

SCHEDULES

SCHEDULE 1

Section 9(2)

THE NATIONAL HEALTH SERVICE COMMISSIONING BOARD

“SCHEDULE A1

Section 1H(4)

THE NATIONAL HEALTH SERVICE COMMISSIONING BOARD

Status

- 1 (1) The Board is not to be regarded as a servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown.
- (2) The Board’s property is not to be regarded as property of, or property held on behalf of, the Crown.

Membership

- 2 (1) The Board is to consist of—
 - (a) a chair appointed by the Secretary of State,
 - (b) at least five other members so appointed, and
 - (c) the chief executive and other members appointed in accordance with paragraph 3.
- (2) In this Schedule—
 - (a) references to non-executive members of the Board are references to the members appointed in accordance with sub-paragraph (1)(a) and (b), and
 - (b) references to executive members of the Board are references to the other members.
- (3) The number of executive members must be less than the number of non-executive members.

The chief executive and other executive members: appointment and status

- 3 (1) The chief executive and the other executive members of the Board are to be appointed by the non-executive members.
- (2) A person may not be appointed as chief executive without the consent of the Secretary of State.
- (3) The chief executive and the other executive members are to be employees of the Board.
- (4) The first chief executive of the Board is to be appointed by the Secretary of State.

Status: This is the original version (as it was originally enacted).

Non-executive members: tenure

- 4
- (1) A person holds and vacates office as a non-executive member of the Board in accordance with that person's terms of appointment.
 - (2) A person may at any time resign from office as a non-executive member by giving notice to the Secretary of State.
 - (3) The Secretary of State may at any time remove a person from office as a non-executive member on any of the following grounds—
 - (a) incapacity,
 - (b) misbehaviour, or
 - (c) failure to carry out his or her duties as a non-executive member.
 - (4) The Secretary of State may suspend a person from office as a non-executive member if it appears to the Secretary of State that there are or may be grounds to remove that person from office under sub-paragraph (3).
 - (5) A person may not be appointed as a non-executive member for a period of more than four years.
 - (6) A person who ceases to be a non-executive member is eligible for re-appointment.

Suspension of non-executive members

- 5
- (1) This paragraph applies where a person is suspended under paragraph 4(4).
 - (2) The Secretary of State must give notice of the decision to the person; and the suspension takes effect on receipt by the person of the notice.
 - (3) The notice may be—
 - (a) delivered in person (in which case the person is taken to receive it when it is delivered), or
 - (b) sent by first class post to the person's last known address (in which case, the person is taken to receive it on the third day after the day on which it is posted).
 - (4) The initial period of suspension must not exceed six months.
 - (5) The Secretary of State may at any time review the suspension.
 - (6) The Secretary of State—
 - (a) must review the suspension if requested in writing by the person to do so, but
 - (b) need not review the suspension less than three months after the beginning of the initial period of suspension.
 - (7) Following a review during a period of suspension, the Secretary of State may—
 - (a) revoke the suspension, or
 - (b) suspend the person for another period of not more than six months from the expiry of the current period.
 - (8) The Secretary of State must revoke the suspension if the Secretary of State —
 - (a) decides that there are no grounds to remove the person from office under paragraph 4(3), or

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- (b) decides that there are grounds to do so but does not remove the person from office under that provision.
- 6
- (1) Where a person is suspended from office as the chair under paragraph 4(4), the Secretary of State may appoint a non-executive member as interim chair to exercise the chair's functions.
 - (2) Appointment as interim chair is for a term not exceeding the shorter of—
 - (a) the period ending with either—
 - (i) the appointment of a new chair, or
 - (ii) the revocation or expiry of the existing chair's suspension, and
 - (b) the remainder of the interim chair's term as a non-executive member.
 - (3) A person who ceases to be the interim chair is eligible for re-appointment.

Payment of non-executive members

- 7
- (1) The Board must pay to its non-executive members such remuneration as the Secretary of State may determine.
 - (2) The Board must pay or make provision for the payment of such pensions, allowances or gratuities as the Secretary of State may determine to or in respect of any person who is or has been a non-executive member of the Board.
 - (3) If a person ceases to be a non-executive member and the Secretary of State decides that there are exceptional circumstances which mean that the person should be compensated, the Board must pay compensation to the person of such amount as the Secretary of State may, with the approval of the Treasury, determine.

Staff

- 8
- The Board may appoint such persons to be employees of the Board as it considers appropriate.
- 9
- (1) Employees of the Board are to be paid such remuneration and allowances as the Board may determine.
 - (2) Employees of the Board are to be appointed on such other terms and conditions as the Board may determine.
 - (3) The Board may pay or make provision for the payment of such pensions, allowances or gratuities as it may determine to or in respect of any person who is or has been an employee of the Board.
 - (4) Before making a determination as to remuneration, pensions, allowances or gratuities for the purposes of this paragraph, the Board must obtain the approval of the Secretary of State to its policy on the matter.

Committees

- 10
- (1) The Board may appoint such committees and sub-committees as it considers appropriate.
 - (2) A committee or sub-committee may consist of or include persons who are not members or employees of the Board.

Status: This is the original version (as it was originally enacted).

- (3) The Board may pay such remuneration and allowances as it determines to any person who—
- (a) is a member of a committee or a sub-committee, but
 - (b) is not an employee of the Board,
- whether or not that person is a non-executive member of the Board.

Trust funds and trustees

- 11 (1) The Secretary of State may by order provide for the appointment of trustees for the Board to hold property on trust—
- (a) for the general or any specific purposes of the Board, or
 - (b) for any purposes relating to the health service in England.
- (2) An order under sub-paragraph (1) may—
- (a) make provision as to the persons by whom trustees must be appointed and generally as to the method of their appointment,
 - (b) make any appointment subject to such conditions as may be specified in the order (including conditions requiring the consent of the Secretary of State),
 - (c) make provision as to the number of trustees to be appointed, including provision under which that number may from time to time be determined by the Secretary of State after consultation with such persons as the Secretary of State considers appropriate, and
 - (d) make provision with respect to the term of office of any trustee and his or her removal from office.
- (3) Where trustees have been appointed by virtue of sub-paragraph (1), the Secretary of State may by order provide for the transfer of any trust property from the Board to the trustees.

Procedure

- 12 (1) The Board may regulate its own procedure.
- (2) The validity of any act of the Board is not affected by any vacancy among the members or by any defect in the appointment of any member.

Exercise of functions

- 13 The Board may arrange for the exercise of any of its functions on its behalf by—
- (a) any non-executive member,
 - (b) any employee (including any executive member), or
 - (c) a committee or sub-committee.

Provision of information to Secretary of State

- 14 (1) The Secretary of State may require the Board to provide the Secretary of State with such information as the Secretary of State considers it necessary to have for the purposes of the functions of the Secretary of State in relation to the health service.
- (2) The information must be provided in such form, and at such time or within such period, as the Secretary of State may require.

Accounts

- 15
- (1) The Board must keep proper accounts and proper records in relation to the accounts.
 - (2) The Secretary of State may, with the approval of the Treasury, give directions to the Board as to—
 - (a) the content and form of its accounts, and
 - (b) the methods and principles to be applied in the preparation of its accounts.
 - (3) In sub-paragraph (2) the reference to accounts includes a reference to the Board's consolidated annual accounts prepared under paragraph 16 and any interim accounts prepared by virtue of paragraph 17.
 - (4) The chief executive of the Board is to be its accounting officer.

Annual accounts

- 16
- (1) The Board must prepare consolidated annual accounts in respect of each financial year.
 - (2) The consolidated annual accounts must contain—
 - (a) the Board's annual accounts, and
 - (b) a consolidation of the Board's annual accounts and the annual accounts of each clinical commissioning group.
 - (3) The Board must send copies of the consolidated annual accounts to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General,within such period after the end of the financial year to which the accounts relate as the Secretary of State may direct.
 - (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the consolidated annual accounts, and
 - (b) lay copies of the accounts and the report on them before Parliament.
 - (5) In this paragraph, "financial year" includes the period which begins with the day on which the Board is established and ends on the following 31 March.

Interim Accounts

- 17
- (1) The Secretary of State may, with the approval of the Treasury, direct the Board to prepare accounts in respect of such period or periods as may be specified in the direction ("interim accounts").
 - (2) The interim accounts in respect of any period must contain—
 - (a) the Board's accounts in respect of that period, and
 - (b) a consolidation of the Board's accounts in respect of that period and any accounts of clinical commissioning groups in respect of that period which are prepared by virtue of paragraph 17(3) of Schedule 1A.
 - (3) The Board must send copies of any interim accounts to—
 - (a) the Secretary of State, and
 - (b) if the Secretary of State so directs, the Comptroller and Auditor General,within such period as the Secretary of State may direct.

Status: This is the original version (as it was originally enacted).

- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on any interim accounts sent by virtue of subparagraph (3)(b),
 - (b) if the Secretary of State so directs, send a copy of the report on the accounts to the Secretary of State, and
 - (c) if the Secretary of State so directs, lay copies of the accounts and the report on them before Parliament.

Seal and evidence

- 18 (1) The application of the Board’s seal must be authenticated by the signature of any member of the Board or any other person who has been authorised (generally or specially) for that purpose.
- (2) A document purporting to be duly executed under the Board’s seal or to be signed on its behalf must be received in evidence and, unless the contrary is proved, taken to be so executed or signed.”

SCHEDULE 2

Section 25(2)

CLINICAL COMMISSIONING GROUPS

“SCHEDULE 1A

Sections 14B(6), 14D(2) and 14I(4)

CLINICAL COMMISSIONING GROUPS

PART 1

CONSTITUTION OF CLINICAL COMMISSIONING GROUPS

General

- 1 A clinical commissioning group must have a constitution.
- 2 (1) The constitution must specify—
- (a) the name of the clinical commissioning group,
 - (b) the members of the group, and
 - (c) the area of the group.
- (2) The name of the group must comply with such requirements as may be prescribed.
- 3 (1) The constitution must specify the arrangements made by the clinical commissioning group for the discharge of its functions (including its functions in determining the terms and conditions of its employees).
- (2) The arrangements may include provision—
- (a) for the appointment of committees or sub-committees of the clinical commissioning group, and
 - (b) for any such committees to consist of or include persons other than members or employees of the clinical commissioning group.

Status: This is the original version (as it was originally enacted).

- (3) The arrangements may include provision for any functions of the clinical commissioning group to be exercised on its behalf by—
 - (a) any of its members or employees,
 - (b) its governing body, or
 - (c) a committee or sub-committee of the group.
- 4 (1) The constitution must specify the procedure to be followed by the clinical commissioning group in making decisions.
- (2) The constitution must also specify the arrangements made by the clinical commissioning group for securing that there is transparency about the decisions of the group and the manner in which they are made.
- 5 The constitution must specify the arrangements made by the clinical commissioning group for discharging its duties under section 14O(1) to (4).
- 6 The provision made by virtue of paragraphs 3 and 4 must secure that there is effective participation by each member of the clinical commissioning group in the exercise of the group's functions.

Governing bodies of clinical commissioning groups

- 7 (1) The constitution must specify the arrangements made by the clinical commissioning group for the discharge of the functions of its governing body.
- (2) The arrangements—
 - (a) must include provision for the appointment of the audit committee and remuneration committee of the governing body, and
 - (b) may include provision for the appointment of other committees or sub-committees of the governing body.
- (3) Arrangements under sub-paragraph (2)(a) may include provision for the audit committee to include individuals who are not members of the governing body.
- (4) Arrangements under sub-paragraph (2)(b) may include provision for a committee or sub-committee to include individuals who are not members of the governing body but are—
 - (a) members of the clinical commissioning group, or
 - (b) individuals of a description specified in the constitution.
- (5) The arrangements may include provision for any functions of the governing body to be exercised on its behalf by—
 - (a) any committee or sub-committee of the governing body,
 - (b) a member of the governing body,
 - (c) a member of the clinical commissioning group who is an individual (but is not a member of the governing body), or
 - (d) an individual of a description specified in the constitution.
- (6) In this paragraph, references to the functions of the governing body of a clinical commissioning group include references to the functions of the clinical commissioning group which are exercisable by the governing body under arrangements specified in the constitution by virtue of paragraph 3(3).

Status: This is the original version (as it was originally enacted).

- 8
- (1) The constitution must specify the procedure to be followed by the governing body in making decisions.
 - (2) The constitution must also specify the arrangements made by the clinical commissioning group for securing that there is transparency about the decisions of the governing body and the manner in which they are made.
 - (3) The provision made under sub-paragraph (2) must include provision for meetings of governing bodies to be open to the public, except where the clinical commissioning group considers that it would not be in the public interest to permit members of the public to attend a meeting or part of a meeting.

Supplemental

- 9 In addition to the provision authorised or required to be included under this Part of this Schedule, the constitution may make further provision.

PART 2

FURTHER PROVISION ABOUT CLINICAL COMMISSIONING GROUPS

Status

- 10
- (1) A clinical commissioning group is a body corporate.
 - (2) A clinical commissioning group is not to be regarded as a servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown.
 - (3) The property of a clinical commissioning group is not to be regarded as property of, or property held on behalf of, the Crown.

Staff

- 11
- (1) A clinical commissioning group may appoint such persons to be employees of the group as it considers appropriate.
 - (2) A clinical commissioning group must—
 - (a) pay its employees remuneration and travelling or other allowances in accordance with determinations made by its governing body under section 14L(3)(a), and
 - (b) employ them on such other terms and conditions as it may determine.
 - (3) A clinical commissioning group may, for or in respect of such of its employees as it may determine, make arrangements for providing pensions, allowances or gratuities.
 - (4) Such arrangements may include the establishment and administration, by the clinical commissioning group or otherwise, of one or more pension schemes.
 - (5) The arrangements that may be made under sub-paragraph (3) include arrangements for the provision of pensions, allowances or gratuities by way of compensation to or in respect of any of the clinical commissioning group's employees who suffer loss of office or employment or loss or diminution of emoluments.

Accountable officer

- 12 (1) A clinical commissioning group must have an accountable officer.
- (2) The accountable officer is to be appointed by the Board.
- (3) The Board may appoint a person to be the accountable officer for more than one clinical commissioning group (and in the following provisions of this paragraph such an appointment is referred to as a “joint appointment”).
- (4) The accountable officer may be—
- (a) an individual who is a member of the clinical commissioning group or of any body that is a member of the group or, in the case of a joint appointment, an individual who is a member of any of the groups in question or of any body that is a member of any of those groups, or
 - (b) an employee of the group or of any member of the group or, in the case of a joint appointment, an employee of any of the groups in question or of any member of those groups.
- (5) If the accountable officer is not an employee of the clinical commissioning group or, in the case of a joint appointment, of any of the groups in question, the group or any of the groups may pay remuneration and travelling or other allowances to the accountable officer in accordance with determinations made by its governing body under section 14L(3)(a).
- (6) A clinical commissioning group may, for or in respect of its accountable officer, make arrangements for providing pensions, allowances or gratuities.
- (7) The arrangements that may be made under sub-paragraph (6) include arrangements for the provision of pensions, allowances or gratuities by way of compensation to or in respect of the accountable officer where the officer suffers loss of office or loss or diminution of emoluments.
- (8) Where a clinical commissioning group has, by virtue of paragraph 11(4), established a pension scheme, the arrangements that may be made under sub-paragraph (6) include arrangements for the accountable officer to be a member of the scheme.
- (9) The accountable officer is responsible for ensuring that the clinical commissioning group or, in the case of a joint appointment, each of the groups in question—
- (a) complies with its obligations under—
 - (i) sections 14Q and 14R,
 - (ii) sections 223H to 223J,
 - (iii) paragraphs 17 to 19 of this Schedule, and
 - (iv) any other provision of this Act specified in a document published by the Board for the purposes of this sub-paragraph, and
 - (b) exercises its functions in a way which provides good value for money.

Remuneration etc for members of governing bodies

- 13 (1) A clinical commissioning group may pay members of its governing body such remuneration and travelling or other allowances as it considers appropriate.

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- (2) A clinical commissioning group may, for or in respect of such members of its governing body as it may determine, make arrangements for providing pensions, allowances or gratuities.
- (3) Such arrangements may include the establishment and administration, by the clinical commissioning group or otherwise, of one or more pension schemes.
- (4) The arrangements that may be made under sub-paragraph (2) include arrangements for the provision of pensions, allowances or gratuities by way of compensation to or in respect of any members of the governing body who suffer loss or diminution of emoluments.
- (5) Where a clinical commissioning group has, by virtue of paragraph 11(4), established a pension scheme, the arrangements that may be made under sub-paragraph (2) include arrangements for members of the governing body to be members of the scheme.
- (6) Sub-paragraph (2) does not apply to members of the governing body who are—
 - (a) members or employees of the clinical commissioning group, or
 - (b) members or employees of a body that is a member of the clinical commissioning group.

Additional powers in respect of payment of allowances

- 14 A clinical commissioning group may pay such travelling or other allowances as it considers appropriate to any of the following—
 - (a) members of the clinical commissioning group who are individuals;
 - (b) individuals authorised to act on behalf of a member of the clinical commissioning group in dealings between the member and the group;
 - (c) members of any committee or sub-committee of the clinical commissioning group or its governing body.

Trust funds and trustees

- 15 (1) The Secretary of State may by order provide for the appointment of trustees for a clinical commissioning group to hold property on trust—
 - (a) for the general or any specific purposes of the group, or
 - (b) for any purposes relating to the health service in England.
- (2) An order under sub-paragraph (1) may—
 - (a) make provision as to the persons by whom trustees must be appointed and generally as to the method of their appointment,
 - (b) make any appointment subject to such conditions as may be specified in the order (including conditions requiring the consent of the Secretary of State),
 - (c) make provision as to the number of trustees to be appointed, including provision under which that number may from time to time be determined by the Secretary of State after consultation with such persons as the Secretary of State considers appropriate, and
 - (d) make provision with respect to the term of office of any trustee and his or her removal from office.

Status: This is the original version (as it was originally enacted).

- (3) Where trustees have been appointed by virtue of sub-paragraph (1), the Secretary of State may by order provide for the transfer of any trust property from the clinical commissioning group to the trustees.

Externally financed development agreements

- 16 (1) The powers of a clinical commissioning group include power to enter into externally financed development agreements.
- (2) For the purposes of this paragraph, an agreement is an externally financed development agreement if it is certified as such in writing by the Secretary of State.
- (3) The Secretary of State may give a certificate under this paragraph if—
- (a) in the Secretary of State’s opinion the purpose or main purpose of the agreement is the provision of services or facilities in connection with the discharge by a clinical commissioning group of any of its functions, and
 - (b) a person proposes to make a loan to, or provide any other form of finance for, another party in connection with the agreement.
- (4) If a clinical commissioning group enters into an externally financed development agreement it may also, in connection with that agreement, enter into an agreement with a person who falls within sub-paragraph (3)(b) in relation to the externally financed development agreement.
- (5) In sub-paragraph (3)(b) “another party” means any party to the agreement other than the clinical commissioning group.
- (6) The fact that an agreement made by a clinical commissioning group has not been certified under this paragraph does not affect its validity.

Accounts and audits

- 17 (1) A clinical commissioning group must keep proper accounts and proper records in relation to the accounts.
- (2) A clinical commissioning group must prepare annual accounts in respect of each financial year.
- (3) The Board may, with the approval of the Secretary of State, direct a clinical commissioning group to prepare accounts in respect of such period or periods as may be specified in the direction.
- (4) The Board may, with the approval of the Secretary of State, give directions to a clinical commissioning group as to—
- (a) the methods and principles according to which its annual or other accounts must be prepared, and
 - (b) the form and content of such accounts.
- (5) The annual accounts and, if the Board so directs, accounts prepared by virtue of sub-paragraph (3) must be audited in accordance with the Audit Commission Act 1998 by an auditor or auditors appointed in accordance with arrangements made by the Board for the purposes of this paragraph.
- (6) The Comptroller and Auditor General may examine—
- (a) the annual accounts and any records relating to them, and

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- (b) any report on them by the auditor or auditors.
- (7) A clinical commissioning group must send its audited annual accounts, and any audited accounts prepared by it by virtue of sub-paragraph (3), to the Board by no later than the date specified in a direction by the Board.
- (8) The Board may direct a clinical commissioning group to send its unaudited annual accounts, and any unaudited accounts prepared by it by virtue of sub-paragraph (3), to the Board by no later than the date specified in a direction by the Board.
- (9) For the purposes of this paragraph “financial year” includes the period which begins on the day the clinical commissioning group is established and ends on the following 31 March.

Provision of financial information to Board

- 18
- (1) The Board may direct a clinical commissioning group to supply it with such information relating to its accounts or to its income or expenditure, or its use of resources, as may be specified in the direction.
 - (2) The power conferred by sub-paragraph (1) includes power to direct a clinical commissioning group to supply the Board with—
 - (a) estimates of its future income or expenditure or its future use of resources;
 - (b) any information which the Board considers is necessary to enable it to verify any other information supplied to it under sub-paragraph (1).
 - (3) A clinical commissioning group must supply the Board with any information specified in a direction under sub-paragraph (1) within such period as may be specified in the direction.
 - (4) In this paragraph, a reference to the use of resources is a reference to their expenditure, consumption or reduction in value.

Provision of information required by the Secretary of State

- 19
- (1) The Secretary of State may require each clinical commissioning group to provide the Board with such information as the Secretary of State considers it necessary to have for the purposes of the functions of the Secretary of State in relation to the health service.
 - (2) The information must be provided in such form, and at such time or within such period, as the Secretary of State may require.
 - (3) The powers conferred by this paragraph must be exercised in the same way in relation to each clinical commissioning group.
 - (4) The Board must give any information obtained by it under sub-paragraph (1) to the Secretary of State, in such form, and at such time or within such period, as the Secretary of State may require.

Incidental powers

- 20
- The power conferred on a clinical commissioning group by section 2 includes, in particular, power to—
- (a) enter into agreements,

Status: This is the original version (as it was originally enacted).

- (b) acquire and dispose of property, and
- (c) accept gifts (including property to be held on trust for the purposes of the clinical commissioning group).

Seal and evidence

- 21 (1) The application of a clinical commissioning group's seal must be authenticated by the signature of any person who has been authorised (generally or specially) for that purpose.
- (2) Any instrument which, if executed by an individual, would not need to be under seal may be executed on behalf of a clinical commissioning group by any person who has been authorised (generally or specially) for that purpose.
- (3) A document purporting to be duly executed under a clinical commissioning group's seal or to be signed on its behalf must be received in evidence and, unless the contrary is proven, taken to be so executed or signed.

PART 3

TRANSFER SCHEMES

- 22 The things that may be transferred under a property transfer scheme or a staff transfer scheme under section 14I include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme;
 - (c) criminal liabilities.
- 23 A property transfer scheme or a staff transfer scheme may make supplementary, incidental, transitional and consequential provision and may in particular—
- (a) create rights, or impose liabilities, in relation to property or rights transferred;
 - (b) make provision about the continuing effect of things done by the transferor in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the transferor in respect of anything transferred;
 - (d) make provision for references to the transferor in an instrument or other document in respect of anything transferred to be treated as references to the transferee.
- 24 A property transfer scheme may make provision for the shared ownership or use of property.
- 25 A staff transfer scheme may make provision which is the same or similar to the Transfer of Undertakings (Protection of Employment) Regulations 2006 ([SI 2006/246](#)).
- 26 A property transfer scheme or a staff transfer scheme may provide—
- (a) for the scheme to be modified by agreement after it comes into effect, and
 - (b) for any such modifications to have effect from the date when the original scheme comes into effect.”

