

Changes to legislation: Health and Social Care Act 2012, PART 3 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 4

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

PART 3

LOCAL AUTHORITIES

- 24 In section 74 (supply of goods and services by local authorities), in subsection (1) (a)—
- (a) at the beginning insert “the Board and”,
 - (b) after “any” insert “clinical commissioning group or”,
 - (c) omit “Strategic Health Authority,” and
 - (d) omit “or Primary Care Trust”.

Commencement Information

I1 Sch. 4 para. 24 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 25 In section 76 (power of local authorities to make payments), in subsection (1)—
- (a) after the first “to” insert “the Board, a clinical commissioning group”,
 - (b) omit “a Strategic Health Authority,” and
 - (c) omit “a Primary Care Trust”.

Commencement Information

I2 Sch. 4 para. 25 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 26 In section 77 (Care Trusts), in each of subsections (1)(a), (10) and (12) omit “a Primary Care Trust or”.

Commencement Information

I3 Sch. 4 para. 26 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 27 In section 78 (directed partnership agreements), in subsection (3)—
- (a) omit paragraph (a), and
 - (b) omit paragraph (b).

Commencement Information

I4 Sch. 4 para. 27 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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- 28 (1) Section 80 (supply of goods and services by the Secretary of State) is amended as follows.
- (2) In subsection (1)—
- (a) after “The Secretary of State” insert “, the Board or a clinical commissioning group”, and
 - (b) in paragraph (b) for “he” substitute “the Secretary of State”.
- (3) In subsection (3)—
- (a) in paragraph (a) omit “or by a Primary Care Trust”, and
 - (b) in paragraph (b)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,”.
- (4) After subsection (3) insert—
- “(3A) The Board or a clinical commissioning group may make available to persons falling within subsection (1)—
- (a) any facilities the provision of which is arranged by the Board or (as the case may be) the clinical commissioning group under this Act (including by virtue of section 7A),
 - (b) any facilities of the Board or (as the case may be) the group, and
 - (c) the services of persons employed by the Board or (as the case may be) the group.”
- (5) In subsection (4) after “carry out” insert “, and the Board or a clinical commissioning group may arrange for the carrying out of,”.
- (6) In subsection (5), for “The Secretary of State” substitute “The Board”.
- (7) In subsection (6)—
- (a) in paragraph (a), after “provided” insert “by the Secretary of State”,
 - (b) in paragraph (b)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,” and
 - (c) in paragraph (c)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,”.
- (8) After subsection (6) insert—
- “(6A) The Board and each clinical commissioning group must make available to local authorities—
- (a) any services (other than the services of any person) or other facilities the provision of which is arranged by the Board or (as the case may be) the clinical commissioning group under this Act,
 - (b) the services of persons employed by the Board or (as the case may be) the group, and
 - (c) any facilities of the Board or (as the case may be) the group, so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.”

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(9) In subsection (7)—

- (a) for “The Secretary of State” substitute “The Board”,
- (b) at the end of paragraph (c) insert “or”, and
- (c) omit paragraph (e) and the word “or” immediately preceding it.

(10) After that subsection insert—

“(8) The Secretary of State may arrange to make available to local authorities the services of persons providing Special Health Authorities or Local Health Boards with services of a kind provided as part of the health service, so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.

(9) The Board or a clinical commissioning group may arrange to make available to local authorities the services of persons providing services pursuant to arrangements made under this Act by the Board or (as the case may be) the clinical commissioning group, so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.

(10) The reference in subsection (9) to arrangements made by the Board or (as the case may be) a clinical commissioning group includes a reference to arrangements so made by virtue of section 7A.”

(11) In the title to section 80, after “Secretary of State” insert “, the Board and clinical commissioning groups”.

(12) Until the commencement of section 34, subsection (8) of section 80 of the National Health Service Act 2006 (as inserted by sub-paragraph (10)) has effect as if after “Special Health Authorities” there were inserted “, Primary Care Trusts”.

Commencement Information

I5 Sch. 4 para. 28 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

29 (1) Section 81 (conditions of supply under section 80) is amended as follows.

(2) In subsection (1)—

- (a) for the words from the beginning to “that section” substitute “Before a person makes the services of any officer available under section 80(3)(b), (3A)(c), (6)(b) or (c) or (6A)(b), the person must”,
- (b) in paragraph (a) for “the Secretary of State” substitute “the person”, and
- (c) in paragraph (b) at the beginning insert “where the person is the Secretary of State and is not the officer's employer,”.

(3) In subsection (2)—

- (a) for “The Secretary of State” substitute “The person concerned”, and
- (b) for “he” substitute “it”.

(4) In subsection (3)—

- (a) omit “Strategic Health Authorities,”, and
- (b) omit “Primary Care Trusts,”.

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- (5) In subsection (4) for “the Secretary of State” substitute “the person who makes the services available”.
- (6) In subsection (5) —
- (a) for the words from the beginning to “section 80(6)” substitute “A person who makes services or facilities available under section 80(6) or (6A) may make such charges in respect of them”, and
 - (b) for “the Secretary of State” substitute “the person”.

Commencement Information

I6 Sch. 4 para. 29 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

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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\(5\)](#)