

**Status:** This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Health and Social Care Act 2012, Cross Heading: National Health Service (Wales) Act 2006 (c. 42) 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

## SCHEDULES

### SCHEDULE 21

#### AMENDMENTS RELATING TO RELATIONSHIPS BETWEEN THE HEALTH SERVICES

##### *National Health Service (Wales) Act 2006 (c. 42)*

12 The National Health Service (Wales) Act 2006 is amended as follows.

#### Commencement Information

- I1** Sch. 21 para. 12 in force at 1.2.2013 for specified purposes by [S.I. 2012/2657](#), **art. 2(4)**  
**I2** Sch. 21 para. 12 in force at 1.4.2013 for specified purposes by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

#### PROSPECTIVE

- 13 In section 7 (NHS contracts), in subsection (4)—
- (a) omit paragraph (a),
  - (b) omit paragraph (b),
  - (c) before paragraph (c) insert—
    - “(ba) the National Health Service Commissioning Board,
    - (bb) a clinical commissioning group,”
  - (d) after paragraph (f) insert—
    - “(fa) a Special Health Board constituted under that section,”
  - (e) omit paragraph (j), and
  - (f) after paragraph (n) insert—
    - “(na) the Scottish Ministers,
    - (nb) Healthcare Improvement Scotland,”

#### Commencement Information

- I3** Sch. 21 para. 13(a)(b) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))  
**I4** Sch. 21 para. 13(c)-(f) in force at 1.2.2013 by [S.I. 2012/2657](#), **art. 2(4)**

14 After section 8 insert—

#### “8A Provision for bodies in Scotland

- (1) Subsection (2) applies where the Scottish Ministers are, or a body mentioned in paragraph (f), (fa), (h), (l) or (nb) of section 7(4) is, a party or prospective party to an arrangement or proposed arrangement which—
  - (a) falls within the definition of NHS contract in section 7(1), and

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- (b) also falls within the definition of NHS contract in section 17A of the National Health Service (Scotland) Act 1978.
- (2) Subsections (5) to (13) of section 7 apply in relation to the arrangement or proposed arrangement with the substitution for references to the Welsh Ministers—
  - (a) in so far as the arrangement or proposed arrangement relates to reserved matters within the meaning of the Scotland Act 1998, of references to the Welsh Ministers and the Secretary of State acting jointly, and
  - (b) for all other purposes, of references to the Welsh Ministers and the Scottish Ministers acting jointly.
- (3) Subsection (4) applies (and subsection (2) does not apply) where a cross-border Special Health Authority is a party or prospective party to an arrangement or proposed arrangement which—
  - (a) falls within the definition of NHS contract in section 7(1), and
  - (b) also falls within the definition of NHS contract in section 17A of the National Health Service (Scotland) Act 1978 and the definition of NHS contract in section 9(1) of the National Health Service Act 2006.
- (4) Subsections (5) to (13) of section 7 apply in relation to the arrangement or proposed arrangement (except in so far as it relates to reserved matters within the meaning of the Scotland Act 1998) with the substitution for references to the Welsh Ministers—
  - (a) where the cross-border Special Health Authority is exercising functions in relation to Wales only, of references to the Welsh Ministers and the Scottish Ministers acting jointly, and
  - (b) where the Authority is exercising functions in relation to England and Wales, of references to the Welsh Ministers and the Secretary of State acting concurrently with each other and jointly with the Scottish Ministers.
- (5) In subsections (3) and (4), “cross-border Special Health Authority” means a Special Health Authority which is established under the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 by virtue of—
  - (a) paragraph 1(2) of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006, or
  - (b) the power under section 28 of the National Health Service Act 2006 and the power under section 22 of the National Health Service (Wales) Act 2006 being exercised together.”

**Commencement Information**

**I5** Sch. 21 para. 14 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 15 In section 10 (Welsh Ministers' arrangements with other bodies), in subsection (4) omit paragraph (b).

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#### Commencement Information

**I6** Sch. 21 para. 15 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 16 In section 13 (exercise of Local Health Board functions), in subsection (3)—
- (a) omit paragraph (a), and
  - (b) before paragraph (b) insert—
    - “(aa) the National Health Service Commissioning Board,
    - (ab) clinical commissioning groups,”.