Status: This is the original version (as it was originally enacted).

SCHEDULE 3

Section 51(2)

PHARMACEUTICAL REMUNERATION

“SCHEDULE 12A

Section 165A(3)

PHARMACEUTICAL REMUNERATION

Interpretation

- 1 In this Schedule—
- (a) “drugs” includes medicines and listed appliances (within the meaning of section 126), and
 - (b) “pharmaceutical remuneration” means remuneration paid by the Board to persons providing pharmaceutical services or local pharmaceutical services.

Pharmaceutical remuneration to be apportioned among clinical commissioning groups

- 2
- (1) The Board must determine the elements of pharmaceutical remuneration in respect of which apportionments are to be made in relation to a financial year in accordance with this paragraph.
 - (2) In this Schedule, those elements of pharmaceutical remuneration are referred to as “designated elements”.
 - (3) The Board must notify each clinical commissioning group of a determination under sub-paragraph (1).
 - (4) The Board must apportion the sums paid by it in respect of each designated element during the financial year among all clinical commissioning groups, in such manner as the Board thinks appropriate.
 - (5) In apportioning sums under sub-paragraph (4), the Board may, in particular, take into account the financial consequences of orders for the provision of drugs that are attributable to the members of each clinical commissioning group.
 - (6) Where an amount of pharmaceutical remuneration is apportioned to a clinical commissioning group, the Board—
 - (a) may deduct that amount from the sums that it would otherwise pay to the group under section 223G(1), and
 - (b) if it does so, must notify the group accordingly.
 - (7) The Secretary of State may direct the Board that an element of pharmaceutical remuneration specified in the direction is not to be included in a determination under sub-paragraph (1).
 - (8) In determining the amount to be allotted to a clinical commissioning group for the purposes of section 223G, the Board must take into account the effect of this Schedule.
 - (9) For the purposes of sections 223H and 223I(3) and paragraph 17 of Schedule 1A, any amount of which a clinical commissioning group is notified under sub-paragraph (6) is to be treated as expenditure of the group which is attributable to the performance by it of its functions in the year in question.

Status: This is the original version (as it was originally enacted).

Other pharmaceutical remuneration

- 3 (1) This paragraph applies in relation to pharmaceutical remuneration paid in a financial year other than—
- (a) designated elements of such remuneration, and
 - (b) remuneration of a prescribed description.
- (2) The Board may require a person to reimburse the Board for any pharmaceutical remuneration to which this paragraph applies if the drugs or services to which the remuneration relates were—
- (a) ordered by that person, or
 - (b) ordered in the course of the delivery of a service arranged by that person.
- (3) Any sum payable to the Board by virtue of sub-paragraph (2) may be recovered summarily as a civil debt (but this does not affect any other method of recovery).

Exercise of functions

- 4 The Board may, with the consent of the Secretary of State—
- (a) direct a Special Health Authority to exercise any functions of the Board under this Schedule, or
 - (b) arrange for any other person to exercise any of those functions.”

SCHEDULE 4

Section 55(1)

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

PART 1

THE HEALTH SERVICE IN ENGLAND

- 1 (1) For section 2 substitute—

“2 General power

The Secretary of State, the Board or a clinical commissioning group may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any function conferred on that person by this Act.”

- (2) For the cross-heading preceding section 2 substitute “General power”.

- 2 (1) Section 6 (performance of functions outside England) is amended as follows.

- (2) For subsection (1) substitute—

“(1) Where the Secretary of State has a duty or power to provide anything under section 2A or 2B or Schedule 1, that thing may be provided outside England.”

- (3) After subsection (1) insert—

Status: This is the original version (as it was originally enacted).

- “(1A) Where a clinical commissioning group or the Board has a duty or power to arrange for the provision of anything under section 3, 3A, 3B or 4 or Schedule 1, it may arrange for that thing to be provided outside England.”
- (4) In subsection (2) for “The Secretary of State’s functions” substitute “The functions of the Secretary of State, the Board and clinical commissioning groups”.
- 3 (1) Section 6A (reimbursement of cost of services provided in another EEA state) is amended as follows.
- (2) In subsection (3)(b) after “Secretary of State” insert “, the Board”.
- (3) In subsection (7) after “Secretary of State” insert “, the Board”.
- (4) In subsection (8) in each of paragraphs (a) and (b)—
- (a) after “Secretary of State” insert “, the Board”, and
- (b) for “either of them” substitute “any of them”.
- (5) In subsection (9), after “Secretary of State” (in the second place it occurs) insert “, the Board”.
- (6) In subsection (11), in the definition of “responsible authority”—
- (a) omit “Strategic Health Authority or”,
- (b) omit “Primary Care Trust”,
- (c) before “responsible under” insert “a local authority or clinical commissioning group”, and
- (d) for “securing” substitute “arranging for”.
- 4 (1) Section 6B (prior authorisation for the purposes of section 6A) is amended as follows.
- (2) In subsection (2)(b) after “Secretary of State” insert “, the Board”.
- (3) In subsection (5), in each of paragraphs (b) and (c) after “the Secretary of State” insert “, the Board”.
- 5 (1) In section 8 (Secretary of State’s directions to health service bodies), in subsection (2)—
- (a) omit paragraph (a), and
- (b) omit paragraph (b).
- (2) In the heading to that section after “to” insert “certain”.
- (3) Before section 8 insert the following cross-heading “Directions to certain NHS bodies”.
- 6 (1) Section 9 (NHS contracts) is amended as follows.
- (2) In subsection (4)—
- (a) before paragraph (a) insert—
- “(za) the Board,
- (zb) a clinical commissioning group,”
- (b) omit paragraph (a), and
- (c) omit paragraph (b).
- 7 In section 11 (arrangements to be treated as NHS contracts), in subsection (1)—
- (a) after “under which” insert “the Board”,

Status: This is the original version (as it was originally enacted).

- (b) omit “a Strategic Health Authority,” and
 - (c) omit “a Primary Care Trust”.
- 8 (1) Section 12 (arrangements with other bodies) is amended as follows.
- (2) In subsection (1) for “any service under this Act” substitute “anything which the Secretary of State has a duty or power to provide, or arrange for the provision of, under section 2A or 2B or Schedule 1”.
 - (3) For subsection (2) substitute—
 - “(2) The bodies with whom arrangements may be made under subsection (1) include—
 - (a) the Board,
 - (b) clinical commissioning groups,
 - (c) any other public authorities, and
 - (d) voluntary organisations.”
 - (4) For subsection (3) substitute—
 - “(3) The Secretary of State may make available any facilities provided by the Secretary of State under section 2A or 2B or Schedule 1 to any service provider or to any eligible voluntary organisation.
 - (3A) In subsection (3)—
 - “eligible voluntary organisation” means a voluntary organisation eligible for assistance under section 64 or section 65 of the Health Services and Public Health Act 1968;
 - “service provider” means a person or body with whom the Secretary of State has made an arrangement under subsection (1).”
 - (5) In subsection (4)—
 - (a) after paragraph (a) insert—
 - “(aa) the Board,
 - (ab) a clinical commissioning group,
 - (ac) a local authority,”,
 - (b) omit paragraph (b), and
 - (c) omit paragraph (c).
 - (6) After subsection (4) insert—
 - “(4A) In subsection (4), “local authority” has the same meaning as in section 2B.”
 - (7) For the cross-heading preceding section 12 substitute “Arrangements with other bodies”.
- 9 After section 12 insert—

“12ZA Commissioning arrangements by the Board or clinical commissioning groups

- (1) This section applies in relation to arrangements made by the Board or a clinical commissioning group in the exercise of functions under section 3, 3A, 3B or 4 or Schedule 1.

Status: This is the original version (as it was originally enacted).

- (2) The arrangements may be made with any person or body (including public authorities and voluntary organisations).
 - (3) If the Board or a clinical commissioning group arranges for the provision of facilities by a service provider, it may also make arrangements for those facilities to be made available to another service provider or to an eligible voluntary organisation.
 - (4) The Board or a clinical commissioning group may make available any of its facilities to—
 - (a) a service provider, or
 - (b) an eligible voluntary organisation.
 - (5) Where facilities are made available under subsection (4) any of the following persons may make available the services of any employee of that person who is employed in connection with the facilities—
 - (a) the Secretary of State,
 - (b) the Board,
 - (c) a clinical commissioning group,
 - (d) a Special Health Authority, or
 - (e) a Local Health Board.
 - (6) Goods or materials may be made available under this section either temporarily or permanently.
 - (7) Any power to supply goods or materials under this section includes—
 - (a) a power to purchase or store them, and
 - (b) a power to arrange with third parties for the supply of goods or materials by those third parties.
 - (8) Powers under this section may be exercised on such terms as may be agreed, including terms as to the making of payments.
 - (9) In this section—
 - “eligible voluntary organisation” means a voluntary organisation eligible for assistance under section 64 or section 65 of the Health Services and Public Health Act 1968;
 - “service provider” means a person or body with whom the Board or a clinical commissioning group has made arrangements in the exercise of the functions mentioned in subsection (1).”
- 10 (1) Section 12A (direct payments for health care) is amended as follows.
- (2) In subsection (1) after “The Secretary of State” insert “, the Board, a clinical commissioning group or a local authority”.
 - (3) In subsection (2)—
 - (a) for paragraph (a) substitute—
 - “(a) anything that the Secretary of State or a local authority has a duty or power to provide or arrange under section 2A or 2B or Schedule 1;”,
 - (b) after that paragraph insert—

Status: This is the original version (as it was originally enacted).

- “(aa) anything that the Board or a clinical commissioning group may or must arrange for the provision of under this Act or any other enactment.”, and
- (c) omit paragraphs (b) and (c).
- (4) In subsection (4)—
- (a) for “a Primary Care Trust” substitute “a clinical commissioning group”,
- (b) for “the trust” substitute “the group”, and
- (c) at the end insert “; and the references in this subsection to a clinical commissioning group are, so far as necessary for the purposes of regulations under subsection (2E) of that section, to be read as references to the Board.”
- (5) In subsection (5), omit “or under regulations under subsection (4)”.
- (6) After subsection (6) insert—
- “(7) In this section and sections 12B to 12D, “local authority” has the same meaning as in section 2B.”
- 11 (1) Section 12B (regulations about direct payments) is amended as follows.
- (2) In subsection (2), in each of paragraphs (d), (g), (h) and (j), for “or the Primary Care Trust” substitute “, the Board, a clinical commissioning group or a local authority”.
- (3) In subsection (4) —
- (a) for “or the Primary Care Trust”, in the first place it occurs, substitute “, the Board, a clinical commissioning group or a local authority”, and
- (b) for “or the Primary Care Trust”, in the second place it occurs, substitute “the Board, a clinical commissioning group or a local authority (as the case may be)”.
- (4) In subsection (5)—
- (a) in paragraph (a), after “the Secretary of State” insert “or a local authority or as arranged for by the Board or a clinical commissioning group (as the case may be)”, and
- (b) in paragraph (b) for “a Primary Care Trust with respect to the provision of” substitute “the Board, a clinical commissioning group or a local authority with respect to the arrangement for the provision of”.
- 12 In section 12D (arrangements with other bodies relating to direct payments)—
- (a) in subsection (1) after “the Secretary of State” insert “, the Board, a clinical commissioning group or a local authority”, and
- (b) in subsection (3) after “the Secretary of State” insert “, the Board, a clinical commissioning group or a local authority”.

PART 2

NHS BODIES

- 13 In section 28 (special health authorities), omit subsection (6).
- 14 In section 29 (exercise of Special Health Authority functions), in subsection (2)(a)
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- (a) omit “, section 14”, and

Status: This is the original version (as it was originally enacted).

- (b) omit “, section 19”.
- 15 Omit Chapter 5B of Part 2 (trust special administrators: Primary Care Trusts).
- 16 In section 67 (effect of intervention orders), in subsection (1)—
- (a) in paragraph (a)—
- (i) omit “Strategic Health Authority,” and
- (ii) omit “Primary Care Trust,” and
- (b) in paragraph (b)—
- (i) omit “Strategic Health Authority,” and
- (ii) omit “Primary Care Trust,”.
- 17 In section 70 (transfer of residual liabilities)—
- (a) in subsection (1)—
- (i) omit “a Strategic Health Authority,” and
- (ii) omit “a Primary Care Trust,” and
- (b) in the heading, at the end insert “of certain health service bodies”.
- 18 (1) Section 71 (schemes for meeting losses and liabilities in respect of certain health service bodies) is amended as follows.
- (2) In subsection (2)—
- (a) after “are—” insert—
- “(za) the Board,
- (zb) clinical commissioning groups,”
- (b) omit paragraph (a),
- (c) omit paragraph (b),
- (d) after paragraph (h) (and before the “and” immediately following it) insert—
- “(ha) a company formed under section 223 and wholly or partly owned by the Secretary of State or the Board,
- (hb) a subsidiary of a company which is formed under that section and wholly owned by the Secretary of State,” and”
- (e) in paragraph (i)—
- (i) for “paragraphs (a) to (h)”, in the first place where it occurs, substitute “paragraphs (za) to (hb)”, and
- (ii) for “paragraphs (a) to (h)”, in the second place where it occurs, substitute “paragraphs (za) to (h)”.
- (3) In subsection (2A)—
- (a) after paragraph (a) insert—
- “(ab) in relation to a company within paragraph (ha) or (hb) of subsection (2), means the company’s activities in providing facilities or services to any person or body;”, and
- (b) in paragraph (b) for “paragraphs (a) to (h)” substitute “paragraphs (za) to (h)”.
- (4) In subsection (3)(a)—
- (a) after “the Secretary of State” insert “or the Board”,
- (b) omit “Strategic Health Authority,” and
- (c) omit “Primary Care Trust,”.

Status: This is the original version (as it was originally enacted).

- (5) In subsection (5), for “(a) to (d),” substitute “(c), (d),”.
- (6) In subsection (6)—
- (a) after “the Secretary of State,” insert “the Board or”,
 - (b) omit “Strategic Health Authority,” and
 - (c) omit “Primary Care Trust,”.
- 19 In section 73 (directions and regulations), in subsection (1) omit paragraphs (c) to (f).
- 20 Omit Schedule 2.
- 21 Omit Schedule 3.
- 22 (1) Schedule 4 (NHS trusts) is amended as follows.
- (2) In paragraph (5)(1)(f), omit “Primary Care Trusts,”.
- (3) In paragraph 6—
- (a) in sub-paragraph (1) —
 - (i) omit “Strategic Health Authority,” and
 - (ii) omit “, Primary Care Trust”, and
 - (b) in sub-paragraph (2) —
 - (i) omit “Strategic Health Authority,” and
 - (ii) omit “, Primary Care Trust”.
- (4) In paragraph 7(3), omit “Strategic Health Authority,”.
- (5) In paragraph 8—
- (a) in sub-paragraph (1), omit “, Primary Care Trust” (in each place where it occurs), and
 - (b) in sub-paragraph (4), omit “, Primary Care Trust”,
 - (c) in sub-paragraph (5), omit “, Primary Care Trust” (in each place where it occurs),
 - (d) in sub-paragraph (6)(b), omit “, Primary Care Trust”, and
 - (e) in sub-paragraph (9)(b), omit “, Primary Care Trust”.
- (6) In paragraph 9—
- (a) in sub-paragraph (1)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust”,
 - (b) in sub-paragraph (3)—
 - (i) omit “Strategic Health Authority,” and
 - (ii) omit “Primary Care Trust”,
 - (c) in sub-paragraph (6)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “, a Primary Care Trust”,
 - (d) in sub-paragraph (7)—
 - (i) in paragraph (a), omit “Strategic Health Authority”,
 - (ii) in that paragraph omit “or belong to a Primary Care Trust”, and
 - (iii) in the words following paragraph (b)—

Status: This is the original version (as it was originally enacted).

- (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
- (7) In paragraph 15, omit sub-paragraphs (2) and (3).
- (8) In paragraph 18—
- (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
- (9) In paragraph 29, in sub-paragraph (3) omit “Strategic Health Authority,”.
- (10) In paragraph 30, in sub-paragraph (1)—
- (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
- 23 (1) Schedule 6 (special health authorities established under section 28) is amended as follows.
- (2) In paragraph 3(8)—
- (a) for “to a Strategic Health Authority” substitute “to the Board”, and
 - (b) for “a Strategic Health Authority” substitute “the Board”.
- (3) In paragraph 3(12)—
- (a) in paragraph (a) for “of a Strategic Health Authority” substitute “of the Board”, and
 - (b) in paragraph (b) omit “or by a Strategic Health Authority”.
- (4) In paragraph 13 for “a Strategic Health Authority” substitute “the Board”.

PART 3

LOCAL AUTHORITIES

- 24 In section 74 (supply of goods and services by local authorities), in subsection (1) (a)—
- (a) at the beginning insert “the Board and”,
 - (b) after “any” insert “clinical commissioning group or”,
 - (c) omit “Strategic Health Authority,” and
 - (d) omit “or Primary Care Trust”.
- 25 In section 76 (power of local authorities to make payments), in subsection (1)—
- (a) after the first “to” insert “the Board, a clinical commissioning group”,
 - (b) omit “a Strategic Health Authority,” and
 - (c) omit “a Primary Care Trust”.
- 26 In section 77 (Care Trusts), in each of subsections (1)(a), (10) and (12) omit “a Primary Care Trust or”.
- 27 In section 78 (directed partnership agreements), in subsection (3)—
- (a) omit paragraph (a), and
 - (b) omit paragraph (b).
- 28 (1) Section 80 (supply of goods and services by the Secretary of State) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1)—
 - (a) after “The Secretary of State” insert “, the Board or a clinical commissioning group”, and
 - (b) in paragraph (b) for “he” substitute “the Secretary of State”.
- (3) In subsection (3)—
 - (a) in paragraph (a) omit “or by a Primary Care Trust”, and
 - (b) in paragraph (b)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,”.
- (4) After subsection (3) insert—

“(3A) The Board or a clinical commissioning group may make available to persons falling within subsection (1)—

 - (a) any facilities the provision of which is arranged by the Board or (as the case may be) the clinical commissioning group under this Act (including by virtue of section 7A),
 - (b) any facilities of the Board or (as the case may be) the group, and
 - (c) the services of persons employed by the Board or (as the case may be) the group.”
- (5) In subsection (4) after “carry out” insert “, and the Board or a clinical commissioning group may arrange for the carrying out of,”.
- (6) In subsection (5), for “The Secretary of State” substitute “The Board”.
- (7) In subsection (6)—
 - (a) in paragraph (a), after “provided” insert “by the Secretary of State”,
 - (b) in paragraph (b)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,” and
 - (c) in paragraph (c)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,”.
- (8) After subsection (6) insert—

“(6A) The Board and each clinical commissioning group must make available to local authorities—

 - (a) any services (other than the services of any person) or other facilities the provision of which is arranged by the Board or (as the case may be) the clinical commissioning group under this Act,
 - (b) the services of persons employed by the Board or (as the case may be) the group, and
 - (c) any facilities of the Board or (as the case may be) the group,

so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.”
- (9) In subsection (7)—
 - (a) for “The Secretary of State” substitute “The Board”,

Status: This is the original version (as it was originally enacted).

- (b) at the end of paragraph (c) insert “or”, and
 - (c) omit paragraph (e) and the word “or” immediately preceding it.
- (10) After that subsection insert—
- “(8) The Secretary of State may arrange to make available to local authorities the services of persons providing Special Health Authorities or Local Health Boards with services of a kind provided as part of the health service, so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.
 - (9) The Board or a clinical commissioning group may arrange to make available to local authorities the services of persons providing services pursuant to arrangements made under this Act by the Board or (as the case may be) the clinical commissioning group, so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.
 - (10) The reference in subsection (9) to arrangements made by the Board or (as the case may be) a clinical commissioning group includes a reference to arrangements so made by virtue of section 7A.”
- (11) In the title to section 80, after “Secretary of State” insert “, the Board and clinical commissioning groups”.
- (12) Until the commencement of section 34, subsection (8) of section 80 of the National Health Service Act 2006 (as inserted by sub-paragraph (10)) has effect as if after “Special Health Authorities” there were inserted “, Primary Care Trusts”.
- 29 (1) Section 81 (conditions of supply under section 80) is amended as follows.
- (2) In subsection (1)—
 - (a) for the words from the beginning to “that section” substitute “Before a person makes the services of any officer available under section 80(3)(b), (3A)(c), (6)(b) or (c) or (6A)(b), the person must”,
 - (b) in paragraph (a) for “the Secretary of State” substitute “the person”, and
 - (c) in paragraph (b) at the beginning insert “where the person is the Secretary of State and is not the officer’s employer,”.
 - (3) In subsection (2)—
 - (a) for “The Secretary of State” substitute “The person concerned”, and
 - (b) for “he” substitute “it”.
 - (4) In subsection (3)—
 - (a) omit “Strategic Health Authorities,”, and
 - (b) omit “Primary Care Trusts,”.
 - (5) In subsection (4) for “the Secretary of State” substitute “the person who makes the services available”.
 - (6) In subsection (5) —
 - (a) for the words from the beginning to “section 80(6)” substitute “A person who makes services or facilities available under section 80(6) or (6A) may make such charges in respect of them”, and

Status: This is the original version (as it was originally enacted).

- (b) for “the Secretary of State” substitute “the person”.

PART 4

MEDICAL SERVICES

- 30 (1) Section 83 (duty relating to primary medical services) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its powers so as to secure the provision of primary medical services throughout England.
- (2) The Board may (in addition to any other power conferred on it) make such arrangements for the provision of primary medical services as it considers appropriate; and it may, in particular, make contractual arrangements with any person.
- (2A) Arrangements made for the purposes of subsection (1) or (2) may include arrangements for the performance of a service outside England.”
- (3) In subsection (3) of that section, for “Each Primary Care Trust” substitute “The Board”.
- (4) Omit subsection (4).
- (5) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary medical services”.
- 31 (1) Section 84 (general medical services contracts: introductory) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsections (3) and (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (4), for paragraph (b) substitute—
- “(b) services to be performed outside England.”
- 32 In section 86 (persons eligible to enter into general medical services contracts), in subsection (1), for “A Primary Care Trust” substitute “The Board”.
- 33 In section 87 (general medical services contracts: payments), in subsection (3)(d), for “a Primary Care Trust” substitute “the Board”.
- 34 (1) In section 89 (general medical services contracts: required terms), in subsection (4)(a), for “a Primary Care Trust” substitute “the Board”.
- (2) The variations to contract terms that may be imposed by virtue of subsection (2)(d) of that section include, in particular, variations in consequence of the establishment of clinical commissioning groups.
- 35 (1) Section 91 (persons performing primary medical services) is amended as follows.
- (2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—
- (a) subsection (1), in each place it occurs,
- (b) subsection (3)(j),
- (c) subsection (4)(a), (b) and (d), and

Status: This is the original version (as it was originally enacted).

