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## SCHEDULES

### SCHEDULE 5

Section 55(2)

#### PART 1: AMENDMENTS OF OTHER ENACTMENTS

##### *Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)*

- 1 In section 1 of the Voluntary Hospitals (Paying Patients) Act 1936 (definitions)—
- (a) in the definition of “voluntary hospital”, for “, NHS foundation trust or a Primary Care Trust” substitute “or an NHS foundation trust”, and
  - (b) omit the definition of “Primary Care Trust”.

#### Commencement Information

**11** Sch. 5 para. 1 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

##### *National Assistance Act 1948 (c. 29)*

- 2 The National Assistance Act 1948 is amended as follows.

#### Commencement Information

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

- 3 (1) Section 24 (local authority's liability for provision of accommodation) is amended as follows.
- (2) In subsections (6A) and (6B)—
    - (a) after “by a” insert “clinical commissioning group or”, and
    - (b) omit “Primary Care Trust or”.
  - (3) After subsection (6B), insert—

“(6C) The references in subsections (6A) and (6B) to a clinical commissioning group are, so far as necessary for the purposes of regulations under section 117(2E) of the Mental Health Act 1983, to be read as references to the National Health Service Commissioning Board.”

#### Commencement Information

**13** Sch. 5 para. 3 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 4 In section 26 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C)—
- (a) after “such” insert “clinical commissioning group or”, and

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- (b) omit “Primary Care Trust or”.

**Commencement Information**

**I4** Sch. 5 para. 4 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

PROSPECTIVE

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 5 In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (capacities in respect of which payments under Part 5 of the Act may be made, and paying authorities), in paragraph 15—
- (a) in the first column (headed “capacity”), after “Officer of” insert “the National Health Service Commissioning Board, a clinical commissioning group,”,
  - (b) in that column, omit “a Strategic Health Authority,”,
  - (c) in the second column (headed “paying authority”), after “The” insert “National Health Service Commissioning Board, clinical commissioning group,”, and
  - (d) in that column, omit “Strategic Health Authority,”.

**Commencement Information**

**I5** Sch. 5 para. 5(a)(c) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

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

*Public Records Act 1958 (c. 51)*

- 6 In Schedule 1 to the Public Records Act 1958 (bodies the records of which are public records), in paragraph 3(2) in the Table, in the second column of the first entry relating to the Department of Health—
- (a) after “Authorities including” insert “the National Health Service Commissioning Board, clinical commissioning groups,”,
  - (b) after “records of trust property passing to” insert “the National Health Service Commissioning Board, a clinical commissioning group,”,
  - (c) after “section 161 of the National Health Service (Wales) Act 2006” (in the second place it occurs) insert “or section 300 of the Health and Social Care Act 2012”,
  - (d) after “or held by” insert “the National Health Service Commissioning Board, a clinical commissioning group or”, and
  - (e) after “that Act, or” (in the second place where it occurs) insert “by virtue of section 2 and section 13X of, or paragraph 20 of Schedule 1A to, that Act, or under”.

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#### Commencement Information

**I7** Sch. 5 para. 6 in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)** (with [art. 14](#))

#### *Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 7 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), in paragraph 1—
- (a) omit paragraph (ea),
  - (b) before paragraph (g) insert—
    - “(fa) the National Health Service Commissioning Board, except as regards the exercise of functions under the National Health Service (Service Committees and Tribunal) Regulations 1992, or any regulations amending or replacing those Regulations;”, and
  - (c) omit paragraph (gg).

#### Commencement Information

**I8** Sch. 5 para. 7(a)(c) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

**I9** Sch. 5 para. 7(b) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 8 In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to investigation), in paragraph 8—
- (a) in sub-paragraph (1)—
    - (i) after “Secretary of State by” insert “a local authority, the National Health Service Commissioning Board, a clinical commissioning group”,
    - (ii) omit “a Strategic Health Authority;”, and
    - (iii) omit “, a Primary Care Trust”, and
  - (b) in sub-paragraph (2)—
    - (i) after “action taken by” insert “a local authority, the National Health Service Commissioning Board, a clinical commissioning group or”,
    - (ii) omit “a Strategic Health Authority;”, and
    - (iii) omit “or Primary Care Trust”.

#### Commencement Information

**I10** Sch. 5 para. 8(a)(i)(b)(i) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

**I11** Sch. 5 para. 8(a)(i)(b)(i) in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-10](#), [Sch. paras. 1, 2](#))

**I12** Sch. 5 para. 8(a)(ii)(iii)(b)(ii)(iii) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-10](#), [Sch. paras. 1, 2](#))

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*Abortion Act 1967 (c. 87)*

- 9 In section 1 of the Abortion Act 1967 (location of treatment for termination of pregnancy), in subsection (3) omit “a Primary Care Trust or”.

**Commencement Information**

**I13** Sch. 5 para. 9 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Leasehold Reform Act 1967 (c. 88)*

- 10 In section 28 of the Leasehold Reform Act 1967 (land required for public purposes)

- (a) in subsection (5), in paragraph (d)—
- (i) after “to” insert “the National Health Service Commissioning Board, any clinical commissioning group,”,
  - (ii) omit “any Strategic Health Authority,”, and
  - (iii) omit “, any Primary Care Trust”, and
- (b) in subsection (6), in paragraph (c)—
- (i) after “in the case of” insert “the National Health Service Commissioning Board, a clinical commissioning group,”,
  - (ii) omit “a Strategic Health Authority,”, and
  - (iii) omit “, Primary Care Trust”.

**Commencement Information**

**I14** Sch. 5 para. 10(a)(i)(b)(i) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**I15** Sch. 5 para. 10(a)(ii)(iii)(b)(ii)(iii) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Health Services and Public Health Act 1968 (c. 46)*

- 11 The Health Services and Public Health Act 1968 is amended as follows.

**Commencement Information**

**I16** Sch. 5 para. 11 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

**I17** Sch. 5 para. 11 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 12 (1) Section 63 (provision of instruction for officers of hospital authorities etc.) is amended as follows.

- (2) In subsection (1)—

- (a) after “servants of” insert “the National Health Service Commissioning Board or a clinical commissioning group,”,
- (b) omit “a Strategic Health Authority,”, and
- (c) omit “, Primary Care Trust”.

- (3) In subsection (2)—

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- (a) in paragraph (a) before “or the council” insert “, the National Health Service Commissioning Board, a clinical commissioning group”, and
- (b) in paragraph (b) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”.

(4) In subsection (5A)—

- (a) omit “Strategic Health Authority” (in each place where it occurs), and
- (b) omit “, Primary Care Trust” (in each place where it occurs).

(5) In subsection (5B)—

- (a) omit paragraph (za), and
- (b) omit paragraph (bb).

#### Commencement Information

- I18** Sch. 5 para. 12(1) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831, art. 2\(2\)](#)
- I19** Sch. 5 para. 12(1) in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- I20** Sch. 5 para. 12(2)(a) in force at 1.10.2012 by [S.I. 2012/1831, art. 2\(2\)](#)
- I21** Sch. 5 para. 12(2)(b)(c)(3)-(5) in force at 1.4.2013 by [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)

- 13 In section 64 (financial assistance to certain voluntary organisations), in subsection (3)(b)—
- (a) after “City of London” insert “or a service for the provision of which the National Health Service Commissioning Board or a clinical commissioning group has, by virtue of the National Health Service Act 2006, a duty or power to make arrangements”,
  - (b) for “a Primary Care Trust or local Health Board are” substitute “a local Health Board is”,
  - (c) omit “Chapter 1 of Part 7 of the National Health Service Act 2006, or”, and
  - (d) omit “Primary Care Trust or”.

#### Commencement Information

- I22** Sch. 5 para. 13 in force at 1.4.2013 by [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)

#### *Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*

- 14 In section 3 of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(a)—
- (a) after “National Health Service and Community Care Act 1990,” insert “the National Health Service Commissioning Board, a clinical commissioning group established under section 14D of the National Health Service Act 2006,”, and
  - (b) omit “, a Primary Care Trust established under section 18 of the National Health Service Act 2006”.

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**Commencement Information**

**I23** Sch. 5 para. 14(b) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Local Authority Social Services Act 1970 (c. 42)*

- 15 In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions) in the entry relating to the Children Act 1989, in the column headed “Nature of functions”—
- (a) after “accommodated” 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”, and
  - (b) omit “Primary Care Trusts,”.