#### Commencement Information

**I7** Sch. 21 para. 16 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 17 In section 17 (plans for improving health etc), in subsection (6)—
- (a) in paragraph (g)—
    - (i) after “between” insert “the National Health Service Commissioning Board, clinical commissioning groups,”,
    - (ii) omit “Strategic Health Authorities,”,
    - (iii) omit “Primary Care Trusts,”, and
    - (iv) for “section 24 of the National Health Service Act 2006 (c. 41)” substitute “the preparation of joint health and wellbeing strategies under section 116A of the Local Government and Public Involvement in Health Act 2007”, and
  - (b) in paragraph (h)—
    - (i) after “provision by” insert “the National Health Service Commissioning Board, clinical commissioning groups,”,
    - (ii) omit “Strategic Health Authorities,”,
    - (iii) omit “Primary Care Trusts”, and
    - (iv) for “section 24 of the National Health Service Act 2006 (c. 41)” substitute “joint health and wellbeing strategies under section 116A of the Local Government and Public Involvement in Health Act 2007”.

#### Commencement Information

**I8** Sch. 21 para. 17 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 18 In section 22 (special health authorities), omit subsection (6).

#### Commencement Information

**I9** Sch. 21 para. 18 in force at 1.2.2013 by [S.I. 2012/2657](#), [art. 2\(4\)](#)

- 19 In section 26 (intervention orders), in subsection (1) after “other than” insert “the National Health Service Commissioning Board, clinical commissioning groups and”.

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**Commencement Information**

**I10** Sch. 21 para. 19 in force at 1.2.2013 by [S.I. 2012/2657](#), [art. 2\(4\)](#)

- 20 In section 27 (effect of intervention orders), in subsection (1)—
- (a) omit “Strategic Health Authority,” in each place it occurs, and
  - (b) omit “Primary Care Trust,” in each place it occurs.

**Commencement Information**

**I11** Sch. 21 para. 20 in force at 1.2.2013 by [S.I. 2012/2657](#), [art. 2\(4\)](#)

- 21 In section 28 (default powers), in subsection (1) after “other than” insert “the National Health Service Commissioning Board, clinical commissioning groups and”.

**Commencement Information**

**I12** Sch. 21 para. 21 in force at 1.2.2013 by [S.I. 2012/2657](#), [art. 2\(4\)](#)

- 22 In section 34 (power of local authorities to make payments), in subsection (1)—
- (a) after “payments to” insert “the National Health Service Commissioning Board, a clinical commissioning group”,
  - (b) omit “a Strategic Health Authority,” and
  - (c) omit “a Primary Care Trust”.

**Commencement Information**

**I13** Sch. 21 para. 22 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 23 In section 36 (directed partnership arrangements), in subsection (3)—
- (a) omit paragraph (a), and
  - (b) omit paragraph (b).

**Commencement Information**

**I14** Sch. 21 para. 23 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 24 (1) Section 38 (supply of goods and services by the Welsh Ministers) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a) omit “or by a Primary Care Trust”, and
  - (b) in paragraph (b) omit “, a Primary Care Trust”.
- (3) In subsection (6) omit “, a Primary Care Trust” in each place it occurs.
- (4) In subsection (7), in paragraph (d) omit “, Primary Care Trusts”.

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**Commencement Information**

**I15** Sch. 21 para. 24 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 25 In section 39 (conditions of supply under section 38), in subsection (3), omit “Primary Care Trusts,”.

**Commencement Information**

**I16** Sch. 21 para. 25 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 26 In section 41 (duty to provide primary medical services), omit subsection (4).

**Commencement Information**

**I17** Sch. 21 para. 26 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 27 (1) Section 51 (persons with whom agreements for provision of primary medical services may be made) is amended as follows.
- (2) In subsection (1)(g), omit “Primary Care Trust or”.
- (3) In subsection (3), in paragraph (b) of the definition of “NHS employee”, omit “Primary Care Trust or”.

**Commencement Information**

**I18** Sch. 21 para. 27 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 28 In section 56 (primary dental services), omit subsection (4).