- (d) subsection (6)(a) and (b).
- (3) In subsection (2), for paragraph (b) substitute—
 - “(b) the Board is responsible for a medical service if it secures its provision by or under any enactment.”
- (4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.
- 36 (1) Section 92 (arrangements by Strategic Health Authorities for the provision of primary medical services) is amended as follows.
 - (2) For subsection (1) substitute—
 - “(1) The Board may make agreements, other than arrangements pursuant to section 83(2) or general medical services contracts, under which primary medical services are provided.”
 - (3) Omit subsection (6).
 - (4) Omit subsection (7).
 - (5) For the title to that section substitute “Arrangements by the Board for the provision of primary medical services”.
 - (6) The provision which may be made by virtue of section 304(10)(a) of this Act in an order under section 306 of this Act providing for the commencement of this paragraph includes, in particular, provision enabling the National Health Service Commissioning Board to direct Primary Care Trusts to exercise its functions under section 92 pending the commencement of section 34 of this Act.
- 37 (1) Section 93 (participants in section 92 arrangements) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “A Strategic Health Authority” substitute “The Board”, and
 - (b) omit paragraph (g).
 - (3) In subsection (3), in the definition of “NHS employee”, in paragraph (b), omit “Primary Care Trust or”.
 - (4) In that subsection, in the definition of “qualifying body”, for “(e) or (g)” substitute “or (e)”.
- 38 (1) Section 94 (regulations about section 92 arrangements) is amended as follows.
 - (2) In subsection (2), for “Strategic Health Authorities” substitute “the Board”.
 - (3) In subsection (3), after paragraph (c) insert—
 - “(ca) make provision with respect to the performance outside England of services to be provided in accordance with section 92 arrangements,”.
 - (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
 - (5) The variations of arrangements which may be imposed by virtue of subsection (3) (f) include, in particular, variations in consequence of the establishment of clinical commissioning groups.
- 39 Omit section 95 (transfer of liabilities relating to section 92 arrangements).

Status: This is the original version (as it was originally enacted).

- 40 (1) Section 96 (assistance and support) is amended as follows.
- (2) In subsection (1)—
- (a) for “A Primary Care Trust” substitute “The Board”, and
 - (b) before paragraph (a) insert—
“(za) primary medical services pursuant to section 83(2),”.
- (3) In subsection (2)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 41 (1) Section 97 (Local Medical Committees) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts” substitute “The Board may recognise a committee formed for an area”.
- (3) In subsection (3)—
- (a) in paragraph (a), omit sub-paragraph (i), and
 - (b) in paragraph (b), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- (5) Omit subsection (7).
- (6) In subsection (10)—
- (a) for “A Primary Care Trust” substitute “The Board”, and
 - (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the Board”.

PART 5

DENTAL SERVICES

- 42 (1) Section 99 (duty relating to primary dental services) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its powers so as to secure the provision of primary dental services throughout England.
- (1A) Arrangements made for the purposes of subsection (1) may include arrangements for the performance of a service outside England.”
- (3) Omit subsection (2).
- (4) In subsection (3)—
- (a) for “Each Primary Care Trust” substitute “The Board”, and
 - (b) for “for which it makes provision” substitute “for which provision is made”.
- (5) Omit subsection (4).
- (6) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary dental services”.
- 43 (1) Section 100 (general dental services contracts: introductory) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsections (3) and (4), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (3), in paragraph (a), after “dental services” insert “or services which are to be performed outside England”.
- 44 In section 102 (persons eligible to enter into general dental services contracts), in subsection (1), for “A Primary Care Trust” substitute “The Board”.
- 45 In section 103 (general dental services contracts: payments), in subsection (3)(d), for “a Primary Care Trust” substitute “the Board”.
- 46 In section 104 (general dental services contracts: required terms), in subsection (3) for “a Primary Care Trust” substitute “the Board”.
- 47 (1) Section 106 (persons performing primary dental services) is amended as follows.
- (2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—
- (a) subsection (1), in each place it occurs,
 - (b) subsection (3)(j),
 - (c) subsection (4)(a), (b) and (d), and
 - (d) subsection (6)(a) and (b).
- (3) In subsection (2), for paragraph (b) substitute—
- “(b) the Board is responsible for a dental service if it secures its provision by or under any enactment.”
- (4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.
- 48 (1) Section 107 (arrangements by Strategic Health Authorities for the provision of primary dental services) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Board may make agreements, other than general dental services contracts, under which primary dental services are provided.”
- (3) Omit subsection (7).
- (4) For the title to that section substitute “Arrangements by the Board for the provision of primary dental services”.
- (5) The provision which may be made by virtue of section 304(10)(a) of this Act in an order under section 306 of this Act providing for the commencement of this paragraph includes, in particular, provision enabling the National Health Service Commissioning Board to direct Primary Care Trusts to exercise its functions under section 107 pending the commencement of section 34 of this Act.
- 49 (1) Section 108 (participants in section 107 arrangements) is amended as follows.
- (2) In subsection (1)—
- (a) for “A Strategic Health Authority” substitute “The Board”, and
 - (b) omit paragraph (g).
- (3) In subsection (3), in the definition of “NHS employee”, in paragraph (b), omit “Primary Care Trust or”.

Status: This is the original version (as it was originally enacted).

- 50 (1) Section 109 (regulations about section 107 arrangements) is amended as follows.
- (2) In subsection (2), for “Strategic Health Authorities” substitute “the Board”.
- (3) In subsection (3), after paragraph (c) insert—
- “(ca) make provision with respect to the performance outside England of services to be provided in accordance with section 107 arrangements.”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- 51 Omit section 110 (transfer of liabilities relating to section 107 arrangements).
- 52 (1) Section 112 (assistance and support) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsection (2)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
- (b) for “the Primary Care Trust” substitute “the Board”.
- 53 (1) Section 113 (Local Dental Committees) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts” substitute “The Board may recognise a committee formed for an area”.
- (3) In subsection (3)(b), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- (5) Omit subsection (7).
- (6) In subsection (10)—
- (a) for “A Primary Care Trust” substitute “The Board”, and
- (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the Board”.

PART 6

OPHTHALMIC SERVICES

- 54 (1) Section 115 (duty relating to primary ophthalmic services) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “area,” substitute “The Board must exercise its powers so as to secure the provision throughout England”.
- (3) After that subsection insert—
- “(1A) Arrangements made for the purposes of subsection (1) may include arrangements for the performance of a service outside England.”
- (4) For subsection (4) substitute—
- “(4) The Board may (in addition to any other power conferred on it) make such arrangements for the provision of primary ophthalmic services as it considers appropriate; and it may, in particular, make contractual arrangements with any person.

Status: This is the original version (as it was originally enacted).

- (4A) Arrangements made for the purposes of subsection (4) may include arrangements for the performance of a service outside England.”
- (5) In subsection (5), for “Each Primary Care Trust” substitute “The Board”.
- (6) Omit subsection (6).
- (7) In subsection (9), in paragraph (b), for “(d)” substitute “(e)”.
- (8) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary ophthalmic services”.
- 55 (1) Section 117 (general ophthalmic services contracts: introductory) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsections (3) and (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (4), for paragraph (b) substitute—
- “(b) services which are to be performed outside England.”
- 56 In section 118 (persons eligible to enter into general ophthalmic services contracts), in subsection (1), for “A Primary Care Trust” substitute “The Board”.
- 57 In section 119 (exclusion of contractors), for “a Primary Care Trust” substitute “the Board”.
- 58 In section 120 (general ophthalmic services contracts: payments), in subsection (3) (d), for “a Primary Care Trust” substitute “the Board”.
- 59 In section 121 (general ophthalmic services contracts: other required terms), in subsection (3)(a), for “a Primary Care Trust” substitute “the Board”.
- 60 (1) Section 123 (persons performing primary ophthalmic services) is amended as follows.
- (2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—
- (a) subsection (1), in each place it occurs,
- (b) subsection (3)(j),
- (c) subsection (4)(a), (b) and (d), and
- (d) subsection (7)(a) and (b).
- (3) In subsection (2), for paragraph (b) substitute—
- “(b) the Board is responsible for an ophthalmic service if it secures its provision by or under any enactment.”
- (4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.
- 61 (1) Section 124 (primary ophthalmic services: assistance and support) is amended as follows.
- (2) In subsection (1)—
- (a) for “A Primary Care Trust” substitute “The Board”, and
- (b) at the end insert “or primary ophthalmic services that fall within section 115(4)”.
- (3) In subsection (2)—

Status: This is the original version (as it was originally enacted).

- (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 62 (1) Section 125 (Local Optical Committees) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts” substitute “The Board may recognise a committee formed for an area”.
 - (3) In subsection (3)—
 - (a) in paragraph (a), omit “, whether under section 115(4)(a), or”, and
 - (b) in paragraph (b), for “the Primary Care Trust” substitute “the Board”.
 - (4) In subsection (7), for “a Primary Care Trust” substitute “the Board”.
 - (5) In subsection (10)—
 - (a) for “A Primary Care Trust” substitute “The Board”, and
 - (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the Board”.

PART 7

PHARMACEUTICAL SERVICES

- 63 (1) Section 126 (arrangements for pharmaceutical services) is amended as follows.
- (2) In subsection (1), for “Each Primary Care Trust” substitute “The Board”.
 - (3) In subsection (3), for the words from “as respects” to “that area” substitute “for the provision to persons who are in England”.
 - (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
 - (5) Omit subsection (7).
- 64 (1) Section 127 (arrangements for additional pharmaceutical services) is amended as follows.
- (2) In subsections (1)(a) and (b) and (2), for “a Primary Care Trust”, substitute “the Board”.
 - (3) In subsection (1)(a), for “within or outside its area” substitute “in England”.
 - (4) In subsection (2), omit the words from “(whether” to the end.
- 65 (1) Section 128 (terms and conditions of arrangements under section 127) is amended as follows.
- (2) In subsection (1), for “the Primary Care Trust to which they apply” substitute “the Board”.
 - (3) In subsection (4), for “A Primary Care Trust” substitute “The Board”.
 - (4) In subsection (5), for “a Primary Care Trust” substitute “the Board”.
- 66 (1) Section 129 (regulations as to pharmaceutical services) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsection (2)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph (a)—
 - (i) for “a Primary Care Trust” substitute “the Board”, and
 - (ii) for “the area of the Primary Care Trust” substitute “England”,
 - (b) in paragraph (b), for “a Primary Care Trust” substitute “the Board”, and
 - (c) in paragraph (c), for “the Primary Care Trust” substitute “the Board”.
- (4) After subsection (2ZA) (inserted by section 207(3)) insert—
- “(2ZB) Regulations under subsection (2)(a) may, in particular, require a list of persons to be prepared by reference to the area in which the premises from which the services are provided are situated (and regulations imposing that requirement must prescribe the description of area by reference to which the list is to be prepared).”
- (5) In subsection (2A), for “The Primary Care Trust” substitute “The Board”,
- (6) In subsections (2C), (3A), (4), (5) and (8), for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
- (7) In subsection (6)—
- (a) in paragraphs (za), (a), (b), (c), (d), (g), (h), (i), (j) and (k), for “a Primary Care Trust” substitute “the Board”,
 - (b) in paragraphs (b), (e) and (k), for “the Primary Care Trust”, in each place it appears, substitute “the Board”, and
 - (c) in paragraph (f), for “that Primary Care Trust” substitute “the Board”.
- (8) In subsection (6)(c)—
- (a) for “the Primary Care Trust”, in the first place it appears, substitute “the Board”, and
 - (b) omit “in the area of the Primary Care Trust”.
- (9) In subsection (10A), for “Primary Care Trusts” substitute “The Board”.
- 67 In section 130 (regulations about appeals from decisions on applications for inclusion in pharmaceutical list), in subsection (2)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 68 (1) Section 131 (power to charge fee to applicants) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsections (2)(b), (3)(b) and (5), for “the Primary Care Trust” substitute “the Board”.
 - (4) In subsection (3)(a), omit the words from “and such” to the end.
- 69 (1) Section 132 (persons authorised to provide pharmaceutical services) is amended as follows.
- (2) In subsections (1) and (4)(a), (b), (c), (d) and (e), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsection (3)—
 - (a) for “each Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (4), after paragraph (a) insert—
- “(aa) requiring a list of medical practitioners referred to in subsection (3) to be prepared by reference to an area of a prescribed description,”.
- (5) In subsection (5)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 70 (1) Section 133 (inadequate provision of pharmaceutical services) is amended as follows.
- (2) In subsection (1)(a)—
- (a) for “the area, or part of the area, of a Primary Care Trust” substitute “any part of England”, and
 - (b) omit “area or”.
- (3) In subsection (1)(b), for “any such area or part” substitute “any part of England”.
- (4) In subsection (2)(a), for “the Primary Care Trust” substitute “the Board”.
- 71 (1) Section 134 (pilot schemes) is amended as follows.
- (2) In subsection (1), for “Primary Care Trusts” substitute “The Board”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “a Primary Care Trust” substitute “the Board”,
 - (b) after that paragraph insert “and”,
 - (c) in paragraph (b), omit “(otherwise than by the Primary Care Trust)”, and
 - (d) omit paragraph (c) and the preceding “and”.
- (4) In subsection (5), for “a Primary Care Trust” substitute “the Board”.
- 72 In section 136 (designation of priority neighbourhoods or premises), in subsections (1) and (2)(b), for “a Primary Care Trust” substitute “the Board.”
- 73 In section 137 (reviews of pilot schemes), in subsection (3)(a), for “the Primary Care Trust concerned” substitute “the Board”.
- 74 (1) Section 138 (variation and termination of pilot schemes) is amended as follows.
- (2) In subsection (1), for “Primary Care Trusts” substitute “the Board”.
- (3) In subsections (2) and (3), for “the Primary Care Trust concerned” substitute “the Board”.
- 75 (1) Section 140 (funding of preparatory work) is amended as follows.
- (2) In subsection (1), for “Primary Care Trusts” substitute “the Board”.
- (3) In subsection (3)(b) and (c), for “a Primary Care Trust” substitute “the Board”.
- 76 (1) In section 144 (local pharmaceutical services schemes)—
- (a) for “Primary Care Trusts” substitute “the Board or the Secretary of State”, and
 - (b) omit “or Strategic Health Authorities”.
- (2) In consequence of the repeal made by sub-paragraph (1)(b), omit section 29(4) of the Health Act 2009.

Status: This is the original version (as it was originally enacted).

- 77 (1) Section 148 (conditional inclusion in pharmaceutical lists) is amended as follows.
- (2) In subsection (1), in paragraph (a), for “the Primary Care Trust in whose list he is included” substitute “the Board”.
- (3) In subsections (1)(b), (c) and (e), (3)(a) and (b)(ii) and (iii) and (4), for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- 78 (1) Section 150A (notices and penalties) is amended as follows.
- (2) In subsection (1)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
- (b) for “the Primary Care Trust” substitute “the Board”.
- (3) In subsection (2), for “Primary Care Trusts” substitute “the Board”.
- 79 (1) Section 151 (disqualification of practitioners) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
- (3) In subsection (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (6), for “The Primary Care Trust” substitute “The Board”.
- 80 (1) Section 152 (contingent removal) is amended as follows.
- (2) In subsections (1) and (3), for “the Primary Care Trust” substitute “the Board”.
- (3) In subsection (4), for “The Primary Care Trust” substitute “The Board”.
- 81 In section 154 (suspension), in subsections (1), (3), (4), (6)(b) and (c) and (8) (in each place it appears), for “the Primary Care Trust” substitute “the Board”.
- 82 (1) Section 155 (suspension pending removal) is amended as follows.
- (2) In subsections (1), (3) and (6), for “the Primary Care Trust” substitute “the Board”.
- (3) In subsection (5), for “The Primary Care Trust” substitute “The Board”.
- 83 (1) Section 157 (review of decisions) is amended as follows.
- (2) In subsection (1), for “The Primary Care Trust” substitute “The Board”.
- (3) In subsections (2)(a) and (3), for “the Primary Care Trust” substitute “the Board”.
- 84 (1) Section 158 (appeals) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
- (3) In subsections (2) and (6), for “The Primary Care Trust” substitute “The Board”.
- (4) In subsections (3), (4) and (5)(a) and (b) for “the Primary Care Trust” substitute “the Board”.
- (5) In subsection (7), for “Primary Care Trusts” substitute “the Board”.
- 85 (1) Section 159 (national disqualification) is amended as follows.
- (2) In subsection (1), for “each Primary Care Trust”, in each place it appears, substitute “the Board”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (3), for “a Primary Care Trust” substitute “the Board”.
- (4) In subsection (4)—
 - (a) for “The Primary Care Trust” substitute “The Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- (5) In subsection (5), for “the Primary Care Trust’s” substitute “the Board’s”.
- (6) In subsection (6)—
 - (a) in paragraph (a), for “no Primary Care Trust or” substitute “neither the Board nor a”, and
 - (b) in paragraph (b), for “each Primary Care Trust” substitute “the Board (if he is included in a list prepared by it)”.
- 86 In section 160 (notification of decisions), for “a Primary Care Trust” substitute “the Board”.
- 87 In section 161 (withdrawal from lists), in paragraphs (a) and (b), for “a Primary Care Trust” substitute “the Board”.
- 88 (1) Section 162 (regulations about decisions under Chapter 6 of Part 7) is amended as follows.
 - (2) In subsections (1) and (2)(b), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsections (2)(c) and (3), for “the Primary Care Trust” substitute “the Board”.
- 89 (1) Section 164 (remuneration for persons providing pharmaceutical services) is amended as follows.
 - (2) In subsection (3)(b), for “any Primary Care Trust” substitute “the Board”.
 - (3) In subsection (4A)(a)—
 - (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “to persons who provide” substitute “for providing”.
- 90 (1) Section 166 (indemnity cover) is amended as follows.
 - (2) In subsection (2)(b)—
 - (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
 - (3) In subsection (3), in paragraph (a) of the definition of “indemnity cover”, for “a Primary Care Trust” substitute “the Board”.
- 91 (1) Section 167 (local pharmaceutical committees) is amended as follows.
 - (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts,” substitute “The Board may recognise a committee formed for an area”.
 - (3) In subsections (2)(a) and (3)(a), omit “in the Primary Care Trust’s area”.
 - (4) In subsections (2)(a) and (b), (3)(a) and (b), (9), (10) and (11), for “the Primary Care Trust” substitute “the Board”.
 - (5) In subsections (6) and (7), for “a Primary Care Trust” substitute “the Board”.
 - (6) In subsection (9), for “A Primary Care Trust” substitute “The Board”.

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- 92 (1) Schedule 11 (pilot schemes) is amended as follows.
- (2) In paragraph 1 (initiation of pilot schemes), in sub-paragraph (1)(a), for “a Primary Care Trust” substitute “the Board”.
- (3) In paragraph 2 (preliminary steps)—
- (a) in sub-paragraph (1), for “the Primary Care Trust concerned” substitute “the Board”,
 - (b) in sub-paragraphs (2), (3), (4) and (5)(a) and (b), for “a Primary Care Trust” substitute “the Board”,
 - (c) in sub-paragraph (3)(b), for “the Primary Care Trust” substitute “the Board”, and
 - (d) in sub-paragraph (5)(d)—
 - (i) for “Primary Care Trusts” substitute “the Board”, and
 - (ii) for “them” substitute “it”.
- (4) In paragraph 3 (approvals)—
- (a) in sub-paragraphs (2) and (3)(b), for “the Primary Care Trust” substitute “the Board”, and
 - (b) in sub-paragraph (3)(a), for “the Primary Care Trust concerned” substitute “the Board”.
- (5) In paragraph 4 (preliminary approval)—
- (a) in sub-paragraphs (1) and (4), for “a Primary Care Trust” substitute “the Board”, and
 - (b) in sub-paragraph (2), for “The Primary Care Trust” substitute “The Board”.
- (6) In paragraph 5 (effect of proposals on existing services)—
- (a) in sub-paragraph (1)(a)—
 - (i) for “the Primary Care Trust”, in the first place it appears, substitute “the Board”, and
 - (ii) for “the area of the Primary Care Trust” substitute “the area concerned”,
 - (b) in sub-paragraph (1)(b), for the words from “supplied” to the end substitute “prepared under sub-paragraph (3)”,
 - (c) in sub-paragraph (3)—
 - (i) for “a Primary Care Trust” substitute “the Board”,
 - (ii) for “the area of another Primary Care Trust” substitute “another area”, and
 - (iii) for “consult that other Primary Care Trust about” substitute “prepare an assessment of the likely effect on those services of the implementation of”, and
 - (d) omit sub-paragraph (4).
- (7) In paragraph 7 (making a scheme)—
- (a) in sub-paragraphs (1), (2) and (4), for “the Primary Care Trust concerned” substitute “the Board”, and
 - (b) in sub-paragraph (1), for “the Primary Care Trust must” substitute “the Board must”.
- (8) Any pilot scheme under Chapter 2 of Part 7 of the National Health Service Act 2006 having effect immediately before the commencement of this paragraph is to continue

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to have effect as if it had been established by the Board; and nothing in this paragraph or paragraphs 68 to 75 affects the validity of anything done under or for the purposes of the scheme.

- 93 (1) Schedule 12 (LPS schemes) is amended as follows.
- (2) In paragraph 1 (provision of local pharmaceutical services)—
- (a) in sub-paragraph (1)—
 - (i) for “Primary Care Trusts” substitute “The Board or the Secretary of State”, and
 - (ii) omit “or Strategic Health Authorities”,
 - (b) in sub-paragraph (2)—
 - (i) in paragraph (a), for “a Primary Care Trust” substitute “the Board or the Secretary of State (the “commissioner”)”,
 - (ii) in that paragraph, omit “or Strategic Health Authority (the “commissioning body”)”, and
 - (iii) in paragraph (b), for “the commissioning body” substitute “the commissioner”,
 - (c) omit sub-paragraph (2A),
 - (d) for sub-paragraph (2B) substitute—
 - “(2B) The Secretary of State may establish an LPS scheme only where the other party is the Board.
 - (2C) The Board may provide local pharmaceutical services under an LPS scheme only in such circumstances as may be prescribed.”,
 - (e) in each of sub-paragraphs (5) and (6), for “a Primary Care Trust” substitute “the Board”, and
 - (f) in sub-paragraph (5), omit “in its area”.
- (3) In paragraph 2 (designation of priority neighbourhoods or premises)—
- (a) in each of sub-paragraphs (1) and (2)(b), for “a Primary Care Trust” substitute “the Board”, and
 - (b) in sub-paragraph (1), omit “or Strategic Health Authority”.
- (4) In paragraph 3 (regulations)—
- (a) in sub-paragraph (2), for “the commissioning body” substitute “the commissioner”, and
 - (b) in sub-paragraph (3)(k)—
 - (i) for “Primary Care Trusts” substitute “the Board or the Secretary of State”, and
 - (ii) omit “or Strategic Health Authorities”.
- (5) In consequence of the repeals made by this paragraph, omit section 29(7), (8)(a) and (c), (10), (12) and (15) of the Health Act 2009.
- (6) Any LPS scheme under Chapter 3 of Part 7 of the National Health Service Act 2006 having effect immediately before the commencement of this paragraph is to continue to have effect as if it had been established by the Board; and nothing in this paragraph or paragraph 76 affects the validity of anything done under or for the purposes of the scheme.

Status: This is the original version (as it was originally enacted).