**Commencement Information**

**I24** Sch. 5 para. 15 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 16 (1) Section 17 of the Chronically Sick and Disabled Persons Act 1970 (separation of younger from older patients) is amended as follows.
- (2) In subsection (1) for “The Secretary of State” substitute “The Welsh Ministers”.
  - (3) In subsection (2) (as substituted by the National Health Service Reorganisation Act 1973)—
    - (a) for “The Secretary of State” substitute “The Welsh Ministers”,
    - (b) for “each House of Parliament” substitute “the National Assembly for Wales”,
    - (c) for “as he considers” substitute “as they consider”, and
    - (d) for “in him” substitute “in them”.

**Commencement Information**

**I25** Sch. 5 para. 16 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Local Government Act 1972 (c. 70)*

- 17 In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of certain persons)—
- (a) in subsection (1A)—
    - (i) after “with” insert “the Secretary of State, the National Health Service Commissioning Board,”,
    - (ii) after “Local Health Board,” (in each place where it occurs) insert “clinical commissioning group,”,
    - (iii) omit “Primary Care Trust,” (in each place where it occurs),

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- (iv) in paragraph (a), after “disposal of” insert “the Secretary of State, the National Health Service Commissioning Board,”, and
  - (v) in paragraph (b), after “employed by” insert “the Secretary of State, the National Health Service Commissioning Board,”, and
- (b) in subsection (4)—
- (i) after “above”, insert “ “Secretary of State” means the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,”,
  - (ii) before “ “NHS trust”” insert “ “clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006, and”, and
  - (iii) omit the words from “and “Primary Care Trust”” to the end.

**Commencement Information**

**I26** Sch. 5 para. 17 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Local Government Act 1974 (c. 7)*

- 18 In section 26 of the Local Government Act 1974 (matters subject to investigation by Local Commissioner), in subsection (1), after paragraph (c) insert—
- “(d) an alleged or apparent failure in a service provided by the authority in pursuance of arrangements under section 7A of the National Health Service Act 2006;
  - (e) an alleged or apparent failure to provide a service in pursuance of such arrangements.”

**Commencement Information**

**I27** Sch. 5 para. 18 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Health and Safety at Work etc. Act 1974 (c. 37)*

- 19 (1) Section 60 of the Health and Safety at Work etc. Act 1974 (supplementary provision about the Employment Medical Advisory Service) is amended as follows.
- (2) In subsection (1) for “each Primary Care Trust and Local Health Board” substitute “the National Health Service Commissioning Board or each clinical commissioning group (in relation to England) and each Local Health Board (in relation to Wales)”.
- (3) In subsection (2)—
- (a) omit “for one of their”, and
  - (b) for “ “each” to “its”” substitute “ “the National” to “arranges””.

**Commencement Information**

**I28** Sch. 5 para. 19 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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*House of Commons Disqualification Act 1975 (c. 24)*

- 20 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership of the House)—
- (a) omit the entry relating to the chairman or any member of a Primary Care Trust,
  - (b) in the entry relating to the chairman or any member of any Strategic Health Authority or Special Health Authority, omit “Strategic Health Authority, or”, and
  - (c) at the appropriate place insert— “ Chairman or non-executive member of the National Health Service Commissioning Board. ”

**Commencement Information**

- I29** Sch. 5 para. 20(a)(b) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))  
**I30** Sch. 5 para. 20(c) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

*Acquisition of Land Act 1981 (c. 67)*

- 21 The Acquisition of Land Act 1981 is amended as follows.

**Commencement Information**

- I31** Sch. 5 para. 21 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**  
**I32** Sch. 5 para. 21 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 22 In section 16 (land excluded from compulsory purchase), in subsection (3)—
- (a) after paragraph (a) insert—
    - “(aa) the National Health Service Commissioning Board;
    - (ab) a clinical commissioning group established under section 14D of the National Health Service Act 2006;”,
    - and”
  - (b) omit paragraph (c).

**Commencement Information**

- I33** Sch. 5 para. 22(a) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**  
**I34** Sch. 5 para. 22(b) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 23 In section 17 (special parliamentary procedure applying to compulsory purchase orders concerning certain land), in subsection (4) in the definition of “statutory undertakers”—
- (a) omit paragraph (ad), and
  - (b) before paragraph (b) insert—
    - “(ae) the National Health Service Commissioning Board,
    - (af) a clinical commissioning group established under section 14D of the National Health Service Act 2006;”.



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**Commencement Information**

**I35** Sch. 5 para. 23(a) in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

**I36** Sch. 5 para. 23(b) in force at 1.10.2012 by S.I. 2012/1831, **art. 2(2)**

*Mental Health Act 1983 (c. 20)*

24 The Mental Health Act 1983 is amended as follows.

**Commencement Information**

**I37** Sch. 5 para. 24 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

25 In section 19 (regulations as to transfers of patients), in subsection (3)—

- (a) for “NHS foundation trust,”, in each place it appears, substitute “NHS foundation trust or”, and
- (b) omit “or Primary Care Trust” in each place it appears.

**Commencement Information**

**I38** Sch. 5 para. 25 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

26 In section 23 (discharge of patients), in subsection (5)(a)—

- (a) for “, Special Health Authority”, in each place it appears, substitute “or Special Health Authority”,
- (b) omit “or Primary Care Trust” in each place it appears, and
- (c) omit “, trust” in each place it appears.

**Commencement Information**

**I39** Sch. 5 para. 26 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

27 In section 32 (regulations for purposes of Part 2 of that Act), in subsection (3), omit “, Primary Care Trusts”.

**Commencement Information**

**I40** Sch. 5 para. 27 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

28 (1) Section 39 (power of court to request information from hospitals) is amended as follows.

(2) In subsection (1)—

- (a) omit “Primary Care Trust or” in each place it appears,
- (b) in paragraph (a), after the first “the” insert “clinical commissioning group or”,
- (c) in paragraph (b), at the beginning insert “the National Health Service Commissioning Board or”,

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- (d) in that paragraph, after “or any other” insert “clinical commissioning group or”;
- (e) after “such information as that” insert “clinical commissioning group or”;
- (f) after “Local Health Board or”, in each place it appears, insert “the National Health Service Commissioning Board or the”, and
- (g) after “order, and that” insert “clinical commissioning group or”.

(3) After subsection (1) insert—

“(1ZA) A request under this section to the National Health Service Commissioning Board may relate only to services or facilities the provision of which the Board arranges.”

(4) In consequence of the repeals made by sub-paragraph (2), omit paragraph 46 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002.

**Commencement Information**

**I41** Sch. 5 para. 28 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 29 In section 134 (patients' correspondence), in subsection (3)(e)—
- (a) at the beginning insert “the National Health Service Commissioning Board, a clinical commissioning group,”;
  - (b) omit “Strategic Health Authority,”;
  - (c) for “, Special Health Authority” substitute “or Special Health Authority”, and
  - (d) omit “or Primary Care Trust”.

**Commencement Information**

**I42** Sch. 5 para. 29 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 30 In section 139 (protection for acts done in pursuance of that Act), in subsection (4)—
- (a) after “the Secretary of State or against” insert “the National Health Service Commissioning Board, a clinical commissioning group,”;
  - (b) omit “Strategic Health Authority,”;
  - (c) for “, Special Health Authority” substitute “or Special Health Authority”, and
  - (d) omit “or Primary Care Trust”.

**Commencement Information**

**I43** Sch. 5 para. 30 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-10](#), [Sch. paras. 1, 3](#))

- 31 (1) In section 145 (interpretation), in subsection (1)—
- (a) in the definition of “the managers”, in paragraph (a)—

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- (i) after “the National Health Service (Wales) Act 2006,” (in the second place where it occurs) insert “the Secretary of State where the Secretary is responsible for the administration of the hospital or”,
  - (ii) omit “Primary Care Trust,”, and
  - (iii) omit “Strategic Health Authority,”,
  - (b) in paragraph (bb) of that definition, omit “a Primary Care Trust or”,
  - (c) omit the definition of “Primary Care Trust”, and
  - (d) omit the definition of “Strategic Health Authority”.
- (2) In consequence of the repeals made by sub-paragraph (1)—
- (a) omit paragraph 49 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002, and
  - (b) omit paragraph 70(e) and (g) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006.

**Commencement Information**

**I44** Sch. 5 para. 31 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Public Health (Control of Disease) Act 1984 (c. 22)*

- 32 In section 13 of the Public Health (Control of Disease) Act 1984 (regulations for control of certain diseases), in subsection (4)(a)—
- (a) omit “Strategic Health Authorities,”, and
  - (b) omit “, Primary Care Trusts”.

**Commencement Information**

**I45** Sch. 5 para. 32 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Dentists Act 1984 (c. 24)*

- 33 The Dentists Act 1984 is amended as follows.

**Commencement Information**

**I46** Sch. 5 para. 33 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 34 In section 26B (guidance for dentists), in subsection (8) omit paragraph (a).

