

## SCHEDULES

### SCHEDULE 5

#### PART 1: AMENDMENTS OF OTHER ENACTMENTS

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

- 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
  - (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)”.