

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Health and Social Care Act 2012, Cross Heading: National Health Service Act 2006 (c. 41) is up to date with all changes known to be in force on or before 21 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

SCHEDULES

SCHEDULE 21

AMENDMENTS RELATING TO RELATIONSHIPS BETWEEN THE HEALTH SERVICES

National Health Service Act 2006 (c. 41)

5 The National Health Service Act 2006 is amended as follows.

Commencement Information

- I1** Sch. 21 para. 5 in force at 1.2.2013 for specified purposes by [S.I. 2012/2657](#), [art. 2\(4\)](#)
I2 Sch. 21 para. 5 in force at 1.4.2013 for specified purposes by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

6 In section 9 (NHS contracts), in subsection (4)—
(a) after paragraph (f) insert—
“(fa) a Special Health Board constituted under that section,”
and
(b) after paragraph (n) insert—
“(na) the Scottish Ministers,
(nb) Healthcare Improvement Scotland.”

Commencement Information

- I3** Sch. 21 para. 6 in force at 1.2.2013 by [S.I. 2012/2657](#), [art. 2\(4\)](#)

7 After section 10 (provision about NHS contracts entered into by a body in Northern Ireland) insert—

“10A Provision for bodies in Scotland

- (1) Subsection (2) applies where the Scottish Ministers are, or a body mentioned in paragraph (f), (fa), (h), (l) or (nb) of section 9(4) is, a party or prospective party to an arrangement or proposed arrangement which—
(a) falls within the definition of NHS contract in section 9(1), and
(b) also falls within the definition of NHS contract in section 17A of the National Health Service (Scotland) Act 1978.
- (2) Subsections (5) to (13) of section 9 apply in relation to the arrangement or proposed arrangement (except in so far as it relates to reserved matters within the meaning of the Scotland Act 1998) with the substitution for references to the Secretary of State of references to the Secretary of State and the Scottish Ministers acting jointly.

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- (3) Subsection (4) applies (and subsection (2) does not apply) where a cross-border Special Health authority is a party or prospective party to an arrangement or proposed arrangement which—
- (a) falls within the definition of NHS contract in section 9(1), and
 - (b) also falls within the definition of NHS contract in section 17A of the National Health Service (Scotland) Act 1978 and the definition of NHS contract in section 7(1) of the National Health Service (Wales) Act 2006.
- (4) Subsections (5) to (13) of section 9 apply in relation to that arrangement or proposed arrangement (except in so far as it relates to reserved matters within the meaning of the Scotland Act 1998) with the substitution for references to the Secretary of State—
- (a) where the cross-border Special Health Authority is exercising functions in relation to England only, of references to the Secretary of State and the Scottish Ministers acting jointly; and
 - (b) where the Authority is exercising functions in relation to England and Wales, of references to the Secretary of State and the Welsh Ministers acting concurrently with each other and jointly with the Scottish Ministers.
- (5) In subsections (3) and (4), “cross-border Special Health Authority” means a Special Health Authority which is established under the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 by virtue of—
- (a) paragraph 1(2) of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006, or
 - (b) the power under section 28 of the National Health Service Act 2006 and the power under section 22 of the National Health Service (Wales) Act 2006 being exercised together.”

Commencement Information

I4 Sch. 21 para. 7 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

PROSPECTIVE

- 8 (1) In section 66 (intervention orders), for subsection (1) substitute—
- “(1) This section applies to—
- (a) NHS trusts, and
 - (b) Special Health Authorities.”
- (2) Until the commencement of section 33 of this Act, subsection (1) of section 66 of the National Health Service Act 2006 has effect as if it included a reference to Strategic Health Authorities.
- (3) Until the commencement of section 34 of this Act, subsection (1) of section 66 of the National Health Service Act 2006 has effect as if it included a reference to Primary Care Trusts.

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PROSPECTIVE

- 9 (1) Section 67 (effect of intervention orders) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) omit “or Local Health Board, or a member of the board of directors of an NHS trust”, and
 - (b) in paragraph (b)—
 - (i) omit “or Local Health Board,” and
 - (ii) in that paragraph omit “, or an executive director of an NHS trust”.
- (3) In subsection (7)(a) omit “(or in the case of an NHS trust to the membership of its board of directors)”.

PROSPECTIVE

- 10 (1) In section 68 (default powers), for subsection (1) substitute—
- “(1) This section applies to—
- (a) NHS trusts established under section 25, and
 - (b) Special Health Authorities.”
- (2) Until the commencement of section 33 of this Act, subsection (1) of section 68 of the National Health Service Act 2006 has effect as if it included a reference to Strategic Health Authorities.
- (3) Until the commencement of section 34 of this Act, subsection (1) of section 68 of the National Health Service Act 2006 has effect as if it included a reference to Primary Care Trusts.
- 11 In section 78 (directed partnership arrangements), in subsection (3)—
- (a) in paragraph (c) after “NHS trusts” insert “established under section 25”, and
 - (b) omit paragraph (d).

Commencement Information

I5 Sch. 21 para. 11 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Changes to legislation:

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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. 251ZC 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\(5\)](#)