
Changes to legislation: *Health and Social Care Act 2012, Cross Heading: National Health Service and Community Care Act 1990 (c. 19) is up to date with all changes known to be in force on or before 20 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

National Health Service and Community Care Act 1990 (c. 19)

58 The National Health Service and Community Care Act 1990 is amended as follows.

Commencement Information

I1 Sch. 5 para. 58 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

59 In section 47 (assessment of needs for community care services), in subsection (3)

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- (a) before paragraph (a) insert—
 - “(za) that there may be a need for the provision to that person, pursuant to arrangements made under the National Health Service Act 2006 by such clinical commissioning group as may be determined in accordance with regulations, of any services (including services that may be provided pursuant to such arrangements by virtue of section 7A of that Act),”
 - (b) in paragraph (a), omit “Primary Care Trust or”,
 - (c) in that paragraph omit “the National Health Service Act 2006 or”,
 - (d) in the text following paragraph (b), omit “Primary Care Trust,” (in both places where it occurs), and
 - (e) in that text, before “Health Authority” (in both places it occurs) insert “clinical commissioning group,”.

Commencement Information

I2 Sch. 5 para. 59 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

60 In section 49 (transfer of staff to local authorities), in subsection (4)(b)—

- (a) omit “Strategic Health Authority,” and
- (b) omit “Primary Care Trust,”.

Commencement Information

I3 Sch. 5 para. 60 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

61 In section 60 (removal of crown immunities), in subsection (7)—

- (a) in paragraph (a) omit the words from “a Strategic” to “2006 or”, and

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- (b) in paragraph (aa) for “that Act” substitute “the National Health Service Act 2006”.

Commencement Information

I4 Sch. 5 para. 61 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

Changes to legislation:

Health and Social Care Act 2012, Cross Heading: National Health Service and Community Care Act 1990 (c. 19) is up to date with all changes known to be in force on or before 20 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.

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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. 251 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\(5\)](#)