B omitted (31.12.2020) by virtue of The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/777), regs. 1(1), 3(b) (with reg. 15, Sch. 1) (as amended by S.I. 2020/1348, regs. 10-12);. 2020 c. 1, Sch. 5 para. 1(1)

**F9 6BA Reimbursement of cost of services provided in another EEA state where expenditure incurred on or after 25 October 2013.**

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**Textual Amendments**

**F9** S. 6BA omitted (31.12.2020) by virtue of The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/777), regs. 1(1), 3(c) (with reg. 15, Sch. 1) (as amended by S.I. 2020/1348, regs. 10-12);. 2020 c. 1, Sch. 5 para. 1(1)

**F10 6BB Prior authorisation for the purposes of section 6BA**

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**Textual Amendments**

**F10** S. 6BB omitted (31.12.2020) by virtue of The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/777), regs. 1(1), 3(d) (with reg. 15, Sch. 1) (as amended by S.I. 2020/1348, regs. 10-12);. 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

National Health Service Act 2006, Cross Heading: Provision of services otherwise than in England is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)