**Commencement Information**

**I47** Sch. 5 para. 34 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 35 In section 36M (guidance for dental care professionals), in subsection (8) omit paragraph (a).

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**Commencement Information**

**I48** Sch. 5 para. 35 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 36 In section 40 (definition of “business of dentistry”), in subsection (2)(aa)—
- (a) omit “under section 92 of the National Health Service Act 2006 or”,
  - (b) after “section 100” insert “of the National Health Service Act 2006 or an agreement under section 107”,
  - (c) omit “under section 50 of the National Health Service (Wales) Act 2006 or”, and
  - (d) after “section 57” insert “of the National Health Service (Wales) Act 2006 or an agreement under section 64”.

**Commencement Information**

**I49** Sch. 5 para. 36 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 37 In section 50D (rules: consultation), in subsection (4) omit paragraph (a).

**Commencement Information**

**I50** Sch. 5 para. 37 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

- 38 The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

**Commencement Information**

**I51** Sch. 5 para. 38 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 39 In section 2 (rights of authorised representatives of disabled persons)—
- (a) in subsection (5) in paragraph (a)—
    - (i) after “hospital accommodation” (in the first place it occurs) insert “provided pursuant to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or”,
    - (ii) for “the Secretary of State under section (3)(1)(a)” substitute “the Secretary of State under section 2A or 2B”, and
    - (iii) omit “by a Primary Care Trust established under that Act,”,
  - (b) in subsection (7) in paragraph (a), after “provision of services” insert “, or the arrangement for the provision of services,”, and
  - (c) in subsection (9) in the definition of “health authority”, in paragraph (a)—
    - (i) after “means” insert “the National Health Service Commissioning Board, a clinical commissioning group or”,
    - (ii) omit “a Strategic Health Authority,”, and
    - (iii) omit “or a Primary Care Trust”.

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#### Commencement Information

**I52** Sch. 5 para. 39 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 40 In section 7 (persons discharged from hospital), in subsection (9)—
- (a) in the definition of “health authority”, in paragraph (a) for “a Primary Care Trust” substitute “a clinical commissioning group”, and
  - (b) in the definition of “the managers”—
    - (i) in paragraph (a)(i) for “, an NHS foundation trust or a Primary Care Trust” substitute “or an NHS foundation trust”,
    - (ii) in the words following paragraph (a)(iii) after “means the” insert “Secretary of State where the Secretary of State is responsible for the administration of the hospital, or means the”,
    - (iii) in those words omit “Strategic Health Authority”, and
    - (iv) omit paragraph (bb).

#### Commencement Information

**I53** Sch. 5 para. 40 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 41 In section 11 (reports to Parliament)—
- (a) in subsection (1ZA) omit “subsection (1ZB) extends to England and Wales only and”, and
  - (b) omit subsection (1ZB).

#### Commencement Information

**I54** Sch. 5 para. 41 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 42 In section 16 (interpretation), in subsection (1)—
- (a) omit the definition of “Primary Care Trust”, and
  - (b) omit the definition of “Strategic Health Authority”.

#### Commencement Information

**I55** Sch. 5 para. 42 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

#### *Dartford-Thurrock Crossing Act 1988 (c. 20)*

- 43 In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls), in paragraph (b)—
- (a) omit “a Strategic Health Authority established under section 13 of the National Health Service Act 2006”,
  - (b) for “that Act” substitute “the National Health Service Act 2006”, and
  - (c) omit “a Primary Care Trust established under section 18 of the National Health Service Act 2006”.

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**Commencement Information**

**I56** Sch. 5 para. 43 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Copyright, Designs and Patents Act 1988 (c. 48)*

- 44 In section 48 of the Copyright, Designs and Patents Act 1988 (material communicated to the Crown in the course of public business), in subsection (6)—
- (a) after “the National Health Service and Community Care Act 1990,” insert “the National Health Service Commissioning Board, a clinical commissioning group established under section 14D of the National Health Service Act 2006,” and
  - (b) omit “a Primary Care Trust established under section 18 of the National Health Service Act 2006.”

**Commencement Information**

**I57** Sch. 5 para. 44(a) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**I58** Sch. 5 para. 44(b) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Health and Medicines Act 1988 (c. 49)*

- 45 In section 7 of the Health and Medicines Act 1988 (extension of powers for financing health service), in subsection (3)(i) omit the words from the second “the” to “trust, or”.

**Commencement Information**

**I59** Sch. 5 para. 45 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Road Traffic Act 1988 (c. 52)*

- 46 In section 144 of the Road Traffic Act 1988 (exception to requirement for third party insurance), in subsection (2)(da) omit “by a Primary Care Trust established under section 18 of the National Health Service Act 2006”.

**Commencement Information**

**I60** Sch. 5 para. 46 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Children Act 1989 (c. 41)*

- 47 The Children Act 1989 is amended as follows.

**Commencement Information**

**I61** Sch. 5 para. 47 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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- 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**

**I62** 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**

**I63** 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](#))

**F150** .....

**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)—
- (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**

**I64** 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,”.

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**Commencement Information**

**I65** 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**

**I66** 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;”.

**Commencement Information**

**I67** 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.”



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**Commencement Information**

**I68** 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**

**I69** Sch. 5 para. 56 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

*Local Government and Housing Act 1989 (c. 42)*

57 In section 2 of the Local Government and Housing Act 1989 (politically restricted posts), in subsection (6), after paragraph (za) insert—

“(zb) the director of public health appointed under section 73A(1) of the National Health Service Act 2006;”.

**Commencement Information**

**I70** Sch. 5 para. 57 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

*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**

**I71** Sch. 5 para. 58 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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

**I72** 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**

**I73** 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
- (b) in paragraph (aa) for “that Act” substitute “the National Health Service Act 2006”.

**Commencement Information**

**I74** Sch. 5 para. 61 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Access to Health Records Act 1990 (c. 23)*

- 62 The Access to Health Records Act 1990 is amended as follows.

**Commencement Information**

**I75** Sch. 5 para. 62 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 63 In section 1, in subsection (2) (meaning of “holder” in relation to a health record)—
- (a) in paragraph (a)—
- (i) for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or a”, and

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- (ii) omit “Trust or”, and
- (b) in paragraph (aa)—
  - (i) for “a Primary Care Trust, Strategic Health Authority or” substitute “the National Health Service Commissioning Board or a”, and
  - (ii) omit “Trust, Authority or”.

#### Commencement Information

**I76** Sch. 5 para. 63 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-10](#), [Sch. paras. 1, 5](#))

- 64 In section 11 (interpretation)—
- (a) in the definition of “health service body”, in paragraph (a)—
    - (i) omit “Strategic Health Authority”,
    - (ii) for “, Local” substitute “or Local”, and
    - (iii) omit “or Primary Care Trust”,
  - (b) omit the definition of “Primary Care Trust”, and
  - (c) omit the definition of “Strategic Health Authority”.

#### Commencement Information

**I77** Sch. 5 para. 64 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

#### *London Local Authorities Act 1991 (c. xiii)*

- 65 In section 4 of the London Local Authorities Act 1991 (interpretation) in the definition of “establishment for special treatment”, in paragraph (d) for “by a Primary Care Trust established under section 18 of the National Health Service Act 2006” substitute “by any person in pursuance of arrangements made by the National Health Service Commissioning Board or by a clinical commissioning group under the National Health Service Act 2006 (including by virtue of section 7A of that Act)”.

#### Commencement Information

**I78** Sch. 5 para. 65 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

#### *Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

- 66 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners)—
- (a) in subsection (1), in paragraph (a) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”,
  - (b) in that paragraph, after “or” (in the first place it occurs) insert “a”,
  - (c) in the words after paragraph (b) in that subsection, omit “authority or”,
  - (d) in subsection (2), in paragraph (a) for “a Primary Care Trust, Strategic Health Authority or” substitute “the National Health Service Commissioning Board or a”,

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- (e) in paragraph (b) of that subsection, for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or a”,
- (f) in that paragraph, for “entered into by him with a Primary Care Trust” substitute “entered into by him with the National Health Service Commissioning Board”, and
- (g) in the words after that paragraph, omit “Trust, Authority or.”

**Commencement Information**

**I79** Sch. 5 para. 66 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Health Service Commissioners Act 1993 (c. 46)*

67 The Health Service Commissioners Act 1993 is amended as follows.

**Commencement Information**

**I80** Sch. 5 para. 67 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

**I81** Sch. 5 para. 67 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 68 In section 2 (health service bodies subject to investigation), in subsection (1)—
- (a) omit paragraph (a),
  - (b) omit paragraph (da), and
  - (c) after paragraph (db) insert—
    - “(dc) the National Health Service Commissioning Board,
    - (dd) clinical commissioning groups.”

