



# National Health Service (Wales) Act 2006

## 2006 CHAPTER 42

### PART 3

#### LOCAL AUTHORITIES AND THE NHS

#### **39 Conditions of supply under section 38**

- (1) The Welsh Ministers must, before they make available the services of any officer under subsection (3)(b) of section 38, or subsection (6)(b) or (c) of that section—
  - (a) consult the officer or a body recognised by the Welsh Ministers as representing the officer, or
  - (b) satisfy themselves that the body who employs the officer has consulted the officer about the matter.
- (2) The Welsh Ministers may disregard the provisions of subsection (1) in a case where they—
  - (a) consider it necessary to make the services of an officer available for the purpose of dealing temporarily with an emergency, and
  - (b) have previously consulted a body such as is mentioned in subsection (1)(b) about making services available in an emergency.
- (3) The Welsh Ministers may, for the purposes of subsection (3)(b) of section 38, or subsection (6)(b) or (c) of that section, give such directions to Primary Care Trusts, Special Health Authorities and Local Health Boards to make the services of their officers available as the Welsh Ministers consider appropriate.
- (4) Powers under this section and section 38 may be exercised on such terms as may be agreed, including terms as to the making of payments to the Welsh Ministers.
- (5) The Welsh Ministers may make such charges in respect of services or facilities provided under section 38(6) as may be agreed between the Welsh Ministers and the local authority or, in default of agreement, as may be determined by arbitration.
- (6) Any power to supply goods or materials under section 38 includes—
  - (a) a power to purchase and store them, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) a power to arrange with third parties for the supply of goods or materials by those third parties.