

HEALTH AND SOCIAL CARE ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11 – Miscellaneous

Arrangements with devolved authorities etc.

Section 295 – Arrangements between the NHS Commissioning Board and Northern Ireland Ministers

1511. This section allows the NHS Commissioning Board to make arrangements with a Northern Ireland Minister to commission services for the purposes of the Northern Ireland health service. Examples of health services which Northern Ireland Ministers might ask the NHS Commissioning Board to commission for the Northern Ireland health service are specialised services for rare conditions and high secure psychiatric services.

Section 296 – Arrangements between the NHS Commissioning Board and Scottish Ministers etc.

1512. This section allows the NHS Commissioning Board to make arrangements with the Scottish Ministers or a Scottish health body to commission services for the purposes of the Scottish health service. Examples of health services which Scottish Ministers might ask the NHS Commissioning Board to commission for the Scottish health service are specialised services for rare conditions and high secure psychiatric services.

Section 297 - Relationships between the health services

1513. This section introduces Schedule 21.

Schedule 21 – Amendments relating to relationships between the health services

1514. This Schedule makes a number of amendments to health legislation by or in relation to Northern Ireland, Scotland and Wales. For example, removing references to PCTs and SHAs, and replacing them with references to CCGs or the NHS Commissioning Board.

1515. These amendments are:

<i>Act</i>	<i>Amendment</i>
<i>National Health Service (Scotland) Act 1978 (c.29)</i>	The Schedule removes references to SHAs and PCTs, and adds references to CCGs and the NHS Commissioning Board. It makes certain other adjustments in consequence of the changes made by the Act.
	The Schedule adds NICE and the Health and Social Care Information Centre to Section 17A of the Act so that

*These notes refer to the Health and Social Care Act 2012
(c.7) which received Royal Assent on 27 March 2012*

<i>Act</i>	<i>Amendment</i>
	arrangements with these bodies will be NHS Contracts for the purposes of the NHS (Scotland) Act 1978.
<i>NHS Act 2006 (c.41)</i>	<p>The Schedule adds Special Health Boards, Healthcare Improvement Scotland and the Scottish Ministers to section 9 of the Act so that arrangements by certain health service bodies with any of these persons will be NHS contracts for the purposes of the NHS Act.</p> <p>The amendment adopts the existing dispute resolution mechanism which applies when an agreement is an NHS contract under the NHS Act and a Health and Social Services contract under the NHS Act and the NHS (Scotland) Act 1978.</p> <p>Paragraphs 8 to 11 of the Schedule are related to changes made by the Act which impact upon certain bodies in Wales.</p>
<i>National Health Service (Wales) Act 2006 (c.42)</i>	<p>The Schedule removes references to SHAs and PCTs, and adds references to CCGs and the NHS Commissioning Board.</p> <p>Paragraph 13 of this Schedule adds Special Health Boards, Healthcare Improvement Scotland and the Scottish Ministers to section 7 of the Act so that arrangements by certain health service bodies with any of these persons will be NHS contracts for the purposes of the NHS (Wales) Act 2006.</p> <p>The amendments to the rest of the NHS (Wales) Act 2006 made in this schedule are either consequential on the changes made elsewhere in the Act, or are designed to ensure that provisions which are parallel in the NHS (Wales) Act 2006 and the NHS Act continue to work in parallel.</p>
<i>Health and Personal Social Services (Northern Ireland) Order 1991</i>	<p>The Schedule adds health bodies, for example, Healthcare Improvement Scotland, NICE and the Health and Social Care Information Centre, to Article 8 of the Order so that arrangements by these bodies will be HSS contracts for the purposes of the Health and Personal Social Service (Northern Ireland) order 1991.</p> <p>Certain amendments to this order are consequential to changes made elsewhere in the Act.</p>

Section 298 - Advice or assistance to public authorities in the Isle of Man or Channel Islands

1516. This section allows the NHS Commissioning Board and CCGs to provide advice or assistance to public authorities in the Isle of Man or the Channel Islands, for example, assisting them when they enter into arrangements with bodies for the provision of specialised services.