**Commencement Information**

**I82** Sch. 5 para. 68(a)(b) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 6-9](#))

**I83** Sch. 5 para. 68(c) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

69 In section 2A (health service providers subject to investigation), in subsection (1)(a) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”.

**Commencement Information**

**I84** Sch. 5 para. 69 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 6-9](#))

- 70 (1) Section 14 (reports etc. by the Commissioner) is amended as follows.
- (2) In subsection (1)—
    - (a) at the end of paragraph (c) insert “and”, and
    - (b) omit paragraph (e) and the preceding “and”.
  - (3) In subsection (2A)—
    - (a) at the end of paragraph (d) insert “and”, and
    - (b) omit paragraph (f) and the preceding “and”.

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- (4) In subsection (2C)—
  - (a) at the end of paragraph (d) insert “and”, and
  - (b) omit paragraph (f) and the preceding “and”.
- (5) Omit subsection (2E)(e).
- (6) In subsection (2G)—
  - (a) at the end of paragraph (c) insert “and”, and
  - (b) omit paragraph (e) and the preceding “and”.

**Commencement Information**

**I85** Sch. 5 para. 70 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 6-9](#))

*Health Authorities Act 1995 (c. 17)*

- 71 In Schedule 2 to the Health Authorities Act 1995 (property, rights and liabilities), in paragraph 2—
- (a) in sub-paragraphs (1), (2), (6) and (7) omit “Primary Care Trust,”, and
  - (b) in sub-paragraphs (1), (2), (6) and (7) omit “Strategic Health Authority,”.

**Commencement Information**

**I86** Sch. 5 para. 71 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Employment Rights Act 1996 (c. 18)*

- 72 The Employment Rights Act 1996 is amended as follows.

**Commencement Information**

**I87** Sch. 5 para. 72 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

**I88** Sch. 5 para. 72 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 73 In section 43K (extension of meaning of “worker” etc for Part 4A)—
- (a) in subsection (1)(ba) for “a Primary Care Trust” (in each place where it occurs) substitute “the National Health Service Commissioning Board”,
  - (b) in subsection (1)(c)(i) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
  - (c) in subsection (2)(aa) for “the Primary Care Trust or” substitute “the National Health Service Commissioning Board, or the”.

**Commencement Information**

**I89** Sch. 5 para. 73 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 74 In section 50 (right to time off for public duties), in subsection (8)—

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- (a) before paragraph (a) insert—
  - “(za) the National Health Service Commissioning Board,
  - (zb) a clinical commissioning group established under section 14D of the National Health Service Act 2006,”
  - and”
- (b) in paragraph (b)—
  - (i) omit “a Strategic Health Authority established under section 13 of the National Health Service Act 2006,” and
  - (ii) omit “or a Primary Care Trust established under section 18 of the National Health Service Act 2006,”.

**Commencement Information**

**I90** Sch. 5 para. 74(a) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**I91** Sch. 5 para. 74(b) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 75 In section 218 (change of employer), in subsection (10)—
- (a) before paragraph (a) insert—
    - “(za) the National Health Service Commissioning Board,
    - (zb) a clinical commissioning group established under section 14D of the National Health Service Act 2006,”
  - (b) omit paragraph (a),
  - (c) in paragraph (b) for “that Act” substitute “the National Health Service Act 2006”,
  - (d) omit paragraph (bb), and
  - (e) in paragraph (c) for “that Act” substitute “the National Health Service Act 2006”.

**Commencement Information**

**I92** Sch. 5 para. 75(a) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**I93** Sch. 5 para. 75(b)-(e) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

- 76 In section 3 of the Housing Grants, Construction and Regeneration Act 1996, in subsection (2)(f) (persons ineligible for grants)—
- (a) at the beginning insert “the National Health Service Commissioning Board, a clinical commissioning group,”,
  - (b) omit “a Strategic Health Authority,” and
  - (c) omit “, Primary Care Trust”.

**Commencement Information**

**I94** Sch. 5 para. 76(a) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**I95** Sch. 5 para. 76(b)(c) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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*Education Act 1996 (c. 56)*

77 The Education Act 1996 is amended as follows.

**Commencement Information**

**196** Sch. 5 para. 77 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 78 (1) Section 322 (duty of certain bodies to help local authorities) is amended as follows.
- (2) In subsection (1)—
- (a) after “another local authority,” insert “the National Health Service Commissioning Board, a clinical commissioning group or”,
  - (b) omit “or a Primary Care Trust”, and
  - (c) for “the board, authority or trust” substitute “that body”.
- (3) In subsection (2), for “An authority, a board or a trust” substitute “A body”.
- (4) In subsection (3), in paragraph (a)—
- (a) after “request is made of” insert “the National Health Service Commissioning Board, a clinical commissioning group or”,
  - (b) omit “or Primary Care Trust”, and
  - (c) for “that board or trust” substitute “that body”.
- (5) In subsection (4)—
- (a) for “an authority, a board” substitute “a local authority, the National Health Service Commissioning Board, a clinical commissioning group or a Local Health Board”, and
  - (b) omit “or a trust”.

**Commencement Information**

**197** Sch. 5 para. 78 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 79 (1) Section 332 (duty of certain NHS bodies to notify parent) is amended as follows.
- (2) In subsection (1)—
- (a) after “where” insert “a clinical commissioning group,” and
  - (b) omit “a Primary Care Trust”.
- (3) In subsection (2) for “trust” (in each place where it occurs) substitute “other body”.
- (4) In subsection (3) for “trust” substitute “other body”.

**Commencement Information**

**198** Sch. 5 para. 79 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 80 In section 579 (general interpretation), in subsection (1) in the definition of “school buildings” in paragraph (c) for the words from “for enabling” to “functions” substitute “for the carrying out of functions”.

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**Commencement Information**

**I99** Sch. 5 para. 80 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Audit Commission Act 1998 (c. 18)*

- 81 In section 33 of the Audit Commission Act 1998, in subsection (8) (bodies not subject to certain Commission studies)—
- (a) omit paragraph (a), and
  - (b) omit paragraph (b).

**Commencement Information**

**I100** Sch. 5 para. 81 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Data Protection Act 1998 (c. 29)*

- 82 In section 69 of the Data Protection Act 1998 (meaning of “health professional”)—
- (a) in subsection (1), in paragraph (k) for “such a body” substitute “a health service body”,
  - (b) in subsection (3), omit paragraph (a),
  - (c) in that subsection, before paragraph (b) insert—
    - “(aa) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
    - (ab) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, that Act,” and
  - (d) in that subsection, omit paragraph (bb).

**Commencement Information**

**I101** Sch. 5 para. 82 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Crime and Disorder Act 1998 (c. 37)*

- 83 The Crime and Disorder Act 1998 is amended as follows.

**Commencement Information**

**I102** Sch. 5 para. 83 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 84 In section 5 (authorities responsible for crime and disorder strategies), in subsection (1)(e) for “Primary Care Trust” substitute “clinical commissioning group”.



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**Commencement Information**

**I103** Sch. 5 para. 84 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 85 In section 38 (local provision of youth justice services), in subsection (2)(b)—
- (a) after “local probation board” insert “, clinical commissioning group or”, and
  - (b) omit “, Strategic Health Authority,”, and
  - (c) omit “or Primary Care Trust”.

**Commencement Information**

**I104** Sch. 5 para. 85 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 86 In section 39 (Youth Offending Teams), in subsection (3)(b)—
- (a) after “local probation board” insert “, clinical commissioning group or”,
  - (b) omit “, Strategic Health Authority,”, and
  - (c) omit “or Primary Care Trust”.

**Commencement Information**

**I105** Sch. 5 para. 86 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 87 In that section, in subsection (5)(d)—
- (a) after “nominated by” insert “a clinical commissioning group or”, and
  - (b) omit “a Primary Care Trust or”.

**Commencement Information**

**I106** Sch. 5 para. 87 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 88 In section 41 (the Youth Justice Board), in subsection (10)—
- (a) after “provider of probation services,” insert “a clinical commissioning group,”,
  - (b) for “, a Strategic Health Authority,” substitute “and”, and
  - (c) omit “and a Primary Care Trust”.

**Commencement Information**

**I107** Sch. 5 para. 88 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 89 In section 42 (supplementary provisions), in subsection (3)—
- (a) after “provider of probation services,” insert “a clinical commissioning group,”,
  - (b) for “, a Strategic Health Authority,” substitute “or”, and
  - (c) omit “or a Primary Care Trust”.