PART 8

CHARGING

- 94 In section 176 (dental charging)—
- (a) in subsection (3), for “a Primary Care Trust or Special Health Authority” substitute “the Board”, and
 - (b) in subsection (4)(a), omit sub-paragraph (i).
- 95 In section 177 (exemptions from dental charging), in subsection (4), omit paragraph (a).
- 96 (1) Section 180 (payments in respect of costs of optical appliances) is amended as follows.
- (2) In subsection (1), for “him or a relevant body” substitute “the Board”.
 - (3) In subsection (3), in paragraph (a)—
 - (a) for “himself or such relevant body as may be prescribed” substitute “the Board”, and
 - (b) for “he or the prescribed body” substitute “the Board”.
 - (4) In paragraph (b) of that subsection—
 - (a) for “him or such relevant body as may be prescribed” substitute “the Board”, and
 - (b) for “him or by the prescribed body” substitute “the Board”.
 - (5) After subsection (6) insert—

“(6A) The Board may direct a Special Health Authority, or such other body as may be prescribed, to exercise any of the Board’s functions under regulations under this section.”
 - (6) Omit subsection (10).
 - (7) In subsection (11), at the end insert “in accordance with the regulations”.
 - (8) Omit subsection (12).
 - (9) For the title to section 180 substitute “Payments in respect of costs of optical appliances and sight tests”.
- 97 (1) Section 181 (provision supplementary to section 180) is amended as follows.
- (2) In subsection (3), omit the words from “(whether” to the end.
 - (3) Omit subsection (9).
- 98 (1) Section 183 (payment of travelling expenses) is amended as follows.
- (2) In paragraph (a) —
 - (a) after “the Secretary of State” insert “, the Board, a clinical commissioning group,”, and
 - (b) omit “, a Primary Care Trust,”.
 - (3) In paragraph (b)—
 - (a) after “by” insert “the Board,”,
 - (b) omit “a Primary Care Trust”, and

Status: This is the original version (as it was originally enacted).

- (c) before the first “to” insert “or a clinical commissioning group”, and
 - (d) omit the words from “and” to “Trust”.
- (4) In paragraph (c)—
- (a) after “by” insert “the Board”,
 - (b) omit “a Primary Care Trust”, and
 - (c) before the first “to” insert “or a clinical commissioning group”.
- 99 In section 185 (charges for more expensive supplies), in subsection (2)—
- (a) after “the Secretary of State,” insert “the Board, a clinical commissioning group, a local authority,” and
 - (b) omit “a Primary Care Trust”.
- 100 In section 186 (charges for repairs and replacements in certain cases), in subsection (2)—
- (a) after “the Secretary of State,” insert “the Board, a clinical commissioning group, a local authority,” and
 - (b) omit “a Primary Care Trust”.
- 101 In section 187 (charges for designated services or facilities) for the words from “designated” to the end substitute “of a kind mentioned in section 3(1)(d) or (e) (whether provided in pursuance of those provisions or any other provision of this Act)”.
- 102 In section 188 (sums otherwise payable to those providing services), in subsection (2) —
- (a) after the first “by” insert “the Board or a clinical commissioning group”, and
 - (b) omit “a Primary Care Trust”.

PART 9

FRAUD ETC.

- 103 (1) Section 195 (compulsory disclosure of documents) is amended as follows.
- (2) In subsection (2) for “section 2(1)(b)” substitute “section 2”.
- (3) In subsection (3) —
- (a) for “section 2(1)(b)” substitute “section 2”,
 - (b) in paragraph (a) after “(“NHS services”)” insert “or in arranging for the provision of such services”,
 - (c) in paragraph (d) after “NHS services” insert “or with arranging for the provision of such services”, and
 - (d) in paragraph (f) after “NHS services” insert “or with arranging for the provision of such services”.
- 104 (1) Section 196 (persons and bodies about which provision is made by Part 10) is amended as follows.
- (2) In subsection (2), for “section 28(6)” substitute “section 275(1)”.
- (3) In subsection (3)—
- (a) before paragraph (a) insert—

Status: This is the original version (as it was originally enacted).

- “(za) the Board,
 (zb) a clinical commissioning group,”
- (b) omit paragraph (a), and
 (c) omit paragraph (c).
- (4) After subsection (5) insert—
- “(5A) A “public health service contractor” means any person providing services of any description under arrangements made in the exercise of the public health functions of the Secretary of State or a local authority.”
- 105 (1) Section 197 (notice requiring production of documents) is amended as follows.
- (2) In subsection (1)(a) after “health service provider” insert “, public health service contractor”.
- (3) In subsection (3)(d) after “health service provider” insert “, public health service contractor”.
- 106 In section 201 (disclosure of information), in subsection (3)(a) for “any of the Secretary of State’s functions” substitute “any of the functions of the Secretary of State, the Board, a clinical commissioning group or a local authority”.
- 107 (1) Section 210 (interpretation of Part 10) is amended as follows.
- (2) In subsection (1) after “health service provider” insert “, “public health service contractor””.
- (3) In subsection (2)(a)—
- (a) after “in relation to” insert “the Secretary of State, local authorities,”, and
 (b) after “health service providers” insert “, public health service contractors”.
- PART 10**
- PROPERTY AND FINANCE
- 108 (1) Section 211 (acquisition, use and maintenance of property) is amended as follows.
- (2) In subsection (4) for “A local social services authority” substitute “A local authority”.
- (3) After that subsection insert—
- “(4A) In subsection (4), “local authority” has the same meaning as in section 2B.”
- 109 In section 213 (transfers of trust property), in subsection (2)(c)—
- (a) after “for” insert “the Board or a clinical commissioning group,”, and
 (b) omit “a Primary Care Trust,”
- 110 (1) Section 214 (transfer of functions and property to or from special trustees) is amended as follows.
- (2) In subsection (1)—
- (a) after the first “by” insert “the Board, a clinical commissioning group,”, and
 (b) omit “a Primary Care trust,”.
- (3) In subsection (3)(a)—
- (a) after “for” insert “the Board or a clinical commissioning group,”, and

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- (b) omit “a Primary Care Trust,”.
- 111 (1) Section 215 (trustees and property under section 222) is amended as follows.
- (2) Omit subsection (2)(b) and the preceding “and”.
- (3) In subsection (3)—
- (a) before paragraph (a) insert—
- “(za) on trust for any purposes of the Board for which trustees have been appointed under paragraph 11 of Schedule A1,
- (zb) on trust for any purposes of a clinical commissioning group for which trustees have been appointed under paragraph 15 of Schedule 1A,” and
- (b) omit paragraph (a).
- (4) In subsection (4)—
- (a) after the second “and” insert “the Board, clinical commissioning group,”
- (b) omit “the Primary Care Trust,” (in each place it occurs), and
- (c) after the second “by” insert “the Board, clinical commissioning group,”.
- 112 In section 216 (application of trust property: further provisions), in subsection (3), after “or 214” insert “of this Act or section 300 or 302 of the Health and Social Care Act 2012”.
- 113 In section 217 (trusts: supplementary provisions), in subsection (1)—
- (a) after paragraph (e) insert—
- “(ea) paragraph 11 of Schedule A1,
- (eb) paragraph 15 of Schedule 1A,”
- (b) omit paragraph (f), and
- (c) omit paragraph (g).
- 114 In section 218 (private trusts for hospitals), in subsection (4)—
- (a) in paragraph (b) omit “or Primary Care Trust”,
- (b) in paragraph (c) omit “or Primary Care Trust” (in both places where it occurs), and
- (c) for paragraph (d) substitute —
- “(d) in any other case—
- (i) where the hospital is vested in the Secretary of State, the Special Health Authority exercising functions of the Secretary of State in respect of it or, where there is no such Special Health Authority, the Secretary of State,
- (ii) where the Welsh Ministers have functions in respect of the hospital, the Special Health Authority or Local Health Board exercising those functions.”
- 115 In section 220 (trust property previously held for general hospital purposes), in subsection (2), after “or 214” insert “of this Act or section 300 or 302 of the Health and Social Care Act 2012”.
- 116 (1) Section 222 (power to raise money) is amended as follows.
- (2) In subsection (3) for “the Secretary of State” substitute “the appropriate authority”.

Status: This is the original version (as it was originally enacted).

- (3) After subsection (3) insert—
- “(3A) In subsection (3) “appropriate authority” means—
- (a) in relation to a clinical commissioning group, the Board, and
- (b) in relation to any other body to which this section applies, the Secretary of State.”
- (4) In subsection (9), for “section 224 or 226” substitute “section 225”.
- 117 (1) In section 223 (formation of companies), in each of subsections (1), (2) and (5) after “Secretary of State” insert “or the Board”.
- (2) After that section insert—
- “223A Application of section 223 to clinical commissioning groups**
- (1) Section 223 applies in relation to a clinical commissioning group as it applies in relation to the Board.
- (2) But the powers conferred by that section are exercisable by a clinical commissioning group only for the purpose of securing improvement—
- (a) in the physical and mental health of the people for whom it has responsibility for the purposes of section 3, or
- (b) in the prevention, diagnosis and treatment of illness in such people.”
- 118 Omit section 224 (means of meeting expenditure of Strategic Health Authorities).
- 119 (1) Section 226 (financial duties of Strategic Health Authorities and Special Health Authorities) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (3) —
- (a) omit “Strategic Health Authority or”, and
- (b) for “subsection (1) or (2)” substitute “subsection (2)”.
- (4) In subsection (4) omit “Strategic Health Authority or” (in each place where it occurs).
- (5) In subsection (5) omit “Strategic Health Authority or”.
- (6) In subsection (6) omit “Strategic Health Authority or”.
- (7) In subsection (7)—
- (a) in paragraph (a) omit “specified Strategic Health Authority or”,
- (b) omit paragraph (b)(i) and the word “or” immediately following it, and
- (c) omit paragraph (c)(i) and the word “or” immediately following it, and
- (d) in the words following paragraph (c) omit “Strategic Health Authority or”.
- (8) In the heading to the section, omit “Strategic Health Authorities and”.
- 120 (1) Section 227 (resource limits for Strategic Health Authorities and Special Health Authorities) is amended as follows.
- (2) In subsection (1), omit “Strategic Health Authority and each”.
- (3) In subsection (2)(b) omit “Strategic Health Authority or”.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (3) omit “Strategic Health Authority or”.
- (5) In subsection (4) for “subsections (1) and (2)” substitute “subsection (2)”.
- (6) In the heading to the section, omit “Strategic Health Authorities and”.
- 121 Omit sections 228 to 231 (funding of Primary Care Trusts etc).
- 122 In section 234 (special arrangement as to payment of remuneration), omit subsection (4).
- 123 (1) Section 236 (payment for medical examination before application for admission to hospital under the Mental Health Act) is amended as follows.
 - (2) In subsection (1), for “the Secretary of State” substitute “the prescribed clinical commissioning group”.
 - (3) In subsection (2)(b)—
 - (a) after “report made” insert “—
 - (i)”,
 - (b) omit “a Primary Care Trust,”,
 - (c) before “NHS trust” insert “an”, and
 - (d) at the end insert “, or
 - (ii) pursuant to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group, or
 - (iii) pursuant to arrangements made in the exercise (by any person) of the public health functions of the Secretary of State or a local authority.”
- 124 Omit Schedule 14 (further provision about expenditure of Primary Care Trusts).
- 125 (1) Schedule 15 (accounts and audits) is amended as follows.
 - (2) In paragraph 1(1)—
 - (a) omit paragraph (a),
 - (b) omit paragraph (c), and
 - (c) omit paragraph (g).
 - (3) In paragraph 5, omit sub-paragraph (2).
 - (4) Omit paragraph 7.
 - (5) In paragraph 8(3) omit “or 7”.
 - (6) Omit paragraph 9.

PART 11

PUBLIC INVOLVEMENT AND SCRUTINY

- 126 (1) Section 242 (public involvement and consultation) is amended as follows.
 - (2) In subsection (1A)—
 - (a) omit paragraph (a), and

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- (b) omit paragraph (b).
- (3) Omit subsections (4) and (5).
- 127 Omit sections 242A and 242B (duties of Strategic Health Authorities in relation to involvement of users).

PART 12

MISCELLANEOUS

- 128 After section 254 insert—

“Support functions of the Secretary of State

Support functions of the Secretary of State

- 254A (1) The Secretary of State may, for the purpose of assisting any person exercising functions in relation to the health service or providing services for its purposes—
 - (a) provide (or otherwise make available) to the person goods, materials or other facilities;
 - (b) facilitate the recruitment and management of the person’s staff;
 - (c) develop or operate information or communication systems;
 - (d) do such other things to facilitate or support the carrying out of the person’s functions or other activities as the Secretary of State considers appropriate;
 - (e) arrange for any other person to do anything mentioned in paragraphs (a) to (d) or to assist the Secretary of State in doing any such thing.
- (2) The power conferred by subsection (1)(a) includes power to purchase goods and materials for the purpose of providing them or making them available.
- (3) The Secretary of State may, in connection with anything done under subsection (1), make available the services of any person employed by the Secretary of State.
- (4) The powers conferred by this section may be exercised on such terms, including terms as to the making of payments to or by the Secretary of State, as may be agreed.
- (5) In this section, “the health service” does not include that part of the health service that is provided in pursuance of the public health functions of the Secretary of State or local authorities.”
- 129 (1) Section 256 (power of Primary Care Trusts to make payments towards expenditure on community services) is amended as follows.
 - (2) In subsection (1) for “A Primary Care Trust” substitute “The Board or a clinical commissioning group”.
 - (3) In subsection (3)—

Status: This is the original version (as it was originally enacted).

- (a) for “A Primary Care Trust” substitute “The Board or a clinical commissioning group”, and
- (b) for “the Primary Care Trust” substitute “the Board or (as the case may be) the clinical commissioning group”.

(4) After subsection (5) insert—

“(5A) The Secretary of State may by directions to the Board specify the minimum amount which the Board must spend in a financial year in making payments under—

- (a) this section;
- (b) subsection (1) of this section;
- (c) subsection (3) of this section.

(5B) The Secretary of State may by directions to the Board specify—

- (a) a body or description of bodies to whom payments under subsection (1) or (3), or under either or both of those subsections, must be made by the Board in a financial year;
- (b) functions or activities, or descriptions of functions or activities, in respect of which such payments must be made by the Board in a financial year;
- (c) the minimum amount which the Board must spend in a financial year in making such payments—
 - (i) to a body or description of bodies specified in relation to the year under paragraph (a);
 - (ii) in respect of functions or activities, or descriptions of functions or activities, specified in relation to the year under paragraph (b);
 - (iii) to a body or description of bodies specified in relation to the year under paragraph (a) in respect of functions or activities or descriptions of functions or activities so specified under paragraph (b).”

130 In section 257 (payments in respect of voluntary organisations under section 256), in subsection (2) for “the Primary Care Trust” substitute “the Board or the clinical commissioning group”.

131 (1) Section 258 (university clinical teaching and research) is amended as follows.

(2) In subsection (1)—

- (a) for “The Secretary of State must exercise his functions under this Act” substitute “The functions under this Act of the Secretary of State, the Board and each clinical commissioning group must be exercised”, and
- (b) for “he” substitute “the Secretary of State, the Board or the clinical commissioning group (as the case may be)”.

(3) In subsection (2), in paragraph (a)—

- (a) after “exercisable by” insert “the Board,”,
- (b) after “a” insert “clinical commissioning group,”,
- (c) omit “Strategic Health Authority,”, and
- (d) omit “Primary Care Trust,”.

132 (1) Section 259 (sale of medical practices) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (4), in paragraph (e), for “section 83(2)(b)” substitute “section 83(2)”.
- (3) After that subsection insert—
- “(4A) The reference in subsection (4)(e) to arrangements under section 83(2) of this Act includes a reference to arrangements made under section 83(2)(b) of this Act before the commencement of paragraph 30 of Schedule 4 to the Health and Social Care Act 2012 (sub-paragraph (2) of which replaces section 83(2)).”
- (4) In subsection (5), in the definition of “relevant area”—
- (a) after ““relevant area”” insert “—
- (a) ”, and
- (b) at the end insert “;
- (b) in relation to the Board, in a case where a person has at any time provided or performed services by arrangement or contract with the Board, means the prescribed area (at the prescribed time).”
- 133 Omit section 268 (persons displaced by health service development), and the cross-heading which precedes it.
- 134 In section 271 (territorial limit of exercise of functions), in the words in brackets in subsection (3)(a), after “directions to” insert “certain”.
- 135 After section 271 insert—
- “271A Services to be treated as services of the Crown for certain purposes**
- (1) Services to which this section applies are to be treated as services of the Crown for the purposes of—
- (a) Schedule 1 to the Registered Designs Act 1949 (provisions as to the use of registered designs for the services of the Crown etc.), and
- (b) sections 55 to 59 of the Patents Act 1977 (use of patented inventions for the services of the Crown).
- (2) This section applies to services provided in pursuance of—
- (a) the functions of the Board or a clinical commissioning group under section 3, 3A, 3B or 4 or Schedule 1, or
- (b) the public health functions of a local authority.”
- 136 (1) Section 272 (orders, regulations, rules and directions) is amended as follows.
- (2) In subsection (3)—
- (a) omit paragraph (b), and
- (b) omit paragraph (d).
- (3) In subsection (5)—
- (a) omit “a PCT order, or”, and
- (b) before paragraph (a) insert—
- “(za) section 14A(1).”
- 137 (1) Section 273 (further provision about orders and directions) is amended as follows.
- (2) In subsection (3) for “by a Strategic Health Authority” substitute “by the Board”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (4)(c)(ii)—
- (a) after “8,” insert “13Z1,” and
 - (b) omit “15.”
- 138 (1) Section 275 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) before the definition of “dental practitioner” insert—
 - ““the Board” means the National Health Service Commissioning Board,
 - “clinical commissioning group” means a body established under section 14D of this Act,”
 - (b) in the definition of “health service hospital” omit “a Primary Care Trust,” and
 - (c) after the definition of “modifications” insert—
 - ““NHS body” means—
 - (a) the Board,
 - (b) a clinical commissioning group,
 - (c) a Special Health Authority,
 - (d) an NHS trust,
 - (e) an NHS foundation trust, and
 - (f) a Local Health Board.”
- (3) In subsection (3)—
- (a) omit “or 15”,
 - (b) omit “Strategic Health Authority,” (in both places where it occurs), and
 - (c) omit “Primary Care Trust or” (in both places where it occurs).
- (4) Until the commencement of section 33, the definition of “NHS body” in section 275 of the National Health Service Act 2006 has effect as if it included a reference to a Strategic Health Authority.
- (5) Until the commencement of section 34, the definition of “NHS body” in section 275 of the National Health Service Act 2006 has effect as if it included a reference to a Primary Care Trust.
- 139 (1) Section 276 (index of defined expressions) is amended as follows.
- (2) Omit the entry relating to “NHS body”.
 - (3) After the entry for “LPS scheme” insert—

“NHS constitution	section 1B(2)”
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 - (4) Omit the entry relating to “PCT order”.
 - (5) After the entry relating to “provider, in relation to an NHS contract” insert—

“public health functions of the Secretary of State section 1H(5)(a)
of State

Status: This is the original version (as it was originally enacted).

public health functions of local section 1H(5)(b)”.
 authorities

SCHEDULE 5

Section 55(2)

PART 1: AMENDMENTS OF OTHER ENACTMENTS

Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)

- 1 In section 1 of the Voluntary Hospitals (Paying Patients) Act 1936 (definitions)—
- (a) in the definition of “voluntary hospital”, for “, NHS foundation trust or a Primary Care Trust” substitute “or an NHS foundation trust”, and
 - (b) omit the definition of “Primary Care Trust”.

National Assistance Act 1948 (c. 29)

- 2 The National Assistance Act 1948 is amended as follows.
- 3 (1) Section 24 (local authority’s liability for provision of accommodation) is amended as follows.
- (2) In subsections (6A) and (6B)—
- (a) after “by a” insert “clinical commissioning group or”, and
 - (b) omit “Primary Care Trust or”.
- (3) After subsection (6B), insert—
- “(6C) The references in subsections (6A) and (6B) to a clinical commissioning group are, so far as necessary for the purposes of regulations under section 117(2E) of the Mental Health Act 1983, to be read as references to the National Health Service Commissioning Board.”
- 4 In section 26 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C)—
- (a) after “such” insert “clinical commissioning group or”, and
 - (b) omit “Primary Care Trust or”.

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- 5 In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (capacities in respect of which payments under Part 5 of the Act may be made, and paying authorities), in paragraph 15—
- (a) in the first column (headed “capacity”), after “Officer of” insert “the National Health Service Commissioning Board, a clinical commissioning group,”,
 - (b) in that column, omit “a Strategic Health Authority,”,
 - (c) in the second column (headed “paying authority”), after “The” insert “National Health Service Commissioning Board, clinical commissioning group,”, and
 - (d) in that column, omit “Strategic Health Authority,”.

Public Records Act 1958 (c. 51)

- 6 In Schedule 1 to the Public Records Act 1958 (bodies the records of which are public records), in paragraph 3(2) in the Table, in the second column of the first entry relating to the Department of Health—
- (a) after “Authorities including” insert “the National Health Service Commissioning Board, clinical commissioning groups,”
 - (b) after “records of trust property passing to” insert “the National Health Service Commissioning Board, a clinical commissioning group,”
 - (c) after “section 161 of the National Health Service (Wales) Act 2006” (in the second place it occurs) insert “or section 300 of the Health and Social Care Act 2012”,
 - (d) after “or held by” insert “the National Health Service Commissioning Board, a clinical commissioning group or”, and
 - (e) after “that Act, or” (in the second place where it occurs) insert “by virtue of section 2 and section 13X of, or paragraph 20 of Schedule 1A to, that Act, or under”.

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 7 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), in paragraph 1—
- (a) omit paragraph (ea),
 - (b) before paragraph (g) insert—
 - “(fa) the National Health Service Commissioning Board, except as regards the exercise of functions under the National Health Service (Service Committees and Tribunal) Regulations 1992, or any regulations amending or replacing those Regulations;”, and
 - (c) omit paragraph (gg).

Parliamentary Commissioner Act 1967 (c. 13)

- 8 In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to investigation), in paragraph 8—
- (a) in sub-paragraph (1)—
 - (i) after “Secretary of State by” insert “a local authority, the National Health Service Commissioning Board, a clinical commissioning group”,
 - (ii) omit “a Strategic Health Authority,”, and
 - (iii) omit “, a Primary Care Trust”, and
 - (b) in sub-paragraph (2)—
 - (i) after “action taken by” insert “a local authority, the National Health Service Commissioning Board, a clinical commissioning group or”,
 - (ii) omit “a Strategic Health Authority,”, and
 - (iii) omit “or Primary Care Trust”.

Status: This is the original version (as it was originally enacted).

Abortion Act 1967 (c. 87)

- 9 In section 1 of the Abortion Act 1967 (location of treatment for termination of pregnancy), in subsection (3) omit “a Primary Care Trust or”.

Leasehold Reform Act 1967 (c. 88)

- 10 In section 28 of the Leasehold Reform Act 1967 (land required for public purposes)
-
- (a) in subsection (5), in paragraph (d)—
 - (i) after “to” insert “the National Health Service Commissioning Board, any clinical commissioning group,”,
 - (ii) omit “any Strategic Health Authority,”, and
 - (iii) omit “, any Primary Care Trust”, and
 - (b) in subsection (6), in paragraph (c)—
 - (i) after “in the case of” insert “the National Health Service Commissioning Board, a clinical commissioning group,”,
 - (ii) omit “a Strategic Health Authority,”, and
 - (iii) omit “, Primary Care Trust”.

