

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

*Changes to legislation:* Health and Social Care Act 2012, Cross Heading: Health and Social Care Act 2008 (c. 14) 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 5

#### PART 1: AMENDMENTS OF OTHER ENACTMENTS

##### *Health and Social Care Act 2008 (c. 14)*

154 The Health and Social Care Act 2008 is amended as follows.

#### Commencement Information

**I1** Sch. 5 para. 154 in force at 1.4.2013 for specified purposes by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

155 In section 30 (urgent procedure for cancellation), in subsection (3)—

- (a) before paragraph (a) insert—
  - “(za) in any case where regulations so provide, to the National Health Service Commissioning Board,”
- (b) in paragraph (a)—
  - (i) at the beginning insert “in any case where regulations so provide,”
  - (ii) after “such” insert “clinical commissioning group”, and
  - (iii) omit “Primary Care Trust”, and
- (c) omit paragraph (b).

#### Commencement Information

**I2** Sch. 5 para. 155 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

156 In section 39 (bodies required to be notified of certain matters), in subsection (1)—

- (a) before paragraph (a) insert—
  - “(za) in any case where regulations so provide, to the National Health Service Commissioning Board,”
- (b) in paragraph (a)—
  - (i) at the beginning insert “in any case where regulations so provide,”
  - (ii) after “such” insert “clinical commissioning group”, and
  - (iii) omit “Primary Care Trust”, and
- (c) omit paragraph (b).

#### Commencement Information

**I3** Sch. 5 para. 156 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

<sup>F1</sup>157 .....

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**Textual Amendments**

**F1** Sch. 5 para. 157 omitted (1.10.2014) by virtue of [Care Act 2014 \(c. 23\)](#), **ss. 91(9)(f)**, 127(1); [S.I. 2014/1714](#), art. 4

- 158 In section 48 (special reviews and investigations)—
- (a) in subsection (2) after paragraph (b) (and before the “or” immediately following it) insert—
    - “(ba) the exercise of the functions of the National Health Service Commissioning Board or a clinical commissioning group in arranging for the provision of NHS care under the National Health Service Act 2006,” and
  - (b) in subsection (8) omit paragraph (a) and the word “or” immediately following it.

**Commencement Information**

**I4** Sch. 5 para. 158 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

<sup>F2</sup>159 .....

**Textual Amendments**

**F2** Sch. 5 para. 159 omitted (1.10.2014) by virtue of [Care Act 2014 \(c. 23\)](#), **ss. 91(9)(f)**, 127(1); [S.I. 2014/1714](#), art. 4

- 160 In section 54 (studies as to economy, efficiency etc)—
- (a) omit subsection (2)(b), and
  - (b) in subsection (5) after “reference to” insert “the National Health Service Commissioning Board, a clinical commissioning group or”.

**Commencement Information**

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

- 161 In section 59 (additional functions) at the end insert—
- “(3) The references in subsection (1) to English NHS bodies do not include references to the National Health Service Commissioning Board or clinical commissioning groups.”

**Commencement Information**

**I6** Sch. 5 para. 161 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 162 In section 64 (power to require documents and information), in subsection (2)(b)—
- (a) after “commissioned by” insert “—
    - (i) the National Health Service Commissioning Board,
    - (ii) a clinical commissioning group, or

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(iii)”,  
and

(b) omit “a Primary Care Trust”.

#### Commencement Information

I7 Sch. 5 para. 162 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

PROSPECTIVE

F3 163 .....

#### Textual Amendments

F3 Sch. 5 para. 163 omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), ss. 91(9)(f), 127(1); S.I. 2014/1714, art. 4

PROSPECTIVE

F4 164 .....

#### Textual Amendments

F4 Sch. 5 para. 164 omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), ss. 91(9)(f), 127(1); S.I. 2014/1714, art. 4

165 In section 81 (publication of programme of reviews etc), in subsection (2) after paragraph (a) and before the “and” immediately following it insert—  
“(aa) the National Health Service Commissioning Board,”.

#### Commencement Information

I8 Sch. 5 para. 165 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

166 (1) Section 97 (general interpretation of Part 1) is amended as follows.

(2) In subsection (1) in the definition of “English NHS body”—

- (a) omit paragraph (a),
- (b) omit paragraph (b), and
- (c) before paragraph (d) insert—

“(ca) the National Health Service Commissioning Board,  
(cb) a clinical commissioning group,”.

(3) In that subsection in the definition of “English NHS provider” omit paragraph (a).

(4) In that subsection in the definition of “NHS care”—

- (a) after “health care” insert “—

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(a) commissioned by the National Health Service Commissioning Board or by a clinical commissioning group (whether from an English NHS provider or not), or

(b)”, and

(b) omit from “provided by” to the end.

(5) After subsection (2) insert—

“(2A) Any reference in this Part to health care commissioned by the National Health Service Commissioning Board or by a clinical commissioning group is a reference to health care provided by other persons pursuant to arrangements made by the Board or a clinical commissioning group under the National Health Service Act 2006 (including arrangements so made by virtue of section 7A of that Act).”

(6) Omit subsection (3).

**Commencement Information**

**I9** Sch. 5 para. 166 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

167 In section 153 (directions to certain NHS bodies) in subsection (1)—

(a) omit paragraph (a), and

(b) omit paragraph (b).

**Commencement Information**

**I10** Sch. 5 para. 167 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\(5\)](#)