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**Commencement Information**

**I108** Sch. 5 para. 89 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

90 In section 115, in subsection (2) (disclosure of information to relevant authorities)

- (a) omit paragraph (ea),
- (b) after paragraph (f) insert—
  - “(fa) the National Health Service Commissioning Board;
  - (fb) a clinical commissioning group;”, and
- (c) omit paragraph (g).

**Commencement Information**

**I109** Sch. 5 para. 90 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Health Act 1999 (c. 8)*

91 The Health Act 1999 is amended as follows.

**Commencement Information**

**I110** Sch. 5 para. 91 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

92 In section 61 (English and Scottish border provisions)—

- (a) in subsection (2)—
  - (i) after “Secretary of State” insert “, the National Health Service Commissioning Board”,
  - (ii) after “any” insert “clinical commissioning group”,
  - (iii) omit “Strategic Health Authority”, and
  - (iv) omit “or Primary Care Trust”, and
- (b) in subsection (5)—
  - (i) after “any” insert “clinical commissioning group”, and
  - (ii) omit “Primary Care Trust”.

**Commencement Information**

**I111** Sch. 5 para. 92 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

93 In Schedule 4 (amendments relating to Primary Care Trusts)—

- (a) omit paragraphs 1, 74, and 86, and the cross-heading preceding each paragraph, and
- (b) omit paragraphs 3(c), 82 and 85(2).

**Commencement Information**

**I112** Sch. 5 para. 93 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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*Greater London Authority Act 1999 (c. 29)*

- 94 In section 309E of the Greater London Authority Act 1999, in subsection (5) (bodies to be included among relevant bodies for purposes of Mayor of London's health inequalities strategy)—
- (a) omit paragraph (f),
  - (b) omit paragraph (g), and
  - (c) before paragraph (h) insert—
    - “(ga) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
    - (gb) the National Health Service Commissioning Board,
    - (gc) any clinical commissioning group (established under section 14D of the National Health Service Act 2006) for an area wholly or partly in Greater London,”.

**Commencement Information**

**I113** Sch. 5 para. 94 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Care Standards Act 2000 (c. 14)*

- 95 In section 121 of the Care Standards Act 2000 (interpretation), in subsection (1) in the definition of “National Health Service body”—
- (a) omit “a Strategic Health Authority,”, and
  - (b) omit “, a Primary Care Trust”.

**Commencement Information**

**I114** Sch. 5 para. 95 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Government Resources and Accounts Act 2000 (c. 20)*

- 96 (1) Section 14 of the Government Resources and Accounts Act 2000 (summarised accounts) is amended as follows.
- (2) In subsection (1) omit “paragraph 7 of Schedule 15 to the National Health Service Act 2006 or”.
  - (3) Omit subsection (3).
  - (4) In subsection (4) for “that subsection” substitute “subsection (1)”.

**Commencement Information**

**I115** Sch. 5 para. 96 in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)** (with [art. 11\(2\)](#))

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*Local Government Act 2000 (c. 22)*

- 97 In section 21C of the Local Government Act 2000 (reports and recommendations of overview and scrutiny committees: duties of certain bodies), in subsection (6)—
- (a) before paragraph (b) insert—
    - “(aa) the National Health Service Commissioning Board,
    - (ab) a clinical commissioning group, or”, and
  - (b) omit paragraph (c) and the preceding “or”.

**Commencement Information**

**I116** Sch. 5 para. 97 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

*Regulation of Investigatory Powers Act 2000 (c. 23)*

F298 .....

**Textual Amendments**

**F2** Sch. 5 para. 98 repealed (30.8.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); [S.I. 2018/940](#), reg. 2(1)(h)(ii) (with reg. 2(2))

*>Freedom of Information Act 2000 (c. 36)*

- 99 In Part 3 of Schedule 1 to the Freedom of Information Act 2000 (NHS in England and Wales)—
- (a) omit paragraph 36A,
  - (b) before paragraph 38 insert—
    - “37A The National Health Service Commissioning Board.
    - 37B A clinical commissioning group established under section 14D of the National Health Service Act 2006.”, and
  - (c) omit paragraph 39.

**Commencement Information**

**I117** Sch. 5 para. 99(a)(c) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

**I118** Sch. 5 para. 99(b) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

*International Development Act 2002 (c. 1)*

- 100 In Schedule 1 to the International Development Act 2002 (statutory bodies with powers under section 9 of that Act)—
- (a) before the entry for a Health Board insert— “ the National Health Service Commissioning Board a clinical commissioning group ”,
  - (b) omit the entry for a Primary Care Trust, and
  - (c) omit the entry for a Strategic Health Authority.

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**Commencement Information**

**I119** Sch. 5 para. 100(a) in force at 1.10.2012 by S.I. 2012/1831, **art. 2(2)**

**I120** Sch. 5 para. 100(b)(c) in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

*National Health Service Reform and Health Care Professions Act 2002 (c. 17)*

101 The National Health Service Reform and Health Care Professions Act 2002 is amended as follows.

**Commencement Information**

**I121** Sch. 5 para. 101 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

102 Omit Schedule 1 (English health authorities: change of name to Strategic Health Authorities).

**Commencement Information**

**I122** Sch. 5 para. 102 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

103 Omit Schedule 2 (consequential amendments concerning the reallocation of functions to Primary Care Trusts).

**Commencement Information**

**I123** Sch. 5 para. 103 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

*Adoption and Children Act 2002 (c. 38)*

104 The Adoption and Children Act 2002 is amended as follows.

**Commencement Information**

**I124** Sch. 5 para. 104 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

105 In section 4 (assessments etc for adoption support services), in subsection (9)—

- (a) before paragraph (a) insert—
  - “(za) there may be a need for the provision to that person of services that may be provided pursuant to arrangements made by a clinical commissioning group under the National Health Service Act 2006 (including by virtue of section 7A of that Act),”
- (b) in paragraph (a) omit “a Primary Care Trust”, and
- (c) in the text following paragraph (b)—
  - (i) after “notify that” insert “clinical commissioning group,”, and
  - (ii) omit “Primary Care Trust,”.

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**Commencement Information**

**I125** Sch. 5 para. 105 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

106 In section 8 (bodies which cannot be adoption support agencies), in subsection (2)

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

**Commencement Information**

**I126** Sch. 5 para. 106 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

107 In section 133(4) of the Nationality, Immigration and Asylum Act 2002 (power of medical inspector to disclose information to health service bodies), in paragraph (a)

- (a) omit sub-paragraph (i),
- (b) before sub-paragraph (ii) insert—
  - “(ia) the National Health Service Commissioning Board,
  - (ib) a clinical commissioning group established under section 14D of the National Health Service Act 2006,
  - (ic) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, the National Health Service Act 2006,” and
- (c) omit sub-paragraph (iii).

**Commencement Information**

**I127** Sch. 5 para. 107 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Community Care (Delayed Discharges etc.) Act 2003 (c. 5)*

108 The Community Care (Delayed Discharges etc.) Act 2003 is amended as follows.

**Commencement Information**

**I128** Sch. 5 para. 108 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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- 109 In section 1 (meaning of “NHS body” and “qualifying hospital patient”) in subsection (1), in the definition of “NHS body” in paragraph (b) omit “a Primary Care Trust (in England) or”.

**Commencement Information**

**I129** Sch. 5 para. 109 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 110 In section 9 (dispute resolution)—
- (a) in subsection (1) omit “by Strategic Health Authorities in England and”,
  - (b) at the end of that subsection insert “in relation to Wales”,
  - (c) in subsection (2) omit —
    - (i) “Strategic Health Authority or”, and
    - (ii) “Authority or”,
  - (d) in subsection (3)—
    - (i) for “the appropriate Minister considers” substitute “the Welsh Ministers consider”,
    - (ii) omit “a Strategic Health Authority or”, and
    - (iii) omit “Authority or”, and
  - (e) in subsection (4)(a) omit “Strategic Health Authority or”.

**Commencement Information**

**I130** Sch. 5 para. 110 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

*Licensing Act 2003 (c. 17)*

- 111 The Licensing Act 2003 is amended as follows.

**Commencement Information**

**I131** Sch. 5 para. 111 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 112 In section 5(3) (statement of licensing policy)—
- (a) in paragraph (ba) omit “Primary Care Trust or”, and
  - (b) after that paragraph insert—
    - “(bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority’s area.”.

**Commencement Information**

**I132** Sch. 5 para. 112 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 113 In section 13(4) (authorised persons, interested parties and responsible authorities)
- (a) in paragraph (ba) omit “Primary Care Trust or”, and

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(b) after that paragraph insert—

“(bb) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated.”.

**Commencement Information**

**I133** Sch. 5 para. 113 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

114 In section 16 (applicant for premises licence), in subsection (3), in the definition of “health service body” omit paragraph (b).