**Commencement Information**

**I19** Sch. 21 para. 28 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 29 (1) Section 65 (persons with whom agreements for provision of primary dental services may be made) is amended as follows.
- (2) In subsection (1)(g), omit “Primary Care Trust or”.
- (3) In subsection (3), in paragraph (b) of the definition of “NHS employee”, omit “Primary Care Trust or”.

**Commencement Information**

**I20** Sch. 21 para. 29 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 30 In section 106 (provision about regulations under section 105), in subsection (2)—
- (a) omit paragraph (e), and
- (b) after paragraph (e) insert—

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“(f) a list corresponding to a list mentioned in any of paragraphs (a) to (d) prepared by the National Health Service Commissioning Board under or by virtue of the National Health Service Act 2006,”

**Commencement Information**

**I21** Sch. 21 para. 30 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 31 (1) Section 115 (national disqualification) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (e),
- (b) after that paragraph insert—
- “(f) the lists corresponding to the lists mentioned in paragraphs (a) to (d) prepared by the National Health Service Commissioning Board under or by virtue of the National Health Service Act 2006,”
- (c) after “such lists prepared by each Local Health Board” insert “and the National Health Service Commissioning Board”, and
- (d) omit “and each Primary Care Trust”.
- (3) In subsection (6)—
- (a) in paragraph (a)—
- (i) omit “or Primary Care Trust”, and
- (ii) before “may include” insert “or the National Health Service Commissioning Board”, and
- (b) in paragraph (b)—
- (i) omit “and each Primary Care Trust”, and
- (ii) after “included” insert “, and the National Health Service Commissioning Board,”.

**Commencement Information**

**I22** Sch. 21 para. 31 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 32 In section 131 (payment of travelling expenses), in paragraph (c) omit “, and, in such cases as may be prescribed, to a Primary Care Trust,”.

**Commencement Information**

**I23** Sch. 21 para. 32 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 33 In section 144 (persons and bodies about which provision is made), in subsection (2) for “section 22(6)” substitute “section 206(1)”.

**Commencement Information**

**I24** Sch. 21 para. 33 in force at 1.2.2013 by [S.I. 2012/2657](#), **art. 2(4)**

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- 34 In section 161 (transfers of trust property), in subsection (2)(c)—
- <sup>F1</sup>(a) .....
  - (b) omit “a Primary Care Trust,”

**Textual Amendments**

**F1** Sch. 21 para. 34(a) omitted (17.6.2021) by virtue of NHS (Charitable Trusts Etc) Act 2016 (c. 10), s. 5(1), Sch. 1 para. 16(b); S.I. 2021/712, reg. 3(c)

**Commencement Information**

**I25** Sch. 21 para. 34 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 35 (1) Section 162 (transfer of functions and property to or from special trustees) is amended as follows.
- (2) In subsection (1)—
- (a) after the first “by” insert “the National Health Service Commissioning Board, a clinical commissioning group,”, and
  - (b) omit “a Primary Care Trust,”.
- (3) In subsection (3)(a)—
- <sup>F2</sup>(a) .....
  - (b) omit “a Primary Care Trust,”.

**Textual Amendments**

**F2** Sch. 21 para. 35(3)(a) omitted (17.6.2021) by virtue of NHS (Charitable Trusts Etc) Act 2016 (c. 10), s. 5(1), Sch. 1 para. 16(b); S.I. 2021/712, reg. 3(c)

**Commencement Information**

**I26** Sch. 21 para. 35 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 36 In section 181 (payment for medical examination before application for admission to hospital under the Mental Health Act), in subsection (2)(b)—
- (a) omit “a Primary Care Trust,”, and
  - (b) before “NHS trust” insert “an”.

**Commencement Information**

**I27** Sch. 21 para. 36 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 37 In section 197 (university clinical teaching and research), in subsection (2)(a)—
- (a) after “exercisable by” insert “the National Health Service Commissioning Board,”,
  - (b) after “a” insert “clinical commissioning group,”,
  - (c) omit “a Strategic Health Authority,”, and
  - (d) omit “Primary Care Trust,”.