Health Services and Public Health Act 1968 (c. 46)

- 11 The Health Services and Public Health Act 1968 is amended as follows.
- 12 (1) Section 63 (provision of instruction for officers of hospital authorities etc.) is amended as follows.
- (2) In subsection (1)—
 - (a) after “servants of” insert “the National Health Service Commissioning Board or a clinical commissioning group,”,
 - (b) omit “a Strategic Health Authority,”, and
 - (c) omit “, Primary Care Trust”.
 - (3) In subsection (2)—
 - (a) in paragraph (a) before “or the council” insert “, the National Health Service Commissioning Board, a clinical commissioning group”, and
 - (b) in paragraph (b) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”.
 - (4) In subsection (5A)—
 - (a) omit “Strategic Health Authority” (in each place where it occurs), and
 - (b) omit “, Primary Care Trust” (in each place where it occurs).
 - (5) In subsection (5B)—
 - (a) omit paragraph (za), and
 - (b) omit paragraph (bb).
- 13 In section 64 (financial assistance to certain voluntary organisations), in subsection (3)(b)—
- (a) after “City of London” insert “or a service for the provision of which the National Health Service Commissioning Board or a clinical commissioning group has, by virtue of the National Health Service Act 2006, a duty or power to make arrangements”,

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- (b) for “a Primary Care Trust or local Health Board are” substitute “a local Health Board is”,
- (c) omit “Chapter 1 of Part 7 of the National Health Service Act 2006, or”, and
- (d) omit “Primary Care Trust or”.

Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)

- 14 In section 3 of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(a)—
- (a) after “National Health Service and Community Care Act 1990,” insert “the National Health Service Commissioning Board, a clinical commissioning group established under section 14D of the National Health Service Act 2006,”, and
 - (b) omit “, a Primary Care Trust established under section 18 of the National Health Service Act 2006”.

Local Authority Social Services Act 1970 (c. 42)

- 15 In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions) in the entry relating to the Children Act 1989, in the column headed “Nature of functions”—
- (a) after “accommodated” insert “pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or”, and
 - (b) omit “Primary Care Trusts,”.

Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 16 (1) Section 17 of the Chronically Sick and Disabled Persons Act 1970 (separation of younger from older patients) is amended as follows.
- (2) In subsection (1) for “The Secretary of State” substitute “The Welsh Ministers”.
- (3) In subsection (2) (as substituted by the National Health Service Reorganisation Act 1973)—
- (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) for “each House of Parliament” substitute “the National Assembly for Wales”,
 - (c) for “as he considers” substitute “as they consider”, and
 - (d) for “in him” substitute “in them”.

Local Government Act 1972 (c. 70)

- 17 In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of certain persons)—
- (a) in subsection (1A)—
 - (i) after “with” insert “the Secretary of State, the National Health Service Commissioning Board,”,
 - (ii) after “Local Health Board,” (in each place where it occurs) insert “clinical commissioning group,”,

Status: This is the original version (as it was originally enacted).

- (iii) omit “Primary Care Trust,” (in each place where it occurs),
- (iv) in paragraph (a), after “disposal of” insert “the Secretary of State, the National Health Service Commissioning Board,”, and
- (v) in paragraph (b), after “employed by” insert “the Secretary of State, the National Health Service Commissioning Board,”, and
- (b) in subsection (4)—
 - (i) after “above”, insert ““Secretary of State” means the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,”,
 - (ii) before ““NHS trust”” insert ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006, and”, and
 - (iii) omit the words from “and “Primary Care Trust”” to the end.

Local Government Act 1974 (c. 7)

- 18 In section 26 of the Local Government Act 1974 (matters subject to investigation by Local Commissioner), in subsection (1), after paragraph (c) insert—
- “(d) an alleged or apparent failure in a service provided by the authority in pursuance of arrangements under section 7A of the National Health Service Act 2006;
 - (e) an alleged or apparent failure to provide a service in pursuance of such arrangements.”

Health and Safety at Work etc. Act 1974 (c. 37)

- 19 (1) Section 60 of the Health and Safety at Work etc. Act 1974 (supplementary provision about the Employment Medical Advisory Service) is amended as follows.
- (2) In subsection (1) for “each Primary Care Trust and Local Health Board” substitute “the National Health Service Commissioning Board or each clinical commissioning group (in relation to England) and each Local Health Board (in relation to Wales)”.
- (3) In subsection (2)—
- (a) omit “for one of their”, and
 - (b) for ““each” to “its”” substitute ““the National” to “arranges””.

House of Commons Disqualification Act 1975 (c. 24)

- 20 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership of the House)—
- (a) omit the entry relating to the chairman or any member of a Primary Care Trust,
 - (b) in the entry relating to the chairman or any member of any Strategic Health Authority or Special Health Authority, omit “Strategic Health Authority, or”, and
 - (c) at the appropriate place insert—

“Chairman or non-executive member of the National Health Service Commissioning Board.”

Acquisition of Land Act 1981 (c. 67)

- 21 The Acquisition of Land Act 1981 is amended as follows.
- 22 In section 16 (land excluded from compulsory purchase), in subsection (3)—
- (a) after paragraph (a) insert—
 - “(aa) the National Health Service Commissioning Board;
 - (ab) a clinical commissioning group established under section 14D of the National Health Service Act 2006;”,and”
 - (b) omit paragraph (c).
- 23 In section 17 (special parliamentary procedure applying to compulsory purchase orders concerning certain land), in subsection (4) in the definition of “statutory undertakers”—
- (a) omit paragraph (ad), and
 - (b) before paragraph (b) insert—
 - “(ae) the National Health Service Commissioning Board,
 - (af) a clinical commissioning group established under section 14D of the National Health Service Act 2006.”.

Mental Health Act 1983 (c. 20)

- 24 The Mental Health Act 1983 is amended as follows.
- 25 In section 19 (regulations as to transfers of patients), in subsection (3)—
- (a) for “NHS foundation trust,”, in each place it appears, substitute “NHS foundation trust or”, and
 - (b) omit “or Primary Care Trust” in each place it appears.
- 26 In section 23 (discharge of patients), in subsection (5)(a)—
- (a) for “, Special Health Authority”, in each place it appears, substitute “or Special Health Authority”,
 - (b) omit “or Primary Care Trust” in each place it appears, and
 - (c) omit “, trust” in each place it appears.
- 27 In section 32 (regulations for purposes of Part 2 of that Act), in subsection (3), omit “, Primary Care Trusts”.
- 28 (1) Section 39 (power of court to request information from hospitals) is amended as follows.
- (2) In subsection (1)—
- (a) omit “Primary Care Trust or” in each place it appears,
 - (b) in paragraph (a), after the first “the” insert “clinical commissioning group or”,
 - (c) in paragraph (b), at the beginning insert “the National Health Service Commissioning Board or”,
 - (d) in that paragraph, after “or any other” insert “clinical commissioning group or”,
 - (e) after “such information as that” insert “clinical commissioning group or”,
 - (f) after “Local Health Board or”, in each place it appears, insert “the National Health Service Commissioning Board or the”, and

Status: This is the original version (as it was originally enacted).

- (g) after “order, and that” insert “clinical commissioning group or”.
- (3) After subsection (1) insert—
- “(1ZA) A request under this section to the National Health Service Commissioning Board may relate only to services or facilities the provision of which the Board arranges.”
- (4) In consequence of the repeals made by sub-paragraph (2), omit paragraph 46 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002.
- 29 In section 134 (patients’ correspondence), in subsection (3)(e)—
- (a) at the beginning insert “the National Health Service Commissioning Board, a clinical commissioning group,”,
 - (b) omit “Strategic Health Authority,”,
 - (c) for “, Special Health Authority” substitute “or Special Health Authority”, and
 - (d) omit “or Primary Care Trust”.
- 30 In section 139 (protection for acts done in pursuance of that Act), in subsection (4)—
- (a) after “the Secretary of State or against” insert “the National Health Service Commissioning Board, a clinical commissioning group,”,
 - (b) omit “Strategic Health Authority,”,
 - (c) for “, Special Health Authority” substitute “or Special Health Authority”, and
 - (d) omit “or Primary Care Trust”.
- 31 (1) In section 145 (interpretation), in subsection (1)—
- (a) in the definition of “the managers”, in paragraph (a)—
 - (i) after “the National Health Service (Wales) Act 2006,” (in the second place where it occurs) insert “the Secretary of State where the Secretary is responsible for the administration of the hospital or”,
 - (ii) omit “Primary Care Trust,”, and
 - (iii) omit “Strategic Health Authority,”,
 - (b) in paragraph (bb) of that definition, omit “a Primary Care Trust or”,
 - (c) omit the definition of “Primary Care Trust”, and
 - (d) omit the definition of “Strategic Health Authority”.
- (2) In consequence of the repeals made by sub-paragraph (1)—
- (a) omit paragraph 49 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002, and
 - (b) omit paragraph 70(e) and (g) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006.

Public Health (Control of Disease) Act 1984 (c. 22)

- 32 In section 13 of the Public Health (Control of Disease) Act 1984 (regulations for control of certain diseases), in subsection (4)(a)—
- (a) omit “Strategic Health Authorities,”, and
 - (b) omit “, Primary Care Trusts”.

Status: This is the original version (as it was originally enacted).

Dentists Act 1984 (c. 24)

- 33 The Dentists Act 1984 is amended as follows.
- 34 In section 26B (guidance for dentists), in subsection (8) omit paragraph (a).
- 35 In section 36M (guidance for dental care professionals), in subsection (8) omit paragraph (a).
- 36 In section 40 (definition of “business of dentistry”), in subsection (2)(aa)—
- (a) omit “under section 92 of the National Health Service Act 2006 or”,
 - (b) after “section 100” insert “of the National Health Service Act 2006 or an agreement under section 107”,
 - (c) omit “under section 50 of the National Health Service (Wales) Act 2006 or”, and
 - (d) after “section 57” insert “of the National Health Service (Wales) Act 2006 or an agreement under section 64”.
- 37 In section 50D (rules: consultation), in subsection (4) omit paragraph (a).

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 38 The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.
- 39 In section 2 (rights of authorised representatives of disabled persons)—
- (a) in subsection (5) in paragraph (a)—
 - (i) after “hospital accommodation” (in the first place it occurs) insert “provided pursuant to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or”,
 - (ii) for “the Secretary of State under section (3)(1)(a)” substitute “the Secretary of State under section 2A or 2B”, and
 - (iii) omit “by a Primary Care Trust established under that Act”,
 - (b) in subsection (7) in paragraph (a), after “provision of services” insert “, or the arrangement for the provision of services”, and
 - (c) in subsection (9) in the definition of “health authority”, in paragraph (a)—
 - (i) after “means” insert “the National Health Service Commissioning Board, a clinical commissioning group or”,
 - (ii) omit “a Strategic Health Authority”, and
 - (iii) omit “or a Primary Care Trust”.
- 40 In section 7 (persons discharged from hospital), in subsection (9)—
- (a) in the definition of “health authority”, in paragraph (a) for “a Primary Care Trust” substitute “a clinical commissioning group”, and
 - (b) in the definition of “the managers”—
 - (i) in paragraph (a)(i) for “, an NHS foundation trust or a Primary Care Trust” substitute “or an NHS foundation trust”,
 - (ii) in the words following paragraph (a)(iii) after “means the” insert “Secretary of State where the Secretary of State is responsible for the administration of the hospital, or means the”,
 - (iii) in those words omit “Strategic Health Authority”, and
 - (iv) omit paragraph (bb).

Status: This is the original version (as it was originally enacted).

- 41 In section 11 (reports to Parliament)—
- (a) in subsection (1ZA) omit “subsection (1ZB) extends to England and Wales only and”, and
 - (b) omit subsection (1ZB).
- 42 In section 16 (interpretation), in subsection (1)—
- (a) omit the definition of “Primary Care Trust”, and
 - (b) omit the definition of “Strategic Health Authority”.

Dartford-Thurrock Crossing Act 1988 (c. 20)

- 43 In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls), in paragraph (b)—
- (a) omit “a Strategic Health Authority established under section 13 of the National Health Service Act 2006,”,
 - (b) for “that Act” substitute “the National Health Service Act 2006”, and
 - (c) omit “a Primary Care Trust established under section 18 of the National Health Service Act 2006,”.

Copyright, Designs and Patents Act 1988 (c. 48)

- 44 In section 48 of the Copyright, Designs and Patents Act 1988 (material communicated to the Crown in the course of public business), in subsection (6)—
- (a) after “the National Health Service and Community Care Act 1990,” insert “the National Health Service Commissioning Board, a clinical commissioning group established under section 14D of the National Health Service Act 2006,”, and
 - (b) omit “a Primary Care Trust established under section 18 of the National Health Service Act 2006,”.

Health and Medicines Act 1988 (c. 49)

- 45 In section 7 of the Health and Medicines Act 1988 (extension of powers for financing health service), in subsection (3)(i) omit the words from the second “the” to “trust, or”.

Road Traffic Act 1988 (c. 52)

- 46 In section 144 of the Road Traffic Act 1988 (exception to requirement for third party insurance), in subsection (2)(da) omit “by a Primary Care Trust established under section 18 of the National Health Service Act 2006”.

Children Act 1989 (c. 41)

- 47 The Children Act 1989 is amended as follows.
- 48 In section 21 (provision of accommodation for children in police protection etc), in subsection (3)—
- (a) for “Secretary of State,” substitute “Secretary of State or”,
 - (b) omit “or a Primary Care Trust” (in each place where it occurs), and

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- (c) after “arrangements made by” insert “the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or”.
- 49 In section 24 (persons qualifying for advice and assistance), in subsection (2)—
- (a) in paragraph (d), in sub-paragraph (i) omit “or Primary Care Trust”, and
- (b) in that paragraph, in sub-paragraph (ii) after “provided” insert “pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or”.
- 50 In section 24C (information), in subsection (2)—
- (a) in paragraph (b) for “, Special Health Authority or Primary Care Trust” substitute “or Special Health Authority”, and
- (b) in paragraph (c) after “provided” insert “pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or”.
- 51 In section 27 (co-operation between authorities), in subsection (3)—
- (a) after paragraph (c) insert—
- “(ca) the National Health Service Commissioning Board;”, and”
- (b) in paragraph (d)—
- (i) after “any” insert “clinical commissioning group;”, and
- (ii) omit “, Primary Care Trust”.
- 52 In section 29 (recoupment of cost of providing services), in subsection (8) in paragraph (c)—
- (a) for “Secretary of State,” substitute “Secretary of State or”,
- (b) omit “or a Primary Care Trust” (in both places where it occurs),
- (c) after “arrangements made by” insert “the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or by”, and
- (d) omit “a Strategic Health Authority,”.
- 53 In section 47 (local authority’s duty to investigate), in subsection (11)—
- (a) after paragraph (c) insert—
- “(ca) the National Health Service Commissioning Board;”, and”
- (b) in paragraph (d)—
- (i) after “any” insert “clinical commissioning group;”, and
- (ii) omit “, Primary Care Trust”.
- 54 In section 80 (inspection of children’s homes)—
- (a) in subsection (1), in paragraph (d) —
- (i) omit “, Primary Care Trust”, and
- (ii) after “NHS foundation trust” insert “or pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006”,
- (b) in subsection (5), in paragraph (e) omit “Primary Care Trust;”, and
- (c) after that paragraph insert—

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“(ea) person providing accommodation for a child pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006;”.

55 In section 85 (children accommodated by health authorities)—

- (a) in subsection (1) omit “Primary Care Trust,” and
- (b) after subsection (2) insert—

“(2ZA) Where a child is provided with accommodation—

- (a) by a body which is not mentioned in subsection (1), and
- (b) pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006,

subsections (1) and (2) apply in relation to the Secretary of State, the Board or (as the case may be) the clinical commissioning group as if it were the accommodating authority.”

56 (1) Section 105 (interpretation) is amended as follows.

(2) In subsection (1)—

- (a) before the definition of “community home” insert—
 - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006;”,
- (b) omit the definition of “Primary Care Trust”, and
- (c) omit the definition of “Strategic Health Authority”.

(3) After subsection (7) insert—

“(7A) References in this Act to a hospital or accommodation made available or provided pursuant to arrangements made by the Secretary of State under the National Health Service Act 2006 are references to a hospital or accommodation made available or provided pursuant to arrangements so made in the exercise of the public health functions of the Secretary of State (within the meaning of that Act).

“(7B) References in this Act to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 include references to arrangements so made by virtue of section 7A of that Act.”

Local Government and Housing Act 1989 (c. 42)

57 In section 2 of the Local Government and Housing Act 1989 (politically restricted posts), in subsection (6), after paragraph (za) insert—

“(zb) the director of public health appointed under section 73A(1) of the National Health Service Act 2006;”.

National Health Service and Community Care Act 1990 (c. 19)

58 The National Health Service and Community Care Act 1990 is amended as follows.

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- 59 In section 47 (assessment of needs for community care services), in subsection (3)—
- (a) before paragraph (a) insert—
 - “(za) that there may be a need for the provision to that person, pursuant to arrangements made under the National Health Service Act 2006 by such clinical commissioning group as may be determined in accordance with regulations, of any services (including services that may be provided pursuant to such arrangements by virtue of section 7A of that Act),”
 - (b) in paragraph (a), omit “Primary Care Trust or”,
 - (c) in that paragraph omit “the National Health Service Act 2006 or”,
 - (d) in the text following paragraph (b), omit “Primary Care Trust,” (in both places where it occurs), and
 - (e) in that text, before “Health Authority” (in both places it occurs) insert “clinical commissioning group,”.
- 60 In section 49 (transfer of staff to local authorities), in subsection (4)(b)—
- (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
- 61 In section 60 (removal of crown immunities), in subsection (7)—
- (a) in paragraph (a) omit the words from “a Strategic” to “2006 or”, and
 - (b) in paragraph (aa) for “that Act” substitute “the National Health Service Act 2006”.

Access to Health Records Act 1990 (c. 23)

- 62 The Access to Health Records Act 1990 is amended as follows.
- 63 In section 1, in subsection (2) (meaning of “holder” in relation to a health record)—
- (a) in paragraph (a)—
 - (i) for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or a”, and
 - (ii) omit “Trust or”, and
 - (b) in paragraph (aa)—
 - (i) for “a Primary Care Trust, Strategic Health Authority or” substitute “the National Health Service Commissioning Board or a”, and
 - (ii) omit “Trust, Authority or”.
- 64 In section 11 (interpretation)—
- (a) in the definition of “health service body”, in paragraph (a)—
 - (i) omit “Strategic Health Authority,”,
 - (ii) for “, Local” substitute “or Local”, and
 - (iii) omit “or Primary Care Trust”,
 - (b) omit the definition of “Primary Care Trust”, and
 - (c) omit the definition of “Strategic Health Authority”.

London Local Authorities Act 1991 (c. xiii)

- 65 In section 4 of the London Local Authorities Act 1991 (interpretation) in the definition of “establishment for special treatment”, in paragraph (d) for “by a Primary Care Trust established under section 18 of the National Health Service Act 2006”

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substitute “by any person in pursuance of arrangements made by the National Health Service Commissioning Board or by a clinical commissioning group under the National Health Service Act 2006 (including by virtue of section 7A of that Act)”.

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- 66 In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners)—
- (a) in subsection (1), in paragraph (a) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”,
 - (b) in that paragraph, after “or” (in the first place it occurs) insert “a”,
 - (c) in the words after paragraph (b) in that subsection, omit “authority or”,
 - (d) in subsection (2), in paragraph (a) for “a Primary Care Trust, Strategic Health Authority or” substitute “the National Health Service Commissioning Board or a”,
 - (e) in paragraph (b) of that subsection, for “a Primary Care Trust or” substitute “the National Health Service Commissioning Board or a”,
 - (f) in that paragraph, for “entered into by him with a Primary Care Trust” substitute “entered into by him with the National Health Service Commissioning Board”, and
 - (g) in the words after that paragraph, omit “Trust, Authority or.”

Health Service Commissioners Act 1993 (c. 46)

- 67 The Health Service Commissioners Act 1993 is amended as follows.
- 68 In section 2 (health service bodies subject to investigation), in subsection (1)—
- (a) omit paragraph (a),
 - (b) omit paragraph (da), and
 - (c) after paragraph (db) insert—
 - “(dc) the National Health Service Commissioning Board,
 - (dd) clinical commissioning groups.”
- 69 In section 2A (health service providers subject to investigation), in subsection (1)(a) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”.
- 70 (1) Section 14 (reports etc. by the Commissioner) is amended as follows.
- (2) In subsection (1)—
 - (a) at the end of paragraph (c) insert “and”, and
 - (b) omit paragraph (e) and the preceding “and”.
 - (3) In subsection (2A)—
 - (a) at the end of paragraph (d) insert “and”, and
 - (b) omit paragraph (f) and the preceding “and”.
 - (4) In subsection (2C)—
 - (a) at the end of paragraph (d) insert “and”, and
 - (b) omit paragraph (f) and the preceding “and”.
 - (5) Omit subsection (2E)(e).

- (6) In subsection (2G)—
- (a) at the end of paragraph (c) insert “and”, and
 - (b) omit paragraph (e) and the preceding “and”.

Health Authorities Act 1995 (c. 17)

- 71 In Schedule 2 to the Health Authorities Act 1995 (property, rights and liabilities), in paragraph 2—
- (a) in sub-paragraphs (1), (2), (6) and (7) omit “Primary Care Trust,” and
 - (b) in sub-paragraphs (1), (2), (6) and (7) omit “Strategic Health Authority,”.

Employment Rights Act 1996 (c. 18)

- 72 The Employment Rights Act 1996 is amended as follows.
- 73 In section 43K (extension of meaning of “worker” etc for Part 4A)—
- (a) in subsection (1)(ba) for “a Primary Care Trust” (in each place where it occurs) substitute “the National Health Service Commissioning Board”,
 - (b) in subsection (1)(c)(i) for “a Primary Care Trust” substitute “the National Health Service Commissioning Board”, and
 - (c) in subsection (2)(aa) for “the Primary Care Trust or” substitute “the National Health Service Commissioning Board, or the”.
- 74 In section 50 (right to time off for public duties), in subsection (8)—
- (a) before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board,
 - (zb) a clinical commissioning group established under section 14D of the National Health Service Act 2006,”and
 - (b) in paragraph (b)—
 - (i) omit “a Strategic Health Authority established under section 13 of the National Health Service Act 2006,” and
 - (ii) omit “or a Primary Care Trust established under section 18 of the National Health Service Act 2006,”.
- 75 In section 218 (change of employer), in subsection (10)—
- (a) before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board,
 - (zb) a clinical commissioning group established under section 14D of the National Health Service Act 2006,”
 - (b) omit paragraph (a),
 - (c) in paragraph (b) for “that Act” substitute “the National Health Service Act 2006”,
 - (d) omit paragraph (bb), and
 - (e) in paragraph (c) for “that Act” substitute “the National Health Service Act 2006”.

Status: This is the original version (as it was originally enacted).

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- 76 In section 3 of the Housing Grants, Construction and Regeneration Act 1996, in subsection (2)(f) (persons ineligible for grants)—
- (a) at the beginning insert “the National Health Service Commissioning Board, a clinical commissioning group,”
 - (b) omit “a Strategic Health Authority,” and
 - (c) omit “, Primary Care Trust”.