**Commencement Information**

**I134** Sch. 5 para. 114 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

115 In section 69(4) (authorised persons, interested parties and responsible authorities)

(a) in paragraph (ba) omit “Primary Care Trust or”, and

(b) after that paragraph insert—

“(bb) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated.”.

**Commencement Information**

**I135** Sch. 5 para. 115 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

116 In section 172B(4) (procedural requirements for early morning alcohol restriction order)—

(a) in paragraph (d) omit “Primary Care Trust or”, and

(b) after that paragraph insert—

“(da) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the area specified in the order.”.

**Commencement Information**

**I136** Sch. 5 para. 116 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

*Sexual Offences Act 2003 (c. 42)*

117 In section 42 of the Sexual Offences Act 2003 (care workers: interpretation) in subsection (5), in the definition of “National Health Service body”—

(a) after paragraph (b) insert—



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- “(ba) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
  - (bb) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B, or 13 of Schedule 1 to, the National Health Service Act 2006,” and
- (b) omit paragraph (c).

**Commencement Information**

**I137** Sch. 5 para. 117 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

- 118 The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.

**Commencement Information**

**I138** Sch. 5 para. 118 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

- 119 In section 71 (reporting to Secretary of State and regulator)—
- (a) in subsection (2), after “special measures” insert “or request another person to take special measures”, and
  - (b) omit subsections (3) and (4).

**Commencement Information**

**I139** Sch. 5 para. 119 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

- 120 In section 113 (complaints about health care), in subsection (1), after paragraph (c) insert—
- “(d) anything done by the National Health Service Commissioning Board or a clinical commissioning group in pursuance of arrangements made under section 7A of the National Health Service Act 2006.”

**Commencement Information**

**I140** Sch. 5 para. 120 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

- 121 In section 148 (interpretation of Part 2), 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;”.

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**Commencement Information**

**I141** Sch. 5 para. 121 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 122 In section 160 (provision of information)—
- (a) in subsection (1), after paragraph (g) insert—
    - “(h) if the injured person received NHS treatment pursuant to arrangements made by a clinical commissioning group under section 3 or 3A of the National Health Service Act 2006, the clinical commissioning group.”, and
  - (b) in subsection (4), in the definition of “responsible body” omit paragraph (a)(ii) and the word “or preceding it.”.

**Commencement Information**

**I142** Sch. 5 para. 122 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 123 In section 165 (power to apply provisions about recovery of charges to non-NHS hospitals), in subsection (3)(b)—
- (a) omit sub-paragraph (i), and
  - (b) before sub-paragraph (ii) insert—
    - “(ia) the National Health Service Commissioning Board,
    - (ib) a clinical commissioning group.”.

**Commencement Information**

**I143** Sch. 5 para. 123 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Criminal Justice Act 2003 (c. 44)*

- 124 In section 325 of the Criminal Justice Act 2003 (arrangements for assessing etc risks posed by certain offenders)—
- (a) after subsection (6)(b) insert—
    - “(ba) the National Health Service Commissioning Board,”,
  - (b) after subsection (6)(d) insert—
    - “(da) every local authority (in its capacity as a person exercising functions for the purposes of the health service) any part of whose area falls within the relevant area,”,
  - (c) in subsection (6)(f) omit “or Strategic Health Authority”, and
  - (d) in subsection (6)(g)—
    - (i) after “every” insert “clinical commissioning group or”, and
    - (ii) omit “Primary Care Trust or”.

**Commencement Information**

**I144** Sch. 5 para. 124 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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

*Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 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*

*Carers (Equal Opportunities) Act 2004 (c. 15)*

- 125 (1) Section 3 of the Carers (Equal Opportunities) Act 2004 (co-operation between authorities) is amended as follows.
- (2) In subsection (2)(b) after “by” (in the second place it occurs) insert “or in pursuance of arrangements made by”.
- (3) In subsection (3) after “provide” insert “or arrange for the provision of”.
- (4) In subsection (5)—
- (a) omit the “and” at the end of paragraph (c) and insert—
- “*(ca)* the Secretary of State, in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
- (cb)* the National Health Service Commissioning Board, and”,
- and
- (b) in paragraph (d)—
- (i) after “any” insert “clinical commissioning group,”, and
- (ii) omit “Primary Care Trust,”.

**Commencement Information**

**I145** Sch. 5 para. 125 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

*Domestic Violence, Crime and Victims Act 2004 (c. 28)*

- 126 In section 9 of the Domestic Violence, Crime and Victims Act 2004 (establishment and conduct of domestic homicide reviews), in the list in subsection (4)(a)—
- (a) after the entry for local probation boards insert—
- “the National Health Service Commissioning Board;
- clinical commissioning groups established under section 14D of the National Health Service Act 2006;”,
- (b) omit the entry for Strategic Health Authorities, and
- (c) omit the entry for Primary Care Trusts.

**Commencement Information**

**I146** Sch. 5 para. 126 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

*Children Act 2004 (c. 31)*

- 127 The Children Act 2004 is amended as follows.

**Commencement Information**

**I147** Sch. 5 para. 127 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 128 In section 10 (co-operation to improve wellbeing), in subsection (4)—

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

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- (a) after paragraph (d) insert—
  - “(da) the National Health Service Commissioning Board;”,
- (b) after paragraph (da) (as inserted by paragraph (a) above) insert—
  - “(db) any clinical commissioning group for an area any part of which falls within the area of the authority;”, and
- (c) omit paragraph (e).

**Commencement Information**

**I148** Sch. 5 para. 128 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 129 In section 11 (arrangements to safeguard and promote welfare), in subsection (1)—
- (a) after paragraph (b) insert—
    - “(ba) the National Health Service Commissioning Board;”,
  - (b) after paragraph (ba) (as inserted by paragraph (a) above) insert—
    - “(bb) a clinical commissioning group;”,
  - (c) omit paragraph (c), and
  - (d) omit paragraph (e).

**Commencement Information**

**I149** Sch. 5 para. 129 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 130 In section 12A (establishment of children's trust boards), after subsection (7) at the end insert “otherwise than by virtue of section 10(4)(da) or (db)”.

**Commencement Information**

**I150** Sch. 5 para. 130 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 131 In section 13 (establishment of Local Safeguarding Children Boards), in subsection (3)—
- (a) after paragraph (d) insert—
    - “(da) the National Health Service Commissioning Board;”,
  - (b) after paragraph (da) (as inserted by paragraph (a) above) insert—
    - “(db) any clinical commissioning group for an area any part of which falls within the area of the authority;”, and
  - (c) omit paragraph (e).

**Commencement Information**

**I151** Sch. 5 para. 131 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

*Civil Contingencies Act 2004 (c. 36)*

- 132 (1) Schedule 1 to the Civil Contingencies Act 2004 (lists of Category 1 and 2 responders) is amended as follows.
- (2) In Part 1 (which contains the general list of Category 1 responders)—

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- (a) after the cross-heading “Health” insert—  
“4A The National Health Service Commissioning Board.”, and
  - (b) omit paragraph 7.
- (3) In Part 3 (which contains the general list of Category 2 responders)—
- (a) after the cross-heading “Health” insert—  
“29ZA A clinical commissioning group established under section 14D of the National Health Service Act 2006.”, and
  - (b) omit paragraph 29A.

**Commencement Information**

**I152** Sch. 5 para. 132 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Mental Capacity Act 2005 (c. 9)*

133 The Mental Capacity Act 2005 is amended as follows.

**Commencement Information**

**I153** Sch. 5 para. 133 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 134 In section 35 (appointment of independent mental capacity advocates)—
- (a) in subsection (1), for “appropriate authority” substitute “responsible authority”,
  - (b) in subsection (4), for “appropriate authority” substitute “responsible authority”, and
  - (c) after subsection (6) insert—  
“(6A) In subsections (1) and (4), “the responsible authority” means—
    - (a) in relation to the provision of the services of independent mental capacity advocates in the area of a local authority in England, that local authority, and
    - (b) in relation to the provision of the services of independent mental capacity advocates in Wales, the Welsh Ministers.
- (6B) In subsection (6A)(a), “local authority” has the meaning given in section 64(1) except that it does not include the council of a county or county borough in Wales.”

**Commencement Information**

**I154** Sch. 5 para. 134 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 135 In section 64 (interpretation), in subsection (1) in the definition of “local authority”, after “except in” insert “section 35(6A)(a) and”.

