



Health and Social Care Act 2012

2012 CHAPTER 7

PART 5

PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

CHAPTER 2

LOCAL GOVERNMENT

Care Trusts

200 Care Trusts

(1) In section 77 of the National Health Service Act 2006 (Care Trusts), in subsection (1)

- (a) in paragraph (a), after “an NHS trust” insert “or a clinical commissioning group or an NHS foundation trust”,
- (b) omit the “and” preceding paragraph (b),
- (c) in paragraph (b), for “the Secretary of State considers” substitute “the body and the local authority concerned consider”,
- (d) in that paragraph, for “a local authority” substitute “the local authority”,
- (e) after paragraph (b), insert “, and
 - (c) the requirements in subsection (1A) are satisfied,”, and
- (f) for “the Secretary of State may” substitute “the body and the local authority may jointly”.

(2) After that subsection insert—

“(1A) The body and the local authority must, before designating the body as a Care Trust under this section—

- (a) publish in the prescribed form and manner—

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: Care Trusts is up to date with all changes known to be in force on or before 28 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*

- (i) the reasons why they consider that the proposed designation would be likely to have the result mentioned in subsection (1)(b), and
 - (ii) information about the proposed governance arrangements of the Care Trust, and
 - (b) consult on the proposed designation in accordance with regulations.
- (1B) Where a body has been designated as a Care Trust under this section, the body and the local authority must notify prescribed persons of the designation.”
- (3) Omit subsections (2) and (3) of that section.
- (4) In subsection (4) of that section—
- (a) for “The direction is that while the body is designated it” substitute “A body designated as a Care Trust under this section”,
 - (b) for “specified in the direction” substitute “agreed”,
 - (c) for “so specified” substitute “so agreed”, and
 - (d) at the end insert “; and “agreed” means agreed by the body and the local authority”.
- (5) For subsection (5) of that section substitute—
- “(5) Where a body is designated as a Care Trust under this section, the body and the local authority may jointly revoke that designation.
 - (5A) Before revoking a designation as a Care Trust under this section, the body and the local authority must consult on the proposed revocation of the designation in accordance with regulations.
 - (5B) Where the designation of a body as a Care Trust under this section has been revoked, the body and the local authority must notify prescribed persons of the revocation.”
- (6) After subsection (5B) of that section insert—
- “(5C) Regulations under subsection (1A)(b) or (5A) may include provision requiring a body and a local authority to publish prescribed information following a consultation.”
- (7) After subsection (5C) of that section insert—
- “(5D) Where a duty is imposed by or by virtue of this section on a body and a local authority, they may make arrangements for the function to be discharged—
 - (a) by both of them acting jointly,
 - (b) by each of them acting separately, or
 - (c) by one of them acting on behalf of both of them.”
- (8) Omit subsection (6) of that section.
- (9) Omit subsection (7) of that section.
- (10) In subsection (9) of that section—
- (a) omit paragraph (a),
 - (b) omit paragraph (b),
 - (c) omit paragraph (c), and

Changes to legislation: *Health and Social Care Act 2012, Cross Heading: Care Trusts is up to date with all changes known to be in force on or before 28 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*

- (d) in paragraph (d), for “subsection (3)” substitute “subsection (4)”.
- (11) In subsection (10) of that section, after “NHS trust” insert “or clinical commissioning group or NHS foundation trust”.
- (12) In subsection (12) of that section, in the definition of “NHS functions” after “NHS trust” insert “or clinical commissioning group or NHS foundation trust”.
- (13) Subsections (1)(e) and (2) do not apply in relation to a Primary Care Trust or an NHS trust which has satisfied any requirement in relation to consultation imposed by virtue of subsection (9) of section 77 of the National Health Service Act 2006 before the commencement of those subsections.
- (14) A Primary Care Trust or NHS trust which, after the commencement of subsection (5), has its designation as a Care Trust revoked must notify the Secretary of State of that revocation.

^{F1}(15)

Textual Amendments

F1 S. 200(15) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 7 para. 11](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Commencement Information

I1 S. 200 partly in force; s. 200 in force for specified purposes at Royal Assent, see [s. 306\(1\)\(d\)](#)
I2 S. 200 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)

Changes to legislation:

Health and Social Care Act 2012, Cross Heading: Care Trusts is up to date with all changes known to be in force on or before 28 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.

[View outstanding changes](#)

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\(5\)](#)