

*These notes refer to the Health and Social Care Act 2008  
(c.14) which received Royal Assent on 21 July 2008*

# HEALTH AND SOCIAL CARE ACT 2008

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## EXPLANATORY NOTES

### TERRITORIAL EXTENT

#### *Social care*

#### ***Section 145: Human Rights Act 1998: provision of certain social care to be public function***

497. **Section 145** provides that where a private or voluntary sector care home provider provides accommodation together with nursing or personal care to a person under arrangements made with a local authority or, in Northern Ireland, DHSSPSNI, under certain statutory provisions the provider is taken to be exercising a function of a public nature under section 6(3)(b) of the Human Rights Act 1998. This means that such providers are required not to act incompatibly with rights under the Convention in providing these services. It also means that the person receiving such accommodation and care can take proceedings against the provider under the Human Rights Act 1998 if the provider breaches his or her rights under the Convention. Section 145 does not affect the question of whether persons in the private or voluntary sector who provide other forms of publicly-funded social care or health care are to be regarded as exercising a public function.