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

**Changes to legislation:** *Health and Social Care Act 2012, SCHEDULE 5 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*

### Commencement Information

**I155** Sch. 5 para. 135 in force at 1.4.2013 by **S.I. 2013/160**, **art. 2(2)** (with **arts. 7-9**)

- 136 (1) Schedule A1 (hospital and care home residents: deprivation of liberty) is amended as follows.
- (2) In paragraph 176 (meaning of “managing authority”), in sub-paragraph (1)—
- (a) in paragraph (a) omit “Primary Care Trust,”
  - (b) in that paragraph omit “Strategic Health Authority,”
  - (c) after that paragraph insert—
    - “(aa) in relation to England, if the hospital falls within paragraph (a)(i) or (ii) and no Special Health Authority has responsibility for its administration, the Secretary of State;”,
    - and
  - (d) in paragraph (b) omit “Primary Care Trust.”
- (3) In paragraph 180 (supervisory bodies: hospitals in England)—
- (a) for sub-paragraph (2) substitute—
 

“(2) If the relevant person is ordinarily resident in the area of a local authority in England, the supervisory body are that local authority.”
  - (b) in sub-paragraph (3), after “If” insert “the relevant person is not ordinarily resident in England and”,
  - (c) in sub-paragraph (4), for “the Primary Care Trust” substitute “the local authority”,
  - (d) after sub-paragraph (4) insert—
 

“(4A) Local authority” means—

    - (a) the council of a county;
    - (b) the council of a district for which there is no county council;
    - (c) the council of a London borough;
    - (d) the Common Council of the City of London;
    - (e) the Council of the Isles of Scilly.”
    - (e) in sub-paragraph (5), for “Primary Care Trusts” substitute “local authorities”.

(4) In paragraph 181 (supervisory bodies: hospitals in Wales), for sub-paragraph (3) substitute—

“(3) But if the relevant person is ordinarily resident in the area of a local authority in England, the supervisory body are that local authority.

(4) “Local authority” means—

    - (a) the council of a county;
    - (b) the council of a district for which there is no county council;
    - (c) the council of a London borough;
    - (d) the Common Council of the City of London;
    - (e) the Council of the Isles of Scilly.”

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

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- (5) Before paragraph 183 insert the following heading— “ Supervisory bodies: determination of place of ordinary residence ”.
- (6) In that paragraph—
- (a) in sub-paragraph (1), for “paragraph” substitute “paragraphs 180, 181 and”, and
  - (b) in sub-paragraph (2), after “by virtue of sub-paragraph (1)” insert “to any determination of where a person is ordinarily resident for the purposes of paragraph 182”.

**Commencement Information**

**I156** Sch. 5 para. 136 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

*Childcare Act 2006 (c. 21)*

- 137 In section 4 of the Childcare Act 2006 (duty of local authority and relevant partners to work together), in subsection (1)—
- (a) before paragraph (a) insert—  
“(za) the National Health Service Commissioning Board;”, and
  - (b) in paragraph (a)—
    - (i) at the beginning insert “a clinical commissioning group”,
    - (ii) omit “a Strategic Health Authority”, and
    - (iii) omit “or Primary Care Trust”.

**Commencement Information**

**I157** Sch. 5 para. 137 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

*Emergency Workers (Obstruction) Act 2006 (c. 39)*

- 138 In section 1 of the Emergency Workers (Obstruction) Act 2006 (obstructing emergency workers)—
- (a) in subsection (5), in paragraph (a)—
    - (i) after “Wales,” insert “the Secretary of State in the exercise of public health functions, a local authority in the exercise of public health functions, the National Health Service Commissioning Board, a clinical commissioning group;”, and
    - (ii) omit “, Primary Care Trust”, and
  - (b) after that subsection insert—  
“(6) In subsection (5)(a) above “public health functions”—
    - (a) in relation to the Secretary of State, has the same meaning as in section 1H(5)(a) of the National Health Service Act 2006;
    - (b) in relation to a local authority, has the same meaning as in section 1H(5)(b) of that Act.”

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**Commencement Information**

**I158** Sch. 5 para. 138 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*National Health Service (Consequential Provisions) Act 2006 (c. 43)*

139 In Schedule 1 to the National Health Service (Consequential Provisions) Act 2006—

- (a) omit paragraphs 2(b), 30 (and the cross-heading preceding it), 47(b), 54(b), 90(e), 112(a), 125(c), 141(a), 170(b), 179(b)(iv), 180(c), 211(d), 228(a), 233(c), 234(c), 271(c) and 294 (which make amendments relating to Primary Care Trusts), and
- (b) omit paragraphs 90(g), 125(e), 131(c)(i), 179(b)(i), 180(a)(i), 211(a), 228(c), 233(a), 234(a) and 271(e) (which make amendments relating to Strategic Health Authorities).

**Commencement Information**

**I159** Sch. 5 para. 139 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*NHS Redress Act 2006 (c. 44)*

140 The NHS Redress Act 2006 is amended as follows.

**Commencement Information**

**I160** Sch. 5 para. 140 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

141 In section 1, in subsection (3)—

- (a) after paragraph (a) insert—
  - “(aa) the National Health Service Commissioning Board,
  - (ab) a clinical commissioning group,”
- (b) omit paragraph (b),
- (c) omit paragraph (c), and
- (d) in paragraph (d) for “(b) or (c)” substitute “(aa) or (ab)”.

**Commencement Information**

**I161** Sch. 5 para. 141 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

142 In section 18 (interpretation), in subsection (1) omit the definition of “designated Strategic Health Authority”.

**Commencement Information**

**I162** Sch. 5 para. 142 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))



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*Safeguarding Vulnerable Groups Act 2006 (c. 47)*

143 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

**Commencement Information**

**I163** Sch. 5 para. 143 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

144 In section 6 (regulated activity providers)—

- (a) omit subsection (8D), and
- (b) before subsection (9) insert—

“(8E) The National Health Service Commissioning Board or a clinical commissioning group does not make arrangements for another to engage in a regulated activity by virtue of anything the Board or the clinical commissioning group does under section 12A or 12D, or regulations under section 12A or 12B, of the National Health Service Act 2006 (direct payments for health services).”

**Commencement Information**

**I164** Sch. 5 para. 144 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

145 In section 17 (NHS employment) in subsection (3)—

- (a) before paragraph (a) insert—
  - “(za) the National Health Service Commissioning Board;
  - (zb) a clinical commissioning group;”
- (b) omit paragraph (b), and
- (c) omit paragraph (f).

**Commencement Information**

**I165** Sch. 5 para. 145 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

146 In section 22 (controlled activity relating to vulnerable adults), in subsection (6) in the definition of “hospital services” omit paragraph (d).

**Commencement Information**

**I166** Sch. 5 para. 146 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

PROSPECTIVE

*Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)*

147 In section 6 of the Corporate Manslaughter and Corporate Homicide Act 2007 (emergencies), in subsection (7) in the definition of “relevant NHS body”—

- (a) before paragraph (a) insert—

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“(za) the National Health Service Commissioning Board;”,  
and”

(b) in paragraph (a)—

- (i) at the beginning insert “a clinical commissioning group,”
- (ii) omit “a Strategic Health Authority,”, and
- (iii) omit “Primary Care Trust,”.

**Commencement Information**

**I167** Sch. 5 para. 147(a)(b)(i) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**I168** Sch. 5 para. 147(b)(ii)(iii) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

148 The Local Government and Public Involvement in Health Act 2007 is amended as follows.

**Commencement Information**

**I169** Sch. 5 para. 148 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

149 (1) Section 222 (arrangements relating to local care services) is amended as follows.

(2) In subsection (3)—

- (a) after paragraph (c) insert “or  
(ca) a clinical commissioning group.”,
- (b) omit paragraph (d), and
- (c) omit paragraph (e) and the preceding “or”.

(3) After that subsection insert—

“(3A) The arrangements must not be made with the National Health Service Commissioning Board.”

**Commencement Information**

**I170** Sch. 5 para. 149 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

150 In section 224 (duties of services-providers to respond to local involvement networks)—

- (a) for “services-provider”, in each place it appears, substitute “responsible person”,
- (b) in subsection (2), before paragraph (a) insert—  
“(za) the National Health Service Commissioning Board;  
(zb) a clinical commissioning group;”,
- (c) in that subsection, omit paragraph (c), and
- (d) in the title, for “services-providers” substitute “responsible persons”.

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**Commencement Information**

**I171** Sch. 5 para. 150 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 151 In section 225 (duties of services-providers to allow entry by local involvement networks), in subsection (7), omit paragraph (c).

**Commencement Information**

**I172** Sch. 5 para. 151 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 152 In section 227 (annual reports), in subsection (4)(b)—
- (a) omit “each Primary Care Trust,”,
  - (b) omit “and”,
  - (c) omit “each Strategic Health Authority,” and
  - (d) omit the words from “any” to the end.