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**Commencement Information**

**I28** Sch. 21 para. 37 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 38 (1) In section 206 (interpretation), in subsection (1)—
- (a) before the definition of “dental practitioner” insert—
- ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006,”
- (b) after the definition of “modifications” insert—
- ““NHS body” means—
- (a) a Special Health Authority,
- (b) an NHS trust,
- (c) an NHS foundation trust,
- (d) a Local Health Board,
- (e) the National Health Service Commissioning Board, and
- (f) a clinical commissioning group.”
- (c) omit the definition of “Primary Care Trust”, and
- (d) omit the definition of “Strategic Health Authority”.
- (2) Until the commencement of section 34 of this Act, the definition of “NHS body” in section 206(1) of the National Health Service (Wales) Act 2006 has effect as if it included a reference to a Primary Care Trust.

**Commencement Information**

**I29** Sch. 21 para. 38(1)(a)(b)(2) in force at 1.2.2013 by [S.I. 2012/2657](#), [art. 2\(4\)](#) (with [art. 13](#))

**I30** Sch. 21 para. 38(1)(c)(d) in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 39 In Schedule 2 (Local Health Boards), in paragraph 9—
- (a) omit “Strategic Health Authorities and”,
- (b) omit “under paragraph 7(8) of Schedule 2 to the National Health Service Act 2006 (c. 41) and”, and
- (c) for “that Act” substitute “the National Health Service Act 2006”.

**Commencement Information**

**I31** Sch. 21 para. 39 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 40 (1) Schedule 3 (NHS trusts) is amended as follows.
- (2) In paragraph 5(1)(f) omit “Primary Care Trust”.
- (3) In paragraph 6—
- (a) omit “Strategic Health Authority,” in each place it occurs, and
- (b) omit “, Primary Care Trust” in each place it occurs.
- (4) In paragraph 7, in sub-paragraph (3) omit “Strategic Health Authority”.
- (5) In paragraph 8 omit “, Primary Care Trust” in each place it occurs.



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- (6) In paragraph 9—
- (a) in sub-paragraph (1)—
    - (i) omit “a Strategic Health Authority,”, and
    - (ii) omit “a Primary Care Trust,”,
  - (b) in sub-paragraph (3)—
    - (i) omit “Strategic Health Authority,”, and
    - (ii) omit “Primary Care Trust,”,
  - (c) in sub-paragraph (6)—
    - (i) omit “a Strategic Health Authority,”, and
    - (ii) omit “a Primary Care Trust,”, and
  - (d) in sub-paragraph (7)—
    - (i) omit “Strategic Health Authority,” in each place it occurs,
    - (ii) omit “or belong to a Primary Care Trust”, and
    - (iii) omit “Primary Care Trust,”.
- (7) In paragraph 18—
- (a) omit “Strategic Health Authority,”, and
  - (b) omit “Primary Care Trust,”.
- (8) In paragraph 30—
- (a) omit “Strategic Health Authority,”, and
  - (b) omit “Primary Care Trust,”.

#### Commencement Information

**I32** Sch. 21 para. 40 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 41 (1) Schedule 5 (Special Health Authorities) is amended as follows.
- (2) In paragraph 3—
- (a) in sub-paragraph (8)—
    - (i) omit “or to a Strategic Health Authority”, and
    - (ii) omit “, a Strategic Health Authority”, and
  - (b) in sub-paragraph (12)—
    - (i) in paragraph (a) omit “or of a Strategic Health Authority”, and
    - (ii) in paragraph (b) omit “or by a Strategic Health Authority”.
- (3) In paragraph 13, for “a Strategic Health Authority” substitute “the National Health Service Commissioning Board”.

#### Commencement Information

**I33** Sch. 21 para. 41 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 42 (1) Schedule 10 (further provision about Community Health Councils) is amended as follows.
- (2) In paragraph 2—
- (a) omit “, Strategic Health Authorities” in each place it occurs, and

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(b) omit “, Primary Care Trusts” in each place it occurs.

(3) In paragraph 3—

(a) omit paragraph (b), and

(b) omit paragraph (c).

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**Commencement Information**

**I34** Sch. 21 para. 42 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**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):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)