Education Act 1996 (c. 56)

- 77 The Education Act 1996 is amended as follows.
- 78 (1) Section 322 (duty of certain bodies to help local authorities) is amended as follows.
- (2) In subsection (1)—
 - (a) after “another local authority,” insert “the National Health Service Commissioning Board, a clinical commissioning group or”
 - (b) omit “or a Primary Care Trust”, and
 - (c) for “the board, authority or trust” substitute “that body”.
 - (3) In subsection (2), for “An authority, a board or a trust” substitute “A body”.
 - (4) In subsection (3), in paragraph (a)—
 - (a) after “request is made of” insert “the National Health Service Commissioning Board, a clinical commissioning group or”
 - (b) omit “or Primary Care Trust”, and
 - (c) for “that board or trust” substitute “that body”.
 - (5) In subsection (4)—
 - (a) for “an authority, a board” substitute “a local authority, the National Health Service Commissioning Board, a clinical commissioning group or a Local Health Board”, and
 - (b) omit “or a trust”.
- 79 (1) Section 332 (duty of certain NHS bodies to notify parent) is amended as follows.
- (2) In subsection (1)—
 - (a) after “where” insert “a clinical commissioning group,” and
 - (b) omit “a Primary Care Trust,”.
 - (3) In subsection (2) for “trust” (in each place where it occurs) substitute “other body”.
 - (4) In subsection (3) for “trust” substitute “other body”.
- 80 In section 579 (general interpretation), in subsection (1) in the definition of “school buildings” in paragraph (c) for the words from “for enabling” to “functions” substitute “for the carrying out of functions”.

Audit Commission Act 1998 (c. 18)

- 81 In section 33 of the Audit Commission Act 1998, in subsection (8) (bodies not subject to certain Commission studies)—
- (a) omit paragraph (a), and
 - (b) omit paragraph (b).

Data Protection Act 1998 (c. 29)

- 82 In section 69 of the Data Protection Act 1998 (meaning of “health professional”)—
- (a) in subsection (1), in paragraph (k) for “such a body” substitute “a health service body”,
 - (b) in subsection (3), omit paragraph (a),
 - (c) in that subsection, before paragraph (b) insert—
 - “(aa) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
 - (ab) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, that Act,” and
 - (d) in that subsection, omit paragraph (bb).

Crime and Disorder Act 1998 (c. 37)

- 83 The Crime and Disorder Act 1998 is amended as follows.
- 84 In section 5 (authorities responsible for crime and disorder strategies), in subsection (1)(e) for “Primary Care Trust” substitute “clinical commissioning group”.
- 85 In section 38 (local provision of youth justice services), in subsection (2)(b)—
- (a) after “local probation board” insert “, clinical commissioning group or”, and
 - (b) omit “, Strategic Health Authority,”, and
 - (c) omit “or Primary Care Trust”.
- 86 In section 39 (Youth Offending Teams), in subsection (3)(b)—
- (a) after “local probation board” insert “, clinical commissioning group or”,
 - (b) omit “, Strategic Health Authority,”, and
 - (c) omit “or Primary Care Trust”.
- 87 In that section, in subsection (5)(d)—
- (a) after “nominated by” insert “a clinical commissioning group or”, and
 - (b) omit “a Primary Care Trust or”.
- 88 In section 41 (the Youth Justice Board), in subsection (10)—
- (a) after “provider of probation services,” insert “a clinical commissioning group,”,
 - (b) for “, a Strategic Health Authority,” substitute “and”, and
 - (c) omit “and a Primary Care Trust”.
- 89 In section 42 (supplementary provisions), in subsection (3)—
- (a) after “provider of probation services,” insert “a clinical commissioning group,”,
 - (b) for “, a Strategic Health Authority,” substitute “or”, and
 - (c) omit “or a Primary Care Trust”.
- 90 In section 115, in subsection (2) (disclosure of information to relevant authorities)—
- (a) omit paragraph (ea),
 - (b) after paragraph (f) insert—

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- “(fa) the National Health Service Commissioning Board;
- (fb) a clinical commissioning group;”, and
- (c) omit paragraph (g).

Health Act 1999 (c. 8)

- 91 The Health Act 1999 is amended as follows.
- 92 In section 61 (English and Scottish border provisions)—
- (a) in subsection (2)—
 - (i) after “Secretary of State” insert “, the National Health Service Commissioning Board”,
 - (ii) after “any” insert “clinical commissioning group”,
 - (iii) omit “Strategic Health Authority”, and
 - (iv) omit “or Primary Care Trust”, and
 - (b) in subsection (5)—
 - (i) after “any” insert “clinical commissioning group”, and
 - (ii) omit “Primary Care Trust”.
- 93 In Schedule 4 (amendments relating to Primary Care Trusts)—
- (a) omit paragraphs 1, 74, and 86, and the cross-heading preceding each paragraph, and
 - (b) omit paragraphs 3(c), 82 and 85(2).

Greater London Authority Act 1999 (c. 29)

- 94 In section 309E of the Greater London Authority Act 1999, in subsection (5) (bodies to be included among relevant bodies for purposes of Mayor of London’s health inequalities strategy)—
- (a) omit paragraph (f),
 - (b) omit paragraph (g), and
 - (c) before paragraph (h) insert—
 - “(ga) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
 - (gb) the National Health Service Commissioning Board,
 - (gc) any clinical commissioning group (established under section 14D of the National Health Service Act 2006) for an area wholly or partly in Greater London,”.

Care Standards Act 2000 (c. 14)

- 95 In section 121 of the Care Standards Act 2000 (interpretation), in subsection (1) in the definition of “National Health Service body”—
- (a) omit “a Strategic Health Authority,”, and
 - (b) omit “, a Primary Care Trust”.

Government Resources and Accounts Act 2000 (c. 20)

- 96 (1) Section 14 of the Government Resources and Accounts Act 2000 (summarised accounts) is amended as follows.
- (2) In subsection (1) omit “paragraph 7 of Schedule 15 to the National Health Service Act 2006 or”.
- (3) Omit subsection (3).
- (4) In subsection (4) for “that subsection” substitute “subsection (1)”.

Local Government Act 2000 (c. 22)

- 97 In section 21C of the Local Government Act 2000 (reports and recommendations of overview and scrutiny committees: duties of certain bodies), in subsection (6)—
- (a) before paragraph (b) insert—
- “(aa) the National Health Service Commissioning Board,
(ab) a clinical commissioning group, or”, and
- (b) omit paragraph (c) and the preceding “or”.

Regulation of Investigatory Powers Act 2000 (c. 23)

- 98 In section 4 of the Regulation of Investigatory Powers Act 2000 (power to provide for lawful interception) in subsection (5) for “section 8 of the National Health Service Act 2006” substitute “section 4(3A)(a) of the National Health Service Act 2006”.

Freedom of Information Act 2000 (c. 36)

- 99 In Part 3 of Schedule 1 to the Freedom of Information Act 2000 (NHS in England and Wales)—
- (a) omit paragraph 36A,
- (b) before paragraph 38 insert—
- “37A The National Health Service Commissioning Board.
37B A clinical commissioning group established under section 14D of the National Health Service Act 2006.”, and
- (c) omit paragraph 39.

International Development Act 2002 (c. 1)

- 100 In Schedule 1 to the International Development Act 2002 (statutory bodies with powers under section 9 of that Act)—
- (a) before the entry for a Health Board insert—
- “the National Health Service Commissioning Board a clinical commissioning group”,
- (b) omit the entry for a Primary Care Trust, and
- (c) omit the entry for a Strategic Health Authority.

Status: This is the original version (as it was originally enacted).

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 101 The National Health Service Reform and Health Care Professions Act 2002 is amended as follows.
- 102 Omit Schedule 1 (English health authorities: change of name to Strategic Health Authorities).
- 103 Omit Schedule 2 (consequential amendments concerning the reallocation of functions to Primary Care Trusts).

Adoption and Children Act 2002 (c. 38)

- 104 The Adoption and Children Act 2002 is amended as follows.
- 105 In section 4 (assessments etc for adoption support services), in subsection (9)—
- (a) before paragraph (a) insert—
 - “(za) there may be a need for the provision to that person of services that may be provided pursuant to arrangements made by a clinical commissioning group under the National Health Service Act 2006 (including by virtue of section 7A of that Act),”
 - (b) in paragraph (a) omit “a Primary Care Trust”, and
 - (c) in the text following paragraph (b)—
 - (i) after “notify that” insert “clinical commissioning group,”, and
 - (ii) omit “Primary Care Trust,”.
- 106 In section 8 (bodies which cannot be adoption support agencies), in subsection (2)—
- (a) before paragraph (d) insert—
 - “(ca) the National Health Service Commissioning Board,”, and”
 - (b) in paragraph (d)—
 - (i) omit “, Primary Care Trust”, and
 - (ii) before “(in Wales,” insert “, clinical commissioning group”.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 107 In section 133(4) of the Nationality, Immigration and Asylum Act 2002 (power of medical inspector to disclose information to health service bodies), in paragraph (a) —
- (a) omit sub-paragraph (i),
 - (b) before sub-paragraph (ii) insert—
 - “(ia) the National Health Service Commissioning Board,
 - (ib) a clinical commissioning group established under section 14D of the National Health Service Act 2006,
 - (ic) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, the National Health Service Act 2006,”, and
 - (c) omit sub-paragraph (iii).

Community Care (Delayed Discharges etc.) Act 2003 (c. 5)

- 108 The Community Care (Delayed Discharges etc.) Act 2003 is amended as follows.
- 109 In section 1 (meaning of “NHS body” and “qualifying hospital patient”) in subsection (1), in the definition of “NHS body” in paragraph (b) omit “a Primary Care Trust (in England) or”.
- 110 In section 9 (dispute resolution)—
- (a) in subsection (1) omit “by Strategic Health Authorities in England and”,
 - (b) at the end of that subsection insert “in relation to Wales”,
 - (c) in subsection (2) omit —
 - (i) “Strategic Health Authority or”, and
 - (ii) “Authority or”,
 - (d) in subsection (3)—
 - (i) for “the appropriate Minister considers” substitute “the Welsh Ministers consider”,
 - (ii) omit “a Strategic Health Authority or”, and
 - (iii) omit “Authority or”, and
 - (e) in subsection (4)(a) omit “Strategic Health Authority or”.

Licensing Act 2003 (c. 17)

- 111 The Licensing Act 2003 is amended as follows.
- 112 In section 5(3) (statement of licensing policy)—
- (a) in paragraph (ba) omit “Primary Care Trust or”, and
 - (b) after that paragraph insert—
 - “(bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority’s area,”.
- 113 In section 13(4) (authorised persons, interested parties and responsible authorities)—
- (a) in paragraph (ba) omit “Primary Care Trust or”, and
 - (b) after that paragraph insert—
 - “(bb) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated,”.
- 114 In section 16 (applicant for premises licence), in subsection (3), in the definition of “health service body” omit paragraph (b).
- 115 In section 69(4) (authorised persons, interested parties and responsible authorities)—
- (a) in paragraph (ba) omit “Primary Care Trust or”, and
 - (b) after that paragraph insert—
 - “(bb) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated,”.
- 116 In section 172B(4) (procedural requirements for early morning alcohol restriction order)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph (d) omit “Primary Care Trust or”, and
- (b) after that paragraph insert—
 - “(da) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the area specified in the order,”.

Sexual Offences Act 2003 (c. 42)

- 117 In section 42 of the Sexual Offences Act 2003 (care workers: interpretation) in subsection (5), in the definition of “National Health Service body”—
- (a) after paragraph (b) insert—
 - “(ba) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
 - (bb) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B, or 13 of Schedule 1 to, the National Health Service Act 2006,” and
 - (b) omit paragraph (c).

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

- 118 The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.
- 119 In section 71 (reporting to Secretary of State and regulator)—
- (a) in subsection (2), after “special measures” insert “or request another person to take special measures”, and
 - (b) omit subsections (3) and (4).
- 120 In section 113 (complaints about health care), in subsection (1), after paragraph (c) insert—
- “(d) anything done by the National Health Service Commissioning Board or a clinical commissioning group in pursuance of arrangements made under section 7A of the National Health Service Act 2006.”
- 121 In section 148 (interpretation of Part 2), in the definition of “English NHS body”—
- (a) omit paragraph (a),
 - (b) omit paragraph (b), and
 - (c) before paragraph (d) insert—
 - “(ca) the National Health Service Commissioning Board;
 - (cb) a clinical commissioning group;”.
- 122 In section 160 (provision of information)—
- (a) in subsection (1), after paragraph (g) insert—
 - “(h) if the injured person received NHS treatment pursuant to arrangements made by a clinical commissioning group under section 3 or 3A of the National Health Service Act 2006, the clinical commissioning group.”, and

Status: This is the original version (as it was originally enacted).

- (b) in subsection (4), in the definition of “responsible body” omit paragraph (a)(ii) and the word “or preceding it.”.
- 123 In section 165 (power to apply provisions about recovery of charges to non-NHS hospitals), in subsection (3)(b)—
- (a) omit sub-paragraph (i), and
 - (b) before sub-paragraph (ii) insert—
 - “(ia) the National Health Service Commissioning Board,
 - (ib) a clinical commissioning group.”.

Criminal Justice Act 2003 (c. 44)

- 124 In section 325 of the Criminal Justice Act 2003 (arrangements for assessing etc risks posed by certain offenders)—
- (a) after subsection (6)(b) insert—
 - “(ba) the National Health Service Commissioning Board,”,
 - (b) after subsection (6)(d) insert—
 - “(da) every local authority (in its capacity as a person exercising functions for the purposes of the health service) any part of whose area falls within the relevant area,”,
 - (c) in subsection (6)(f) omit “or Strategic Health Authority”, and
 - (d) in subsection (6)(g)—
 - (i) after “every” insert “clinical commissioning group or”, and
 - (ii) omit “Primary Care Trust or”.

Carers (Equal Opportunities) Act 2004 (c. 15)

- 125 (1) Section 3 of the Carers (Equal Opportunities) Act 2004 (co-operation between authorities) is amended as follows.
- (2) In subsection (2)(b) after “by” (in the second place it occurs) insert “or in pursuance of arrangements made by”.
 - (3) In subsection (3) after “provide” insert “or arrange for the provision of”.
 - (4) In subsection (5)—
 - (a) omit the “and” at the end of paragraph (c) and insert—
 - “(ca) the Secretary of State, in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
 - (cb) the National Health Service Commissioning Board, and”,
 - and
 - (b) in paragraph (d)—
 - (i) after “any” insert “clinical commissioning group,”, and
 - (ii) omit “Primary Care Trust,”.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 126 In section 9 of the Domestic Violence, Crime and Victims Act 2004 (establishment and conduct of domestic homicide reviews), in the list in subsection (4)(a)—

Status: This is the original version (as it was originally enacted).

- (a) after the entry for local probation boards insert—
 “the National Health Service Commissioning Board;
 clinical commissioning groups established under section 14D of the
 National Health Service Act 2006;”,
- (b) omit the entry for Strategic Health Authorities, and
- (c) omit the entry for Primary Care Trusts.

Children Act 2004 (c. 31)

- 127 The Children Act 2004 is amended as follows.
- 128 In section 10 (co-operation to improve wellbeing), in subsection (4)—
- (a) after paragraph (d) insert—
 “(da) the National Health Service Commissioning Board;”,
 - (b) after paragraph (da) (as inserted by paragraph (a) above) insert—
 “(db) any clinical commissioning group for an area any part of
 which falls within the area of the authority;”, and
 - (c) omit paragraph (e).
- 129 In section 11 (arrangements to safeguard and promote welfare), in subsection (1)—
- (a) after paragraph (b) insert—
 “(ba) the National Health Service Commissioning Board;”,
 - (b) after paragraph (ba) (as inserted by paragraph (a) above) insert—
 “(bb) a clinical commissioning group;”,
 - (c) omit paragraph (c), and
 - (d) omit paragraph (e).
- 130 In section 12A (establishment of children’s trust boards), after subsection (7) at the end insert “otherwise than by virtue of section 10(4)(da) or (db)”.
- 131 In section 13 (establishment of Local Safeguarding Children Boards), in subsection (3)—
- (a) after paragraph (d) insert—
 “(da) the National Health Service Commissioning Board;”,
 - (b) after paragraph (da) (as inserted by paragraph (a) above) insert—
 “(db) any clinical commissioning group for an area any part of
 which falls within the area of the authority;”, and
 - (c) omit paragraph (e).

Civil Contingencies Act 2004 (c. 36)

- 132 (1) Schedule 1 to the Civil Contingencies Act 2004 (lists of Category 1 and 2 responders) is amended as follows.
- (2) In Part 1 (which contains the general list of Category 1 responders)—
- (a) after the cross-heading “Health” insert—
 “4A The National Health Service Commissioning Board.”, and
 - (b) omit paragraph 7.
- (3) In Part 3 (which contains the general list of Category 2 responders)—
- (a) after the cross-heading “Health” insert—

Status: This is the original version (as it was originally enacted).

- “29ZA A clinical commissioning group established under section 14D of the National Health Service Act 2006.”, and
(b) omit paragraph 29A.

Mental Capacity Act 2005 (c. 9)

- 133 The Mental Capacity Act 2005 is amended as follows.
- 134 In section 35 (appointment of independent mental capacity advocates)—
- (a) in subsection (1), for “appropriate authority” substitute “responsible authority”,
 - (b) in subsection (4), for “appropriate authority” substitute “responsible authority”, and
 - (c) after subsection (6) insert—
 - “(6A) In subsections (1) and (4), “the responsible authority” means—
 - (a) in relation to the provision of the services of independent mental capacity advocates in the area of a local authority in England, that local authority, and
 - (b) in relation to the provision of the services of independent mental capacity advocates in Wales, the Welsh Ministers.
 - (6B) In subsection (6A)(a), “local authority” has the meaning given in section 64(1) except that it does not include the council of a county or county borough in Wales.”
- 135 In section 64 (interpretation), in subsection (1) in the definition of “local authority”, after “except in” insert “section 35(6A)(a) and”.
- 136 (1) Schedule A1 (hospital and care home residents: deprivation of liberty) is amended as follows.
- (2) In paragraph 176 (meaning of “managing authority”), in sub-paragraph (1)—
 - (a) in paragraph (a) omit “Primary Care Trust,”,
 - (b) in that paragraph omit “Strategic Health Authority,”,
 - (c) after that paragraph insert—
 - “(aa) in relation to England, if the hospital falls within paragraph (a)(i) or (ii) and no Special Health Authority has responsibility for its administration, the Secretary of State,”,
 - and
 - (d) in paragraph (b) omit “Primary Care Trust,”.
 - (3) In paragraph 180 (supervisory bodies: hospitals in England)—
 - (a) for sub-paragraph (2) substitute—
 - “(2) If the relevant person is ordinarily resident in the area of a local authority in England, the supervisory body are that local authority.”,
 - (b) in sub-paragraph (3), after “If” insert “the relevant person is not ordinarily resident in England and”,
 - (c) in sub-paragraph (4), for “the Primary Care Trust” substitute “the local authority”,
 - (d) after sub-paragraph (4) insert—

Status: This is the original version (as it was originally enacted).

“(4A) Local authority” means—

- (a) the council of a county;
 - (b) the council of a district for which there is no county council;
 - (c) the council of a London borough;
 - (d) the Common Council of the City of London;
 - (e) the Council of the Isles of Scilly.”, and
- (e) in sub-paragraph (5), for “Primary Care Trusts” substitute “local authorities”.

(4) In paragraph 181 (supervisory bodies: hospitals in Wales), for sub-paragraph (3) substitute—

“(3) But if the relevant person is ordinarily resident in the area of a local authority in England, the supervisory body are that local authority.

(4) “Local authority” means—

- (a) the council of a county;
- (b) the council of a district for which there is no county council;
- (c) the council of a London borough;
- (d) the Common Council of the City of London;
- (e) the Council of the Isles of Scilly.”

(5) Before paragraph 183 insert the following heading—

“Supervisory bodies: determination of place of ordinary residence”.

(6) In that paragraph—

- (a) in sub-paragraph (1), for “paragraph” substitute “paragraphs 180, 181 and”, and
- (b) in sub-paragraph (2), after “by virtue of sub-paragraph (1)” insert “to any determination of where a person is ordinarily resident for the purposes of paragraph 182”.

Childcare Act 2006 (c. 21)

137 In section 4 of the Childcare Act 2006 (duty of local authority and relevant partners to work together), in subsection (1)—

- (a) before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board;”, and”
- (b) in paragraph (a)—
 - (i) at the beginning insert “a clinical commissioning group”,
 - (ii) omit “a Strategic Health Authority”, and
 - (iii) omit “or Primary Care Trust”.

Emergency Workers (Obstruction) Act 2006 (c. 39)

138 In section 1 of the Emergency Workers (Obstruction) Act 2006 (obstructing emergency workers)—

- (a) in subsection (5), in paragraph (a)—

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- (i) after “Wales,” insert “the Secretary of State in the exercise of public health functions, a local authority in the exercise of public health functions, the National Health Service Commissioning Board, a clinical commissioning group,” and
 - (ii) omit “, Primary Care Trust”, and
- (b) after that subsection insert—
- “(6) In subsection (5)(a) above “public health functions”—
 - (a) in relation to the Secretary of State, has the same meaning as in section 1H(5)(a) of the National Health Service Act 2006;
 - (b) in relation to a local authority, has the same meaning as in section 1H(5)(b) of that Act.”

National Health Service (Consequential Provisions) Act 2006 (c. 43)

- 139 In Schedule 1 to the National Health Service (Consequential Provisions) Act 2006—
- (a) omit paragraphs 2(b), 30 (and the cross-heading preceding it), 47(b), 54(b), 90(e), 112(a), 125(c), 141(a), 170(b), 179(b)(iv), 180(c), 211(d), 228(a), 233(c), 234(c), 271(c) and 294 (which make amendments relating to Primary Care Trusts), and
 - (b) omit paragraphs 90(g), 125(e), 131(c)(i), 179(b)(i), 180(a)(i), 211(a), 228(c), 233(a), 234(a) and 271(e) (which make amendments relating to Strategic Health Authorities).

NHS Redress Act 2006 (c. 44)

- 140 The NHS Redress Act 2006 is amended as follows.
- 141 In section 1, in subsection (3)—
- (a) after paragraph (a) insert—
 - “(aa) the National Health Service Commissioning Board,
 - (ab) a clinical commissioning group,”
 - (b) omit paragraph (b),
 - (c) omit paragraph (c), and
 - (d) in paragraph (d) for “(b) or (c)” substitute “(aa) or (ab)”.
- 142 In section 18 (interpretation), in subsection (1) omit the definition of “designated Strategic Health Authority”.

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 143 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
- 144 In section 6 (regulated activity providers)—
- (a) omit subsection (8D), and
 - (b) before subsection (9) insert—
 - “(8E) The National Health Service Commissioning Board or a clinical commissioning group does not make arrangements for another to engage in a regulated activity by virtue of anything the Board or the clinical commissioning group does under section 12A or 12D,

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or regulations under section 12A or 12B, of the National Health Service Act 2006 (direct payments for health services).”

- 145 In section 17 (NHS employment) in subsection (3)—
- (a) before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board;
 - (zb) a clinical commissioning group;”
 - (b) omit paragraph (b), and
 - (c) omit paragraph (f).
- 146 In section 22 (controlled activity relating to vulnerable adults), in subsection (6) in the definition of “hospital services” omit paragraph (d).

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- 147 In section 6 of the Corporate Manslaughter and Corporate Homicide Act 2007 (emergencies), in subsection (7) in the definition of “relevant NHS body”—
- (a) before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board;”, and”
 - (b) in paragraph (a)—
 - (i) at the beginning insert “a clinical commissioning group,”
 - (ii) omit “a Strategic Health Authority,”, and
 - (iii) omit “Primary Care Trust,”.