**Commencement Information**

**I173** Sch. 5 para. 152 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Criminal Justice and Immigration Act 2008 (c. 4)*

- 153 In section 119 of the Criminal Justice and Immigration Act 2008 (offence of causing nuisance or disturbance on NHS premises), in subsection (4) in the definition of “relevant English NHS body”, omit paragraph (b).

**Commencement Information**

**I174** Sch. 5 para. 153 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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

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

**Commencement Information**

**I175** 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).

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#### Commencement Information

**I176** 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

**I177** Sch. 5 para. 156 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

<sup>F3</sup>157 .....

#### Textual Amendments

**F3** 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

**I178** Sch. 5 para. 158 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

<sup>F4</sup>159 .....

#### Textual Amendments

**F4** 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

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- (b) in subsection (5) after “reference to” insert “the National Health Service Commissioning Board, a clinical commissioning group or”.

**Commencement Information**

**I179** 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**

**I180** 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
  - (iii)”,and
- (b) omit “a Primary Care Trust”.

**Commencement Information**

**I181** Sch. 5 para. 162 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

PROSPECTIVE

<sup>F5</sup>163 .....

**Textual Amendments**

**F5** 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

<sup>F6</sup>164 .....

**Textual Amendments**

**F6** 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**

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- 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**

**I182** 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 “—  
 (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**

**I183** 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**

**I184** 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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*Education and Skills Act 2008 (c. 25)*

168 The Education and Skills Act 2008 is amended as follows.

**Commencement Information**

**I185** Sch. 5 para. 168 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

169 In section 16 (supply of information by public bodies), in subsection (2)—

- (a) omit paragraph (c),
- (b) omit paragraph (d), and
- (c) before paragraph (e) insert—  
“(da) a clinical commissioning group.”

**Commencement Information**

**I186** Sch. 5 para. 169 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

170 In section 77 (supply of information by public bodies), in subsection (2)—

- (a) omit paragraph (c),
- (b) omit paragraph (d), and
- (c) before paragraph (e) insert—  
“(da) a clinical commissioning group.”

**Commencement Information**

**I187** Sch. 5 para. 170 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Autism Act 2009 (c. 15)*

171 In section 4 of the Autism Act 2009 (interpretation), in subsection (1), in the definition of “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;”

**Commencement Information**

**I188** Sch. 5 para. 171 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Local Democracy, Economic Development and Construction Act 2009 (c. 20)*

F<sup>7</sup>172 .....

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### Textual Amendments

**F7** Sch. 5 para. 172 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 102(2)(c)**, 115(3)(k)

### *Health Act 2009 (c. 21)*

173 The Health Act 2009 is amended as follows.

#### Commencement Information

**I189** Sch. 5 para. 173 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

**I190** Sch. 5 para. 173 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

174 In each of the following provisions for “NHS services” substitute “health services”—

- (a) the title to Part 1,
- (b) section 2(3), (4)(a) and (b), (5)(a) and (b) and (7), and
- (c) the definitions of “carers”, “patients” and “staff” in section 3(7).

#### Commencement Information

**I191** Sch. 5 para. 174 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

175 (1) Section 2 (duty to have regard to NHS constitution) is amended as follows.

(2) In subsection (1), for “NHS functions” substitute “health service functions”.

(3) In subsection (2)—

- (a) omit paragraph (a),
- (b) omit paragraph (b), and
- (c) before paragraph (d) insert—
  - “(ca) the National Health Service Commissioning Board;
  - (cb) clinical commissioning groups;
  - (cc) local authorities (within the meaning of section 2B of the National Health Service Act 2006);”.

(4) In subsection (3), for “an “NHS function”” substitute “a “health service function””.

(5) In subsection (4)—

- (a) before paragraph (a) insert—
  - “(za) provides health services under arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under or by virtue of section 3, 3A, 3B or 4 of, or Schedule 1 to, the National Health Service Act 2006,”
- (b) omit the word “or” at the end of paragraph (a), and
- (c) after paragraph (b) insert “, or



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(c) provides health services under arrangements made by a local authority for the purposes of its functions under or by virtue of section 2B or 6C(1) of, or Schedule 1 to, that Act.”

(6) In subsection (5) for “subsection (4)(a) or (b)” substitute “subsection (4)(za), (a), (b) or (c)”.

#### Commencement Information

**I192** Sch. 5 para. 175(1) in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)

**I193** Sch. 5 para. 175(1)(3)(c) in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)

**I194** Sch. 5 para. 175(2)(3)(a)(b)(4)-(6) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

**I195** Sch. 5 para. 175(3)(c) in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)

176 (1) Section 3 (availability and review of NHS constitution) is amended as follows.

(2) In subsection (3), omit paragraph (d).

(3) Omit subsection (8).

#### Commencement Information

**I196** Sch. 5 para. 176 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

177 (1) Section 8 (duty of providers to publish information) is amended as follows.

(2) In subsection (1) for “NHS services” (in each place where it occurs) substitute “relevant health services”.

(3) Omit subsection (2)(a).

(4) In subsection (3) for paragraphs (a) to (c) substitute—

- “(a) provides health services as mentioned in section 2(4)(za) or (a), or
- (b) in pursuance of a contract, agreement or arrangements as mentioned in section 2(4)(za) or (a), makes arrangements for another person to provide health services.”

(5) For subsection (6) substitute—

“(6) In this section—

“health services” has the same meaning as in Chapter 1;

“relevant health services” means health services the provision of which is arranged by the National Health Service Commissioning Board or a clinical commissioning group under or by virtue of section 3, 3A, 3B or 4 of, or Schedule 1 to, the National Health Service Act 2006 or under or by virtue of Parts 4 to 7 of that Act.”

#### Commencement Information

**I197** Sch. 5 para. 177 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

178 In section 9 (supplementary provision about the duty to publish information), in subsection (3), for “a Strategic Health Authority” substitute “Monitor”.

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**Commencement Information**

**I198** Sch. 5 para. 178 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 179 In section 36 (disclosure of information by Her Majesty's Revenue and Customs), in subsection (3) after paragraph (a) insert—  
“(aa) the National Health Service Commissioning Board;”.

**Commencement Information**

**I199** Sch. 5 para. 179 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Equality Act 2010 (c. 15)*

- 180 The Equality Act 2010 is amended as follows.

**Commencement Information**

**I200** Sch. 5 para. 180 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

**I201** Sch. 5 para. 180 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 181 In section 1 (public sector duty regarding socio-economic inequalities), in subsection (3)—  
(a) omit paragraph (h), and  
(b) omit paragraph (i).

**Commencement Information**

**I202** Sch. 5 para. 181 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 182 In Part 1 of Schedule 19 (bodies subject to public sector equality duty), in the group of entries that includes entries for bodies whose functions relate to the health service—  
(a) at the beginning insert—  
“*The National Health Service Commissioning Board.*  
*A clinical commissioning group established under section 14D of the National Health Service Act 2006.*”,  
(b) in the entry for an NHS trust, for “that Act” substitute “the National Health Service Act 2006”,  
(c) omit the entry for a Primary Care Trust, and  
(d) omit the entry for a Strategic Health Authority.

**Commencement Information**

**I203** Sch. 5 para. 182(a) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**I204** Sch. 5 para. 182(b)-(d) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

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*Child Poverty Act 2010 (c. 9)*

- 183 In section 20 of the Child Poverty Act 2010 (partner authorities), in subsection (2)—
- (a) after paragraph (e) insert—
    - “(ea) a clinical commissioning group;”,
  - (b) omit paragraph (f), and
  - (c) omit paragraph (g).

**Commencement Information**

**I205** Sch. 5 para. 183 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

*Charities Act 2011 (c. 25)*

- 184 In section 149 of the Charities Act 2011 (audit or examination of English NHS charity accounts), in subsection (7)—
- (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,
    - (bc) trustees for the National Health Service Commissioning Board appointed in pursuance of paragraph 11 of Schedule A1 to the National Health Service Act 2006, or
    - (bd) trustees for a clinical commissioning group appointed in pursuance of paragraph 15 of Schedule 1A to that Act,”and
  - (d) omit paragraph (f).

**Commencement Information**

**I206** Sch. 5 para. 184(a)(b)(d) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-10](#), [Sch. paras. 1, 6](#))

**I207** Sch. 5 para. 184(c) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**Status:**

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**Changes to legislation:**

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

- Sch. 5 para. 78 omitted by [2018 anaw 2 Sch. 1 para. 6\(q\)](#)
- Sch. 5 para. 79 omitted by [2018 anaw 2 Sch. 1 para. 6\(q\)](#)
- 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\(5\)](#)