



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 2

#### HEALTH SERVICE BODIES

### CHAPTER 2

#### PRIMARY CARE TRUSTS

#### **18 Primary Care Trusts**

- (1) The Primary Care Trusts established by the Secretary of State continue in existence.
- (2) But the Secretary of State may by order (a “PCT order”)—
  - (a) vary the area in England for which a Primary Care Trust is established,
  - (b) abolish a Primary Care Trust,
  - (c) establish a new Primary Care Trust for the area in England specified in the order with a view to it exercising functions in relation to the health service.
- (3) The Secretary of State must act under this section so as to ensure that the areas for which Primary Care Trusts are at any time established together comprise the whole of England.
- (4) A Primary Care Trust must exercise its functions in accordance with any prohibitions or restrictions in a PCT order relating to it.
- (5) If any consultation requirements apply, they must be complied with before a PCT order is made.
- (6) “Consultation requirements” means requirements about consultation contained in regulations.
- (7) Regulations must impose requirements about consultation where a PCT order establishes a Primary Care Trust.

(8) Schedule 3 makes further provision about Primary Care Trusts.

## **19 Exercise of Primary Care Trust functions**

(1) This section applies to functions exercisable by a Primary Care Trust under or by virtue of this Act (including this section) or any prescribed provision of any other Act.

(2) Regulations may provide for any functions to which this section applies to be exercised—

- (a) by another Primary Care Trust,
- (b) by a Special Health Authority, or
- (c) jointly with any one or more of the bodies mentioned in subsection (3).

(3) The bodies are—

- (a) Strategic Health Authorities,
- (b) NHS trusts,
- (c) Local Health Boards, and
- (d) other Primary Care Trusts.

(4) Regulations may provide—

- (a) for any functions to which this section applies to be exercised, on behalf of the Primary Care Trust by whom they are exercisable, by a committee, sub-committee or officer of the Primary Care Trust,
- (b) for any functions which, under this section, are exercisable by a Primary Care Trust jointly with one or more Strategic Health Authorities or other Primary Care Trusts (but not with any NHS trusts) to be exercised, on behalf of the health service bodies in question, by a joint committee or joint sub-committee.

(5) Subsection (6) applies where, by virtue of subsection (2)(b), a Special Health Authority exercises functions of a Primary Care Trust in relation to a general dental services contract.

(6) The Secretary of State may by order make provision for the transfer to the Special Health Authority of the rights and liabilities of the Primary Care Trust under the contract (and for their transfer back to the Primary Care Trust where the Special Health Authority ceases to exercise the functions).

## **20 Strategic Health Authority directions to Primary Care Trusts**

(1) A Strategic Health Authority may give directions to a Primary Care Trust about its exercise of any function.

(2) Directions under this section are subject to any directions given under section 8.

## **21 Provision of services etc**

(1) A Primary Care Trust may provide services under an agreement under—

- (a) section 92 (primary medical services), or
- (b) section 107 (primary dental services),

and may do so as a member of a qualifying body (within the meaning given by section 93 or section 108).

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

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- (2) A Primary Care Trust may arrange for the provision by it to another health service body of goods or services which are of the same description as those which, at the time of making the arrangement, the Primary Care Trust has power to provide in carrying out its other functions.
- (3) A Primary Care Trust may provide premises for the use of persons—
- (a) providing pharmaceutical services, or
  - (b) providing or performing primary medical services, primary dental services or primary ophthalmic services,
- on any terms it considers appropriate.
- (4) A Primary Care Trust which manages any health service hospital may make accommodation or services available there for patients who give undertakings (or for whom undertakings are given) to pay any charges imposed by the Primary Care Trust in respect of the accommodation or services.
- (5) A Primary Care Trust has power to do anything specified in section 7(2) of the Health and Medicines Act 1988 (c. 49) (provision of goods, services etc), other than make accommodation or services available for patients at any health service hospital it manages, for the purpose of making additional income available for improving the health service.
- (6) A Primary Care Trust may exercise a power conferred by subsection (4) or (5) only—
- (a) to the extent that its exercise does not to any significant extent interfere with the performance by the Primary Care Trust of its functions or of its obligations under NHS contracts or under agreements or arrangements made with NHS foundation trusts, and
  - (b) in circumstances specified in directions under section 8, with the Secretary of State's consent.
- (7) In this section—
- “health service body” means a body which is a health service body for the purposes of section 9,
  - “hospital” includes any establishment or facility managed for the purposes of the health service.

## **22 Administration and management of services**

Each Primary Care Trust must, in accordance with regulations—

- (a) administer the arrangements made in pursuance of this Act for the provision for its area of primary medical services, primary dental services, primary ophthalmic services, pharmaceutical services and local pharmaceutical services, and
- (b) perform such management and other functions relating to those services as may be prescribed.

## **23 Advice for Primary Care Trusts**

Each Primary Care Trust must make arrangements with a view to securing that it receives advice appropriate for enabling it effectively to exercise the functions exercisable by it from persons with professional expertise relating to the physical or mental health of individuals.

**24 Plans for improving health etc**

- (1) Each Primary Care Trust must, at such times as the Secretary of State may direct, prepare a plan which sets out a strategy for improving—
  - (a) the health of the people for whom it is responsible, and
  - (b) the provision of health care to such people.
- (2) Each Primary Care Trust must keep under review any plan prepared by it under this section.
- (3) Each local authority whose area falls wholly or partly within the area of a Primary Care Trust must participate in the preparation or review by the Primary Care Trust of any plan under this section.
- (4) In preparing or reviewing any plan under this section, a Primary Care Trust—
  - (a) must consult, or seek the participation of, such persons as the Secretary of State may direct, and
  - (b) may consult, or seek the participation of, such other persons as it considers appropriate.
- (5) The Secretary of State may give directions as to—
  - (a) the periods to be covered by plans under this section,
  - (b) the action to be taken by Strategic Health Authorities, Primary Care Trusts and local authorities in connection with the preparation or review of plans under this section,
  - (c) the matters to be taken into account in connection with the preparation or review of plans under this section,
  - (d) the matters to be dealt with by plans under this section,
  - (e) the form and content of plans under this section,
  - (f) the publication of plans prepared or reviewed under this section,
  - (g) the sharing of information between Strategic Health Authorities, Primary Care Trusts, Local Health Boards and local authorities in connection with the preparation or review of plans under this section or section 17 of the National Health Service (Wales) Act 2006 (c. 42),
  - (h) the provision by Strategic Health Authorities, Primary Care Trusts and Local Health Boards of reports or other information to the Secretary of State in connection with plans under this section or section 17 of the National Health Service (Wales) Act 2006 (c. 42).
- (6) In exercising its functions—
  - (a) a Primary Care Trust must have regard to any plan prepared or reviewed by it, and to any plan in relation to which it has participated by virtue of subsection (4).
  - (b) a Strategic Health Authority must have regard to any plan prepared or reviewed by a Primary Care Trust any part of whose area falls within its area, and
  - (c) a local authority must have regard to any plan in relation to which it has participated.
- (7) For the purposes of this section, the persons for whom a Primary Care Trust is responsible are—
  - (a) the people in the area of the Primary Care Trust, and

- (b) such of the people outside the area as may be specified in directions given by the Secretary of State.
- (8) “Health care” means—
- (a) services provided to individuals for or in connection with the prevention, diagnosis or treatment of illness, and
  - (b) the promotion and protection of public health.