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 148 The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- 149 (1) Section 222 (arrangements relating to local care services) is amended as follows.
- (2) In subsection (3)—
- (a) after paragraph (c) insert “or
 - (ca) a clinical commissioning group.”,
 - (b) omit paragraph (d), and
 - (c) omit paragraph (e) and the preceding “or”.
- (3) After that subsection insert—
- “(3A) The arrangements must not be made with the National Health Service Commissioning Board.”
- 150 In section 224 (duties of services-providers to respond to local involvement networks)—
- (a) for “services-provider”, in each place it appears, substitute “responsible person”,
 - (b) in subsection (2), before paragraph (a) insert—
 - “(za) the National Health Service Commissioning Board;
 - (zb) a clinical commissioning group;”
 - (c) in that subsection, omit paragraph (c), and
 - (d) in the title, for “services-providers” substitute “responsible persons”.

Status: This is the original version (as it was originally enacted).

- 151 In section 225 (duties of services-providers to allow entry by local involvement networks), in subsection (7), omit paragraph (c).
- 152 In section 227 (annual reports), in subsection (4)(b)—
- (a) omit “each Primary Care Trust,”,
 - (b) omit “and”,
 - (c) omit “each Strategic Health Authority,”, and
 - (d) omit the words from “any” to the end.

Criminal Justice and Immigration Act 2008 (c. 4)

- 153 In section 119 of the Criminal Justice and Immigration Act 2008 (offence of causing nuisance or disturbance on NHS premises), in subsection (4) in the definition of “relevant English NHS body”, omit paragraph (b).

Health and Social Care Act 2008 (c. 14)

- 154 The Health and Social Care Act 2008 is amended as follows.
- 155 In section 30 (urgent procedure for cancellation), in subsection (3)—
- (a) before paragraph (a) insert—
 - “(za) in any case where regulations so provide, to the National Health Service Commissioning Board,”,
 - (b) in paragraph (a)—
 - (i) at the beginning insert “in any case where regulations so provide,”,
 - (ii) after “such” insert “clinical commissioning group”, and
 - (iii) omit “Primary Care Trust”, and
 - (c) omit paragraph (b).
- 156 In section 39 (bodies required to be notified of certain matters), in subsection (1)—
- (a) before paragraph (a) insert—
 - “(za) in any case where regulations so provide, to the National Health Service Commissioning Board,”,
 - (b) in paragraph (a)—
 - (i) at the beginning insert “in any case where regulations so provide,”,
 - (ii) after “such” insert “clinical commissioning group”, and
 - (iii) omit “Primary Care Trust”, and
 - (c) omit paragraph (b).
- 157 In section 46 (reviews and investigations)—
- (a) omit subsection (1),
 - (b) omit subsection (2), and
 - (c) in subsections (4) and (6)(a), for “a body’s” substitute “a local authority’s”.
- 158 In section 48 (special reviews and investigations)—
- (a) in subsection (2) after paragraph (b) (and before the “or” immediately following it) insert—
 - “(ba) the exercise of the functions of the National Health Service Commissioning Board or a clinical commissioning group in arranging for the provision of NHS care under the National Health Service Act 2006,”, and

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- (b) in subsection (8) omit paragraph (a) and the word “or” immediately following it.
- 159 In section 49 (power to extend periodic review function), in subsection (3)—
- (a) omit “a Primary Care Trust”, and
- (b) omit “another English NHS provider or”.
- 160 In section 54 (studies as to economy, efficiency etc)—
- (a) omit subsection (2)(b), and
- (b) in subsection (5) after “reference to” insert “the National Health Service Commissioning Board, a clinical commissioning group”.
- 161 In section 59 (additional functions) at the end insert—
- “(3) The references in subsection (1) to English NHS bodies do not include references to the National Health Service Commissioning Board or clinical commissioning groups.”
- 162 In section 64 (power to require documents and information), in subsection (2)(b)—
- (a) after “commissioned by” insert “—
- (i) the National Health Service Commissioning Board,
- (ii) a clinical commissioning group, or
- (iii)”,
- and
- (b) omit “a Primary Care Trust”.
- 163 In section 70 (co-operation between the Care Quality Commission and the Independent Regulator of NHS foundation trusts, in subsection (3)(a) omit “section 46 or”.
- 164 In section 72 (provision of material to the Comptroller and Auditor General)—
- (a) omit paragraph (a), and
- (b) in paragraph (b), for “such a body” substitute “an English NHS body”.
- 165 In section 81 (publication of programme of reviews etc), in subsection (2) after paragraph (a) and before the “and” immediately following it insert—
- “(aa) the National Health Service Commissioning Board.”.
- 166 (1) Section 97 (general interpretation of Part 1) is amended as follows.
- (2) In subsection (1) in the definition of “English NHS body”—
- (a) omit paragraph (a),
- (b) omit paragraph (b), and
- (c) before paragraph (d) insert—
- “(ca) the National Health Service Commissioning Board,
- (cb) a clinical commissioning group.”.
- (3) In that subsection in the definition of “English NHS provider” omit paragraph (a).
- (4) In that subsection in the definition of “NHS care”—
- (a) after “health care” insert “—
- (a) commissioned by the National Health Service Commissioning Board or by a clinical commissioning group (whether from an English NHS provider or not), or”, and

Status: This is the original version (as it was originally enacted).

- (b) ”, and
- (b) omit from “provided by” to the end.

(5) After subsection (2) insert—

“(2A) Any reference in this Part to health care commissioned by the National Health Service Commissioning Board or by a clinical commissioning group is a reference to health care provided by other persons pursuant to arrangements made by the Board or a clinical commissioning group under the National Health Service Act 2006 (including arrangements so made by virtue of section 7A of that Act).”

(6) Omit subsection (3).

- 167 In section 153 (directions to certain NHS bodies) in subsection (1)—
- (a) omit paragraph (a), and
 - (b) omit paragraph (b).

Education and Skills Act 2008 (c. 25)

168 The Education and Skills Act 2008 is amended as follows.

- 169 In section 16 (supply of information by public bodies), in subsection (2)—
- (a) omit paragraph (c),
 - (b) omit paragraph (d), and
 - (c) before paragraph (e) insert—
“(da) a clinical commissioning group.”

- 170 In section 77 (supply of information by public bodies), in subsection (2)—
- (a) omit paragraph (c),
 - (b) omit paragraph (d), and
 - (c) before paragraph (e) insert—
“(da) a clinical commissioning group.”

Autism Act 2009 (c. 15)

- 171 In section 4 of the Autism Act 2009 (interpretation), in subsection (1), in the definition of “NHS body”—
- (a) omit paragraph (a),
 - (b) omit paragraph (b), and
 - (c) before paragraph (d) insert—
“(ca) the National Health Service Commissioning Board;
(cb) a clinical commissioning group.”

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

- 172 In section 123 of the Local Democracy, Economic Development and Construction Act 2009 (partner authorities), in subsection (2)—
- (a) after paragraph (h) insert—
“(ha) a clinical commissioning group.”, and
 - (b) omit paragraph (i).

Status: This is the original version (as it was originally enacted).

Health Act 2009 (c. 21)

- 173 The Health Act 2009 is amended as follows.
- 174 In each of the following provisions for “NHS services” substitute “health services”—
- (a) the title to Part 1,
 - (b) section 2(3), (4)(a) and (b), (5)(a) and (b) and (7), and
 - (c) the definitions of “carers”, “patients” and “staff” in section 3(7).
- 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)”.
- 176 (1) Section 3 (availability and review of NHS constitution) is amended as follows.
- (2) In subsection (3), omit paragraph (d).
 - (3) Omit subsection (8).
- 177 (1) Section 8 (duty of providers to publish information) is amended as follows.
- (2) In subsection (1) for “NHS services” (in each place where it occurs) substitute “relevant health services”.
 - (3) Omit subsection (2)(a).
 - (4) In subsection (3) for paragraphs (a) to (c) substitute—
 - “(a) provides health services as mentioned in section 2(4)(za) or (a), or

Status: This is the original version (as it was originally enacted).

- (b) in pursuance of a contract, agreement or arrangements as mentioned in section 2(4)(za) or (a), makes arrangements for another person to provide health services,”.

(5) For subsection (6) substitute—

“(6) In this section—

“health services” has the same meaning as in Chapter 1;

“relevant health services” means health services the provision of which is arranged 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 or under or by virtue of Parts 4 to 7 of that Act.”

178 In section 9 (supplementary provision about the duty to publish information), in subsection (3), for “a Strategic Health Authority” substitute “Monitor”.

179 In section 36 (disclosure of information by Her Majesty’s Revenue and Customs), in subsection (3) after paragraph (a) insert—

“(aa) the National Health Service Commissioning Board;”.

Equality Act 2010 (c. 15)

180 The Equality Act 2010 is amended as follows.

181 In section 1 (public sector duty regarding socio-economic inequalities), in subsection (3)—

- (a) omit paragraph (h), and
- (b) omit paragraph (i).

182 In Part 1 of Schedule 19 (bodies subject to public sector equality duty), in the group of entries that includes entries for bodies whose functions relate to the health service—

- (a) at the beginning insert—

“The National Health Service Commissioning Board.

A clinical commissioning group established under section 14D of the National Health Service Act 2006.”,

- (b) in the entry for an NHS trust, for “that Act” substitute “the National Health Service Act 2006”,
- (c) omit the entry for a Primary Care Trust, and
- (d) omit the entry for a Strategic Health Authority.

Child Poverty Act 2010 (c. 9)

183 In section 20 of the Child Poverty Act 2010 (partner authorities), in subsection (2)—

- (a) after paragraph (e) insert—

“(ea) a clinical commissioning group;”,

- (b) omit paragraph (f), and
- (c) omit paragraph (g).

Status: This is the original version (as it was originally enacted).

Charities Act 2011 (c. 25)

- 184 In section 149 of the Charities Act 2011 (audit or examination of English NHS charity accounts), in subsection (7)—
- (a) omit paragraph (a),
 - (b) omit paragraph (b),
 - (c) before paragraph (c) insert—
 - “(ba) the National Health Service Commissioning Board,
 - (bb) a clinical commissioning group,
 - (bc) trustees for the National Health Service Commissioning Board appointed in pursuance of paragraph 11 of Schedule A1 to the National Health Service Act 2006, or
 - (bd) trustees for a clinical commissioning group appointed in pursuance of paragraph 15 of Schedule 1A to that Act,”
 - (d) omit paragraph (f).

SCHEDULE 6

Section 55(3)

PART 1: TRANSITIONAL PROVISION

Interpretation

- 1 (1) This paragraph applies for the purposes of this Schedule.
- (2) “The initial period” means the period that—
- (a) begins with the commencement of section 25, and
 - (b) ends with the day specified by the Secretary of State for the purposes of section 14A of the 2006 Act (as inserted by section 25).
- (3) “An initial application” means an application under section 14B of that Act which is made during the initial period.
- (4) “The Board” means the National Health Service Commissioning Board.
- (5) “The 2006 Act” means the National Health Service Act 2006.

Modification of requirements as to consultation

- 2 (1) If, at any time before the commencement of section 9, the Secretary of State consults a Special Health Authority as to the making of regulations under section 3B of the 2006 Act (as inserted by section 15), the consultation is to be treated for the purposes of subsection (4)(b) of section 3B as consultation with the Board.
- (2) If, at any time before the commencement of section 9, the Secretary of State consults a Special Health Authority about the objectives or requirements to be included in the first mandate published under section 13A of the 2006 Act (as inserted by section 23), the consultation is to be treated for the purposes of subsection (8)(a) of section 13A as consultation with the Board.

Directions under section 7 of the 2006 Act

- 3 (1) This paragraph applies if section 21 is commenced before section 33(1).
- (2) Until section 33(1) is commenced, section 7(1) of the 2006 Act has effect as if after “Special Health Authority” there were inserted “or Strategic Health Authority”.
- (3) Sub-paragraph (4) applies in relation to any direction given under section 7(1) of the 2006 Act to a Strategic Health Authority which has effect immediately before section 21 is commenced.
- (4) Until section 33(1) is commenced, the direction continues to have effect as if given to the Strategic Health Authority under section 7(1) of the 2006 Act (as it has effect by virtue of sub-paragraph (2)).
- (5) Sub-paragraph (6) applies in relation to any direction given under section 7(2) of the 2006 Act to a Special Health Authority in respect of the functions of a Strategic Health Authority which has effect immediately before section 21 is commenced.
- (6) Until section 33(1) is commenced, the direction continues to have effect as if given to the Special Health Authority in respect of the functions of the Strategic Health Authority under section 7(1) of the 2006 Act.
- (7) Any reference in this paragraph to section 7(1) of the 2006 Act is a reference to that provision as amended by section 21.
- 4 (1) This paragraph applies if section 21 is commenced before section 34(1).
- (2) Until section 34(1) is commenced, section 7(1) of the 2006 Act has effect as if after “Special Health Authority” there were inserted “or Primary Care Trust”.
- (3) Sub-paragraph (4) applies in relation to any direction given under section 7(1) of the 2006 Act to a Primary Care Trust which has effect immediately before section 21 is commenced.
- (4) Until section 34(1) is commenced, the direction continues to have effect as if given to the Primary Care Trust under section 7(1) of the 2006 Act (as it has effect by virtue of sub-paragraph (2)).
- (5) Sub-paragraph (6) applies in relation to any direction given under section 7(2) of the 2006 Act to a Special Health Authority in respect of the functions of a Primary Care Trust which has effect immediately before section 21 is commenced.
- (6) Until section 34(1) is commenced, the direction continues to have effect as if given to the Special Health Authority in respect of the functions of the Primary Care Trust under section 7(1) of the 2006 Act.
- (7) Any reference in this paragraph to section 7(1) of the 2006 Act is a reference to that provision as amended by section 21.
- 5 (1) Sub-paragraph (2) applies in relation to any direction given under section 7(1) of the 2006 Act to a Special Health Authority which has effect immediately before section 21 is commenced.
- (2) The direction continues to have effect on and after the commencement of that section as if given under section 7(1) of the 2006 Act (as amended by section 21).
- (3) The amendment made by section 21(6) does not affect—

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- (a) the validity of any direction made by an instrument in writing which continues to have effect by virtue of sub-paragraph (2),
- (b) any power to vary such a direction otherwise than for the purpose of directing the Special Health Authority concerned to exercise an additional function, or
- (c) any power to revoke such a direction.

6 Any reference in paragraphs 3 to 5 to the commencement of section 21 is to its commencement by virtue of an order under section 306(4) (and not to its commencement for limited purposes by virtue of section 306(1)(d)).

Exercise of Secretary of State's functions in relation to Primary Care Trusts

- 7 (1) The Secretary of State may, at any time during the initial period, direct the Board to exercise any functions of the Secretary of State that—
- (a) relate to Primary Care Trusts or Strategic Health Authorities, and
 - (b) are specified in the direction.
- (2) Sub-paragraph (1) does not apply to any power or duty of the Secretary of State to make an order or regulations.
- (3) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by the Board of any function exercisable by it by virtue of sub-paragraph (1) are enforceable by or against the Board (and no other person).

Conditional establishment of clinical commissioning groups

- 8 (1) Regulations may make provision authorising the Board to grant an initial application where the Board is not satisfied as to the matters mentioned in section 14C(2) of the 2006 Act.
- (2) In the following provisions of this paragraph, any reference to the grant of an initial application is a reference to the grant of such an application by virtue of the regulations.
- (3) The regulations may authorise the Board to impose conditions on the grant of an initial application.
- (4) The regulations may, in relation to a clinical commissioning group established under section 14D of the 2006 Act on the grant of an initial application, authorise the Board—
- (a) to direct the group not to exercise any functions specified in the direction;
 - (b) to give directions to the group about the exercise of any of its functions.
- (5) If the regulations authorise the Board to give a direction mentioned in sub-paragraph (4)(a), they may also authorise or require the Board to—
- (a) exercise any functions specified in such a direction on behalf of the clinical commissioning group;
 - (b) arrange for another clinical commissioning group to exercise those functions on behalf of the group.
- (6) The 2006 Act applies in relation to a clinical commissioning group established on the grant of an initial application with such modifications as may be specified in the regulations.

- (7) The regulations may, in particular, provide for the power in section 14Z21(7) of the 2006 Act to be exercisable by the Board where a clinical commissioning group is failing or has failed to comply with any conditions imposed by virtue of the regulations.
- (8) The regulations may make provision requiring the Board to keep under review any conditions imposed or directions given by virtue of the regulations.
- (9) The regulations must make provision authorising the Board to vary or remove any conditions imposed, or to vary or revoke any directions given, by virtue of the regulations.
- (10) The regulations may make provision—
 - (a) as to factors which the Board must or may take into account in deciding how to exercise any power conferred on the Board by the regulations;
 - (b) as to the procedure to be followed by the Board before exercising any such power.
- (11) Sub-paragraph (12) applies if all the conditions imposed and directions given in relation to a clinical commissioning group are removed or (as the case may be) revoked.
- (12) In relation to any time after the day on which the clinical commissioning group ceases to be subject to any conditions or directions, the group is to be deemed to have been established by virtue of an application granted under section 14C of the 2006 Act.

Exercise of functions of clinical commissioning groups during initial period

- 9 (1) This paragraph applies to a clinical commissioning group if the application for its establishment is granted under section 14C of the 2006 Act during the initial period.
- (2) The Board may direct that, during that period, the clinical commissioning group may only exercise such of its functions as are specified in the direction.

Preparatory work by clinical commissioning groups

- 10 (1) This paragraph applies to a clinical commissioning group which is prevented by a direction given by virtue of paragraph 8 or 9 of this Schedule from exercising a function.
- (2) The giving of the direction does not prevent the group from doing anything that appears to it to be necessary or expedient for the purpose of preparing it to exercise that function.

Arrangements between PCTs and clinical commissioning groups during initial period

- 11 (1) A Primary Care Trust may at any time during the initial period make arrangements with a clinical commissioning group under which the group exercises any functions of the Primary Care Trust on its behalf.
- (2) Any reference (however expressed) in the following provisions of Chapter A2 of Part 2 of the National Health Service Act 2006 to the functions of a clinical commissioning group includes a reference to the functions of a Primary Care Trust that are exercisable by the group by virtue of sub-paragraph (1)—

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- (a) section 14P(1),
- (b) section 14Q,
- (c) section 14R(1),
- (d) section 14T,
- (e) section 14U(1),
- (f) section 14V,
- (g) section 14W(1),
- (h) section 14X,
- (i) section 14Y,
- (j) section 14Z1(1) and (2),
- (k) section 14Z3(7),
- (l) section 14Z4(1),
- (m) section 14Z5(2),
- (n) section 14Z7(7) insofar as it defines “commissioning functions” in section 14Z8,
- (o) sections 14Z17(1), 14Z19(1) and 14Z21(1) and (3),
- (p) in Schedule 1A, paragraphs 3(1) and (3), 6 and 12(9)(b).

- (3) Arrangements made under sub-paragraph (1) do not affect the liability of the Primary Care Trust for the exercise of any of its functions.

Power to make payments to the Board during initial period

- 12 (1) The Secretary of State may make payments to the Board of such amounts as the Secretary of State considers appropriate towards meeting the expenditure of the Board which is attributable to the performance by it of its functions during the initial period.
- (2) Payments under sub-paragraph (1) may be made at such times and on such terms and conditions as the Secretary of State considers appropriate.

Support for clinical commissioning groups during initial period

- 13 (1) A Primary Care Trust may provide assistance or support to a clinical commissioning group during the initial period.
- (2) The assistance that may be provided includes—
- (a) financial assistance, and
 - (b) making the services of the Trust’s employees or any other resources of the Trust available to the group.
- (3) Assistance or support provided under this paragraph may be provided on such terms and conditions, including terms as to payment, as the Trust considers appropriate.
- (4) The Primary Care Trust may, in particular, impose restrictions on the use of any financial or other assistance or support provided under this paragraph.
- (5) A clinical commissioning group must comply with any restrictions imposed under sub-paragraph (4).

SCHEDULE 7

Section 56(4)

ABOLITION OF THE HEALTH PROTECTION AGENCY: CONSEQUENTIAL AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

- 1 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation)—
- (a) omit the entry for the Health Protection Agency, and
 - (b) in the Notes, omit the paragraph on the Health Protection Agency.

Superannuation Act 1972 (c. 11)

- 2 In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act can apply), omit the entry for the Health Protection Agency.

Local Government Act 1972 (c. 70)

- 3 In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of other local authorities), in subsection (1A) omit “the Health Protection Agency,” in each place it occurs.

Health and Safety at Work etc. Act 1974 (c. 37)

- 4 The Health and Safety at Work etc. Act 1974 is amended as follows.
- 5 In section 16 (approval of codes of practice), in subsection (2)(a) omit the words from “(and, in particular,” to the end.
- 6 In section 50 (exercise of certain powers to make regulations), in subsection (3)(a) omit the words from “, and, in the case of” to “the Health Protection Agency”.

House of Commons Disqualification Act 1975 (c. 24)

- 7 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership of the House), omit the entry for the chairman and any non-executive member of the Health Protection Agency.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 8 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership of the Assembly), omit the entry for the chairman and any non-executive member of the Health Protection Agency.

Employment Rights Act 1996 (c. 18)

- 9 In section 218 of the Employment Rights Act 1996 (change of employer), in subsection (10) omit paragraph (dd).

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Freedom of Information Act 2000 (c. 36)

- 10 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities), omit the entry for the Health Protection Agency.

International Development Act 2002 (c. 1)

- 11 In Schedule 1 to the International Development Act 2002 (statutory bodies who may exercise certain powers for the purpose of assisting countries outside the UK), omit the entry for the Health Protection Agency.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 12 (1) Section 133(4) of the Nationality, Immigration and Asylum Act 2002 (power of medical inspector to disclose information to health service bodies) is amended as follows.
- (2) In paragraph (a)—
- (a) before sub-paragraph (i) insert—
- “(ai) the Secretary of State,” and
- (b) omit sub-paragraph (vi) and the “or” preceding it.
- (3) In paragraph (b)—
- (a) after sub-paragraph (i) insert “or”, and
- (b) omit sub-paragraph (iv) and the “or” preceding it.
- (4) In paragraph (c)—
- (a) before sub-paragraph (i) insert—
- “(ai) the Secretary of State,”
- (b) after sub-paragraph (iia) insert “or”, and
- (c) omit sub-paragraph (iii).
- (5) In paragraph (d)—
- (a) after sub-paragraph (ii) insert—
- “(iia) the Regional Agency for Public Health and Social Well-being established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009, or”, and
- (b) omit sub-paragraph (iv) and the “, or” preceding it.

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 13 The Scottish Public Services Ombudsman Act 2002 is amended as follows.
- 14 In section 7 (matters which may be investigated: restrictions), omit subsection (6A).
- 15 In Part 2 of Schedule 2 (persons liable to investigation), omit paragraph 90.

Civil Contingencies Act 2004 (c. 36)

- 16 In Schedule 1 to the Civil Contingencies Act 2004, in Part 1 (list of Category 1 responders) for paragraph 9 substitute—

- “9 The Secretary of State, in so far as the functions of the Secretary of State include responding to emergencies by virtue of —
- (a) the Secretary of State’s functions under section 2A of the National Health Service Act 2006,
 - (b) the Secretary of State’s functions under section 58 of the Health and Social Care Act 2012 in so far as it applies in relation to Wales or Scotland, or
 - (c) arrangements made by the Welsh Ministers or Scottish Ministers under which the Secretary of State exercises on their behalf functions in relation to protecting the public in Wales or Scotland from disease or other dangers to health.”

