

Changes to legislation: Health and Social Care Act 2012, Cross Heading: Children Act 1989 (c. 41) is up to date with all changes known to be in force on or before 21 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 5

PART 1: AMENDMENTS OF OTHER ENACTMENTS

Children Act 1989 (c. 41)

47 The Children Act 1989 is amended as follows.

Commencement Information

I1 Sch. 5 para. 47 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

48 In section 21 (provision of accommodation for children in police protection etc), in subsection (3)—

- (a) for “Secretary of State,” substitute “Secretary of State or”,
- (b) omit “or a Primary Care Trust” (in each place where it occurs), and
- (c) after “arrangements made by” insert “the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or”.

Commencement Information

I2 Sch. 5 para. 48 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

49 In section 24 (persons qualifying for advice and assistance), in subsection (2)—

- (a) in paragraph (d), in sub-paragraph (i) omit “or Primary Care Trust”, and
- (b) in that paragraph, in sub-paragraph (ii) after “provided” insert “pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or”.

Commencement Information

I3 Sch. 5 para. 49 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-10](#), [Sch. paras. 1, 4](#))

^{F1}50

Textual Amendments

F1 Sch. 5 para. 50 omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), [regs. 2\(1\)](#), [286](#)

51 In section 27 (co-operation between authorities), in subsection (3)—

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- (a) after paragraph (c) insert—
 - “(ca) the National Health Service Commissioning Board;”, and”
- (b) in paragraph (d)—
 - (i) after “any” insert “clinical commissioning group;”, and
 - (ii) omit “, Primary Care Trust”.

Commencement Information

I4 Sch. 5 para. 51 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

- 52 In section 29 (recoupment of cost of providing services), in subsection (8) in paragraph (c)—
- (a) for “Secretary of State,” substitute “Secretary of State or”,
 - (b) omit “or a Primary Care Trust” (in both places where it occurs),
 - (c) after “arrangements made by” insert “the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or by”, and
 - (d) omit “a Strategic Health Authority,”.

Commencement Information

I5 Sch. 5 para. 52 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

- 53 In section 47 (local authority's duty to investigate), in subsection (11)—
- (a) after paragraph (c) insert—
 - “(ca) the National Health Service Commissioning Board;”, and”
 - (b) in paragraph (d)—
 - (i) after “any” insert “clinical commissioning group;”, and
 - (ii) omit “, Primary Care Trust”.

Commencement Information

I6 Sch. 5 para. 53 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

- 54 In section 80 (inspection of children's homes)—
- (a) in subsection (1), in paragraph (d) —
 - (i) omit “, Primary Care Trust”, and
 - (ii) after “NHS foundation trust” insert “or pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006”,
 - (b) in subsection (5), in paragraph (e) omit “Primary Care Trust;”, and
 - (c) after that paragraph insert—
 - “(ea) person providing accommodation for a child pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006;”.

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Commencement Information

I7 Sch. 5 para. 54 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

55 In section 85 (children accommodated by health authorities)—

- (a) in subsection (1) omit “Primary Care Trust,”, and
- (b) after subsection (2) insert—

“(2ZA) Where a child is provided with accommodation—

- (a) by a body which is not mentioned in subsection (1), and
- (b) pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006,

subsections (1) and (2) apply in relation to the Secretary of State, the Board or (as the case may be) the clinical commissioning group as if it were the accommodating authority.”

Commencement Information

I8 Sch. 5 para. 55 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-10](#), [Sch. paras. 1, 4](#))

56 (1) Section 105 (interpretation) is amended as follows.

(2) In subsection (1)—

- (a) before the definition of “community home” insert—

““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”

- (b) omit the definition of “Primary Care Trust”, and
- (c) omit the definition of “Strategic Health Authority”.

(3) After subsection (7) insert—

“(7A) References in this Act to a hospital or accommodation made available or provided pursuant to arrangements made by the Secretary of State under the National Health Service Act 2006 are references to a hospital or accommodation made available or provided pursuant to arrangements so made in the exercise of the public health functions of the Secretary of State (within the meaning of that Act).

(7B) References in this Act to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 include references to arrangements so made by virtue of section 7A of that Act.”

Commencement Information

I9 Sch. 5 para. 56 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\(5\)](#)