



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 11

#### MISCELLANEOUS

##### *Arrangements with devolved authorities etc.*

#### **295 Arrangements between [F1NHS England] and Northern Ireland Ministers**

- (1) [F1NHS England] may make arrangements with a Northern Ireland Minister for [F1NHS England] to commission services for the purposes of the Northern Ireland health service.
- (2) Arrangements under this section may be on such terms and conditions as may be agreed between the parties to the arrangements.
- (3) Those terms and conditions may include provision with respect to the making of payments to [F1NHS England] in respect of the cost to it of giving effect to the arrangements.
- (4) In this section—

“commission” means arrange for the provision of,

“Northern Ireland health service” means any of the health services under any enactment which extends to Northern Ireland and which corresponds to section 1(1) of the National Health Service Act 2006 (and, for that purpose, “enactment” includes subordinate legislation within the meaning of the Interpretation Act 1978 and Northern Ireland legislation), and

“Northern Ireland Minister” includes the First Minister, the deputy First Minister and a Northern Ireland department.

#### **Textual Amendments**

- F1** Words in s. 295 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

*Changes to legislation: Health and Social Care Act 2012, Cross Heading: Arrangements with devolved authorities etc. is up to date with all changes known to be in force on or before 26 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

- I1** S. 295 in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)  
**I2** S. 295 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)

### 296 Arrangements between [<sup>F2</sup>NHS England] and Scottish Ministers etc.

- (1) [<sup>F2</sup>NHS England] may make arrangements with the Scottish Ministers or a Scottish health body for [<sup>F2</sup>NHS England] to commission services for the purposes of the Scottish health service.
- (2) Arrangements under this section may be on such terms and conditions as may be agreed between the parties to the arrangements.
- (3) Those terms and conditions may include provision with respect to the making of payments to [<sup>F2</sup>NHS England] in respect of the cost to it of giving effect to the arrangements.
- (4) In this section—
  - “commission” means arrange for the provision of, and
  - “Scottish health body” means—
    - (a) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978, and
    - (b) the Common Services Agency for the Scottish Health Service constituted by section 10 of that Act.

#### Textual Amendments

- F2** Words in s. 296 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

#### Commencement Information

- I3** S. 296 in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)  
**I4** S. 296 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)

### [<sup>F3</sup>296A. Arrangements between NHS England and devolved authorities in respect of education and training

- (1) NHS England may make arrangements with a devolved authority for NHS England—
  - (a) to exercise on behalf of the devolved authority any function of that authority that corresponds to a function of NHS England that is conferred by or under Chapter 1 of Part 3 of the Care Act 2014;
  - (b) to provide services or facilities in so far as the devolved authority requires them in connection with the exercise of such a function.
- (2) Arrangements under this section may be on such terms and conditions as may be agreed between the parties to the arrangements.
- (3) Those terms and conditions may include provision with respect to the making of payments to NHS England in respect of the cost to it of giving effect to the arrangements.

**Changes to legislation:** *Health and Social Care Act 2012, Cross Heading: Arrangements with devolved authorities etc. is up to date with all changes known to be in force on or before 26 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*

(4) In this section—

“devolved authority” means—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, and
- (c) a Northern Ireland Minister.

“Northern Ireland Minister” includes the First Minister, the deputy First Minister and a Northern Ireland department.]

#### Textual Amendments

- F3** S. 296A inserted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 12(3)** (with reg. 7)

## 297 Relationships between the health services

Schedule 21 (which amends enactments relating to the relationships between the health services in the United Kingdom) has effect.

#### Commencement Information

- I5** S. 297 in force at 1.2.2013 for specified purposes by [S.I. 2012/2657](#), **art. 2(4)**
- I6** S. 297 in force at 1.4.2013 for specified purposes by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

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

- (1) [<sup>F4</sup>NHS England] or [<sup>F5</sup>an integrated care board] may provide advice or assistance to any public authority in the Isle of Man or Channel Islands.
- (2) Advice or assistance under subsection (1) may be provided on such terms, including terms as to payment, as [<sup>F4</sup>NHS England] or (as the case may be) the [<sup>F6</sup>integrated care board] considers appropriate.

#### Textual Amendments

- F4** Words in s. 298 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 1 para. 1(1)(2)**; [S.I. 2022/734](#), reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F5** Words in s. 298(1) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 187(2)**; [S.I. 2022/734](#), reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F6** Words in s. 298(2) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 187(3)**; [S.I. 2022/734](#), reg. 2(a), **Sch.** (with regs. 13, 29, 30)

#### Commencement Information

- I7** S. 298 in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

**Changes to legislation:**

Health and Social Care Act 2012, Cross Heading: Arrangements with devolved authorities etc. is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 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\(5\)](#)