National Health Service Act 2006 (c. 41)

- 17 The National Health Service Act 2006 is amended as follows.
- 18 In section 9 (NHS contracts), in subsection (4) omit paragraph (j).
- 19 In section 71 (schemes for meeting losses and liabilities of certain health bodies)—
- (a) in subsection (2) omit paragraph (g), and
 - (b) in subsection (5) for “, (f) and (g)” substitute “and (f)”.

National Health Service (Wales) Act 2006 (c. 42)

- 20 The National Health Service (Wales) Act 2006 is amended as follows.
- 21 In section 7 (NHS contracts), in subsection (4) omit paragraph (j).
- 22 In section 30 (schemes for meeting losses and liabilities of certain health bodies), in subsection (2)—
- (a) after paragraph (b) insert “and”, and
 - (b) omit paragraph (e) and the preceding “and”.

National Health Service (Consequential Provisions) Act 2006 (c. 43)

- 23 In Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (consequential amendments), omit paragraphs 257 to 259 (and the cross-heading preceding them).

Health and Social Care Act 2008 (c. 14)

- 24 In section 159 (functions of Health Protection Agency in relation to biological substances), omit subsections (2) to (6).

Health and Personal Social Services (Northern Ireland) Order 1991 (No. 194 (N.I. 1))

- 25 In article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991 (health and social services contracts), in paragraph (2)(g) omit paragraph (vi).

SCHEDULE 8

Section 61

MONITOR

Membership

- 1 (1) Monitor is to consist of—
 - (a) a chair appointed by the Secretary of State,
 - (b) at least four other members so appointed, and
 - (c) the chief executive and other members appointed in accordance with paragraph 2.
- (2) The number of executive members must be less than the number of non-executive members.
- (3) In this Schedule—
 - (a) references to non-executive members of Monitor are references to the members appointed in accordance with sub-paragraph (1)(a) and (b), and
 - (b) references to executive members of Monitor are references to the other members.

The chief executive and other executive members: appointment and status

- 2 (1) The chief executive and the other executive members of Monitor are to be appointed by the non-executive members.
- (2) A person may not be appointed as chief executive or as another executive member without the consent of the Secretary of State.
- (3) The non-executive members may not appoint more than five executive members without the consent of the Secretary of State.
- (4) The chief executive and the other executive members are to be employees of Monitor.

Non-executive members: tenure

- 3 (1) A person holds and vacates office as a non-executive member of Monitor in accordance with that person's terms of appointment.
- (2) A person may at any time resign from office as a non-executive member by giving notice to the Secretary of State.
- (3) The Secretary of State may at any time remove a person from office as a non-executive member on any of the following grounds—
 - (a) incapacity,
 - (b) misbehaviour, or
 - (c) failure to carry out his or her duties as a non-executive member.
- (4) The Secretary of State may suspend a person from office as a non-executive member if it appears to the Secretary of State that there are or may be grounds to remove the person from office under sub-paragraph (3).
- (5) A person may not be appointed as a non-executive member for a period of more than four years.

- (6) A person who ceases to be a non-executive member is eligible for re-appointment.

Suspension from office

- 4 (1) This paragraph applies where a person is suspended under paragraph 3(4).
- (2) The Secretary of State must give notice of the decision to the person; and the suspension takes effect on receipt by the person of the notice.
- (3) The notice may be—
- (a) delivered in person (in which case, the person is taken to receive it when it is delivered), or
 - (b) sent by first class post to the person’s last known address (in which case, the person is taken to receive it on the third day after the day on which it is posted).
- (4) The initial period of suspension must not exceed six months.
- (5) The Secretary of State may at any time review the suspension.
- (6) The Secretary of State—
- (a) must review the suspension if requested in writing by the person to do so, but
 - (b) need not review the suspension less than three months after the beginning of the initial period of suspension.
- (7) Following a review during a period of suspension, the Secretary of State may—
- (a) revoke the suspension, or
 - (b) suspend the person for another period of not more than six months from the expiry of the current period.
- (8) The Secretary of State must revoke the suspension if the Secretary of State—
- (a) decides that there are no grounds to remove the person from office under paragraph 3(3), or
 - (b) decides that there are grounds to do so but does not remove the person from office under that provision.
- 5 (1) Where a person is suspended from office as the chair under paragraph 3(4), the Secretary of State may appoint a non-executive member as interim chair to exercise the chair’s functions.
- (2) Appointment as interim chair is for a term not exceeding the shorter of—
- (a) the period ending with either—
 - (i) the appointment of a new chair, or
 - (ii) the revocation or expiry of the existing chair’s suspension, and
 - (b) the remainder of the interim chair’s term as a non-executive member.
- (3) A person who ceases to be the interim chair is eligible for re-appointment.

Payment of non-executive members

- 6 (1) Monitor must pay to its non-executive members such remuneration and allowances as the Secretary of State may determine.

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- (2) Monitor must pay or make provision for the payment of such pensions, allowances or gratuities as it may, with the approval of the Secretary of State, determine to or in respect of any person who is or has been a non-executive member.
- (3) If a person ceases to be a non-executive member and the Secretary of State decides that there are exceptional circumstances which mean that the person should be compensated, Monitor must pay compensation to the person of such amount as the Secretary of State may determine.

Staff

- 7 (1) Monitor may appoint such persons to be employees of Monitor as it considers appropriate.
- (2) Employees of Monitor are to be paid such remuneration and allowances as Monitor may determine.
- (3) Employees of Monitor are to be appointed on such other terms and conditions as Monitor may determine.
- (4) Monitor may pay or make provision for the payment of such pensions, allowances or gratuities as it may determine to or in respect of any person who is or has been an employee of Monitor.
- (5) Before making a determination as to remuneration, pensions, allowances or gratuities for the purposes of sub-paragraph (2) or (4), Monitor must obtain the approval of the Secretary of State to its policy on that matter.

Superannuation

- 8 (1) Sub-paragraph (2) applies where a person who is an active or deferred member of a scheme under section 1 of the Superannuation Act 1972 is appointed as chair.
- (2) The Minister for the Civil Service may determine that the person's office as chair is to be treated for the purposes of the scheme as service in the employment by reference to which the person is a member (whether or not any benefits are payable by virtue of paragraph 6(2)).
- (3) Employment with Monitor is among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of "Other Bodies" insert—
"Monitor".
- (4) Monitor must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (2) or (3) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Committees

- 9 (1) Monitor may appoint such committees and sub-committees as it considers appropriate.

- (2) A committee or sub-committee may consist of or include persons who are not members or employees of Monitor.
- (3) Monitor may pay such remuneration and allowances as it determines to any person who—
 - (a) is a member of a committee or sub-committee, but
 - (b) is not an employee of Monitor,whether or not that person is a non-executive member of Monitor.

Procedure

- 10 (1) Monitor may regulate its own procedure.
- (2) The validity of any act of Monitor is not affected by any vacancy among the members or by any defect in the appointment of a member.

Exercise of functions

- 11 (1) Monitor must exercise its functions effectively, efficiently and economically.
- (2) Monitor may arrange for the exercise of its functions on its behalf by—
 - (a) a non-executive member;
 - (b) an employee (including the chief executive);
 - (c) a committee or sub-committee.

Assistance

- 12 (1) Monitor may arrange for persons to assist it in the exercise of its functions in relation to—
 - (a) a particular case, or
 - (b) cases of a particular description.
- (2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Borrowing

- 13 (1) Monitor may, with the consent of the Secretary of State, borrow money temporarily by way of overdraft.
- (2) But subject to that, and subject to sections 145 and 146 (power to borrow for exercising functions in relation to financial assistance and power of Secretary of State to lend etc.), Monitor may not borrow money.

Acquiring information

- 14 (1) Monitor may obtain, compile and keep under review information about matters relating to the exercise of its functions.
- (2) Where Monitor exercises the power under sub-paragraph (1), it must do so with a view to (among other things) ensuring that it has sufficient information to take informed decisions and to exercise its other functions effectively.

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- (3) In exercising the power under sub-paragraph (1), Monitor may carry out, commission or support (financially or otherwise) research.

General power

- 15 Monitor may do anything which appears to it to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions.

Finance

- 16 (1) The Secretary of State may make payments to Monitor out of money provided by Parliament of such amounts as the Secretary of State considers appropriate.
- (2) Payments made under sub-paragraph (1) may be made at such times and on such conditions (if any) as the Secretary of State considers appropriate.

Accounts of NHS foundation trusts

- 17 (1) Monitor must prepare in respect of each financial year a set of accounts which consolidates the annual accounts of all NHS foundation trusts.
- (2) The Secretary of State may, with the approval of the Treasury, direct Monitor to prepare a set of accounts in respect of such period as may be specified in the direction which consolidates any accounts prepared by NHS foundation trusts by virtue of paragraph 25(1A) of Schedule 7 to the National Health Service Act 2006 in respect of that period.
- (3) In preparing any consolidated accounts under this paragraph, Monitor must comply with directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the content and form of the consolidated accounts;
 - (b) the methods and principles according to which the consolidated accounts should be prepared.
- (4) Monitor must send a copy of any consolidated accounts under this paragraph to the Secretary of State and, if the Secretary of State so directs, the Comptroller and Auditor General—
- (a) accompanied by such other reports or information as the Secretary of State may direct, and
 - (b) within the relevant period.
- (5) In sub-paragraph (4)(b), the relevant period is—
- (a) in relation to consolidated accounts under sub-paragraph (1), such period after the end of the financial year concerned as the Secretary of State may direct;
 - (b) in relation to consolidated accounts under sub-paragraph (2), such period as the Secretary of State may direct.
- (6) Before giving a direction under sub-paragraph (5), the Secretary of State must consult Monitor.
- (7) The Comptroller and Auditor General must—

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- (a) examine, certify and report on any consolidated accounts sent under this paragraph,
 - (b) if the Secretary of State so directs, send a copy of the report on the accounts to the Secretary of State, and
 - (c) if the Secretary of State so directs, lay copies of the accounts and the report on them before Parliament.
- (8) Monitor must act with a view to securing that NHS foundation trusts—
- (a) comply promptly with requests from it or the Secretary of State for information relating to their accounts, and
 - (b) otherwise act so as to facilitate the preparation of accounts by the Secretary of State.
- (9) This paragraph does not apply to the financial year specified for the purposes of section 155(7) (which provides for the order that commences section 155, which itself relates to the preparation of the accounts of NHS foundation trusts, to specify the first financial year to which that section will apply) or to the subsequent financial years.

Accounts of Monitor

- 18 (1) Monitor must keep proper accounts and proper records in relation to the accounts.
- (2) The Secretary of State may, with the approval of the Treasury, give directions to Monitor as to—
- (a) the content and form of its accounts, and
 - (b) the methods and principles to be applied in the preparation of its accounts.
- (3) In sub-paragraph (2), the reference to accounts includes Monitor’s annual accounts prepared under paragraph 19 and any interim accounts prepared by virtue of paragraph 20.
- 19 (1) Monitor must prepare annual accounts in respect of each financial year.
- (2) Monitor must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may direct.
- (3) The Comptroller and Auditor General must—
- (a) examine, certify and report on the annual accounts, and
 - (b) lay copies of them and the report before Parliament.
- 20 (1) The Secretary of State may, with the approval of the Treasury, direct Monitor to prepare accounts in respect of such period or periods as may be specified in the direction (“interim accounts”).
- (2) Monitor must send copies of any interim accounts to the Secretary of State and, if the Secretary of State so directs, the Comptroller and Auditor General within such period as the Secretary of State may direct.
- (3) The Comptroller and Auditor General must—
- (a) examine, certify and report on any interim accounts sent by virtue of sub-paragraph (2),
 - (b) if the Secretary of State so directs, send a copy of the report on the accounts to the Secretary of State, and

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- (c) if the Secretary of State so directs, lay copies of the accounts and the report on them before Parliament.

Reports and other information

- 21 (1) As soon as practicable after the end of each financial year, Monitor must prepare an annual report on how it has exercised its functions during the year.
- (2) The report must, in particular—
- (a) set out the measures that Monitor has taken to promote economy, efficiency and effectiveness in the use of resources for the exercise of its functions,
 - (b) include a statement of what it did to comply with the duty under section 63(2) (duty to have regard to Secretary of State’s guidance on duty under section 62(9)), and
 - (c) include a statement of what it did to comply with the duty under section 66(2) (h) (duty to have regard to Secretary of State’s guidance on relevant parts of document on improving quality of services).
- (3) Monitor must—
- (a) lay a copy of the report before Parliament, and
 - (b) once it has done so, send a copy of it to the Secretary of State.
- (4) Monitor must provide the Secretary of State with—
- (a) such other reports and information relating to the exercise of Monitor’s functions as the Secretary of State may require;
 - (b) such information about NHS foundation trusts that Monitor has in its possession as the Secretary of State may require.

Recommendations by Committees in Parliament

- 22 Monitor must respond in writing to any recommendation about its exercise of its functions that a Committee of either House of Parliament or a Committee of both Houses makes.

Seal and evidence

- 23 (1) The application of Monitor’s seal must be authenticated by the signature of the chair or any other person who has been authorised (generally or specifically) for that purpose.
- (2) A document purporting to be duly executed under Monitor’s seal or to be signed on its behalf must be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Status

- 24 (1) Monitor must not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) Monitor’s property must not be regarded as property of, or property held on behalf of, the Crown.

SCHEDULE 9

Section 77

REQUIREMENTS UNDER SECTION 77: UNDERTAKINGS

Procedure

- 1 (1) Monitor must publish a procedure for entering into section 77 undertakings.
 - (2) Monitor may revise the procedure and, if it does so, Monitor must publish the procedure as revised.
 - (3) Monitor must consult such persons as it considers appropriate before publishing or revising the procedure.
- 2 (1) Where Monitor accepts a section 77 undertaking, Monitor must publish the undertaking.
 - (2) But Monitor must not under sub-paragraph (1) publish any part of a section 77 undertaking which contains information which it is satisfied is—
 - (a) commercial information the disclosure of which would, or might, significantly harm the legitimate business interests of the person to whom it relates;
 - (b) information relating to the private affairs of an individual the disclosure of which would, or might, significantly harm that person's interests.

Variation of terms

- 3 The terms of a section 77 undertaking (including, in particular, the action specified under it and the period so specified within which the action must be taken) may be varied if both the person giving the undertaking and Monitor agree.

Compliance certificates

- 4 (1) Where Monitor is satisfied that a section 77 undertaking has been complied with, Monitor must issue a certificate to that effect (referred to in this Schedule as a “compliance certificate”).
 - (2) A person who has given a section 77 undertaking may at any time make an application to Monitor for a compliance certificate.
 - (3) The application must be made in such form, and accompanied by such information, as Monitor requires.
 - (4) Monitor must decide whether or not to issue a compliance certificate, and give notice to the applicant of its decision, before the end of the period of 14 days beginning with the day after that on which the application is received.
- 5 (1) An appeal lies to the First-tier Tribunal against a decision of Monitor to refuse an application for a compliance certificate.
 - (2) The grounds for an appeal under this paragraph are that the decision was—
 - (a) based on an error of fact,
 - (b) wrong in law, or
 - (c) unfair or unreasonable.

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- (3) On an appeal under this paragraph, the Tribunal may confirm Monitor's decision or direct that it is not to have effect.

Inaccurate, incomplete or misleading information

- 6 Where Monitor is satisfied that a person who has given a section 77 undertaking has supplied Monitor with inaccurate, misleading or incorrect information in relation to the undertaking—
- (a) Monitor may treat the person as having failed to comply with the undertaking, and
 - (b) if Monitor decides so to treat the person, Monitor must by notice revoke any certificate of compliance given to that person.

SCHEDULE 10

Sections 101 and 142

REFERENCES BY MONITOR TO THE COMPETITION COMMISSION

Variation of reference

- 1 (1) Monitor may, at any time, by notice given to the Competition Commission vary a reference—
- (a) by adding to the matters specified in the reference, or
 - (b) by excluding from the reference some of the matters so specified.
- (2) On receipt of a notice under sub-paragraph (1), the Commission must give effect to the variation.

Monitor's opinion of public interest etc.

- 2 Monitor may specify in a reference, or a variation under paragraph 1, for the purpose of assisting the Competition Commission in carrying out the investigation on the reference—
- (a) any effects adverse to the public interest which Monitor considers the matters specified in the reference or variation have or may be expected to have, and
 - (b) any changes in relation to those matters by which Monitor considers those effects could be remedied or prevented.

Publication etc. of reference

- 3 As soon as practicable after making a reference, or a variation under paragraph 1, Monitor—
- (a) must send a copy of the reference or variation to the relevant persons, and
 - (b) must publish particulars of the reference or variation.

Information

- 4 (1) Monitor must, for the purpose of assisting the Competition Commission in carrying out an investigation on a reference, or in carrying out the function under paragraph 8, give the Commission—
- (a) such information in Monitor’s possession as relates to matters within the scope of the investigation or the carrying out of the function and—
 - (i) is requested by the Commission for that purpose, or
 - (ii) is information which Monitor considers it would be appropriate for that purpose to give to the Commission without request, and
 - (b) such other assistance as the Commission may require, and as is within Monitor’s power to give, in relation to any such matters.
- (2) The Commission must, for the purpose of carrying out the investigation or the function, take account of such information as is given to it for that purpose under sub-paragraph (1).

Time limits

- 5 (1) A reference must specify a period within which the Competition Commission must make a report on the reference.
- (2) A period specified for the purposes of sub-paragraph (1) must not be longer than six months beginning with the date of the reference.
- (3) A report of the Commission on a reference does not have effect (and no action may be taken in relation to it under paragraph 7) unless the report is made before the end of—
- (a) the period specified in the reference, or
 - (b) such further period as is allowed under sub-paragraph (4).
- (4) Monitor may, if it receives representations on the subject from the Competition Commission and is satisfied that there are special reasons why the report cannot be made within the period specified in the reference, extend the period by no more than six months.
- (5) But Monitor may not make more than one extension under sub-paragraph (4) in relation to the same reference.
- (6) Where Monitor makes an extension under sub-paragraph (4), it must send notice of the extension to the relevant persons.
- (7) Monitor must also publish the notice.

Reports on references

- 6 (1) In making a report on a reference, the Competition Commission—
- (a) must include in the report definite conclusions on the questions in the reference together with such an account of its reasons for those conclusions as it considers expedient for facilitating a proper understanding of those questions and of its conclusions,
 - (b) where it concludes that any of the matters specified in the reference operate, or may be expected to operate, against the public interest, must specify in the report the effects adverse to the public interest which those matters have or may be expected to have, and

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- (c) where it concludes that any adverse effects so specified could be remedied or prevented by changes in relation to the matters specified in the reference, must specify in the report changes which could remedy or prevent those effects.
- (2) For the purposes of paragraphs 7 and 8, a conclusion in a report of the Commission is to be disregarded if the conclusion is not that of at least two-thirds of the members of the group constituted in connection with the reference in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998.
- (3) If a member of a group so constituted disagrees with a conclusion in a report made on a reference, the report must, if the member so wishes, include a statement of the member's disagreement and reasons for disagreeing.
- (4) A report of the Commission on a reference must be sent to Monitor.
- (5) On receiving a report on a reference, Monitor must send a copy of it to the Secretary of State.
- (6) Not less than 14 days after the Secretary of State receives that copy, Monitor must send a copy to the relevant persons.
- (7) Not less than 24 hours after complying with sub-paragraph (6), Monitor must publish the report.

Changes following report

- 7 (1) This paragraph applies where a report of the Competition Commission on a reference—
 - (a) includes conclusions to the effect that any of the matters specified in the reference operate, or may be expected to operate, against the public interest,
 - (b) specifies effects adverse to the public interest which those matters have or may be expected to have,
 - (c) includes conclusions to the effect that those effects could be remedied or prevented by changes to the matters specified in the reference, and
 - (d) specifies changes by which those effects could be remedied or prevented.
- (2) Monitor must make such changes to the matters specified in the reference as it considers necessary for the purpose of remedying or preventing the adverse effects specified in the report.
- (3) Before making changes under this paragraph, Monitor must have regard to the changes specified in the report.
- (4) Before making changes under this paragraph, Monitor must send a notice—
 - (a) stating that it proposes to make the changes and setting out their effect,
 - (b) stating the reasons why it proposes to make the changes, and
 - (c) specifying the period within which representations with respect to the changes may be made.
- (5) A period specified for the purposes of sub-paragraph (4)(c) must not be less than 28 days beginning with the day after that on which the notice is published.
- (6) Monitor must send the notice to the relevant persons.

- (7) Monitor must also publish the notice.
- (8) After considering such representations as it receives before the end of the period specified under sub-paragraph (4)(c), Monitor must send a notice to the Competition Commission—
 - (a) specifying the changes it proposes to make to remedy or prevent the adverse effects specified in the report, and
 - (b) stating the reasons for proposing to make the changes.
- (9) Monitor must include with the notice under sub-paragraph (8) a copy of the representations referred to in that sub-paragraph.
- (10) If a direction under paragraph 8 is not given to Monitor before the end of the period of four weeks beginning with the date on which it sends the notice under sub-paragraph (8), Monitor must make the changes specified in the notice.
- (11) If a direction under that paragraph is given to Monitor before the end of that period, Monitor must make such of the changes as are not specified in the direction.

Competition Commission's power to veto changes

- 8 (1) The Competition Commission may, within the period of four weeks beginning with the day on which it is sent a notice under paragraph 7(8), direct Monitor—
 - (a) not to make the changes set out in the notice, or
 - (b) not make such of the changes as may be specified in the direction.
- (2) Monitor must comply with a direction under sub-paragraph (1).
- (3) The Secretary of State may, within that period and on the application of the Commission, direct that the period for giving a direction under sub-paragraph (1) (and, accordingly, the period referred to in paragraph 7(10)) is to be extended by 14 days.
- (4) The Commission may give a direction under sub-paragraph (1) only in respect of such of the changes specified in the notice under paragraph 7(8)(a) as it considers are not necessary for the purpose of remedying or preventing one or more of the adverse effects specified in the report as effects which could be remedied or prevented by changes.
- (5) If the Commission gives a direction under sub-paragraph (1), it—
 - (a) must give notice specifying the changes proposed by Monitor, the terms of the direction and the reasons for giving it, and
 - (b) must itself make such changes to the matters specified in the reference as it considers necessary for the purpose of remedying or preventing the effects referred to in sub-paragraph (6).
- (6) The effects mentioned in sub-paragraph (5)(b) are—
 - (a) in the case of a direction under sub-paragraph (1)(a), the adverse effects specified in the report as effects which could be remedied or prevented by changes, or
 - (b) in the case of a direction under sub-paragraph (1)(b), such of those adverse effects as are not remedied or prevented by the changes made by Monitor under paragraph 7(11).

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- (7) In exercising its function under sub-paragraph (5)(b), the Commission must have regard to the matters to which Monitor must have regard when determining the matters specified in the reference.
- (8) Before making changes under sub-paragraph (5)(b), the Commission must send a notice—
 - (a) stating that it proposes to make the changes and specifying them,
 - (b) stating the reason why it proposes to make them, and
 - (c) specifying the period within which representations on the proposed changes may be made.
- (9) The period specified for the purposes of sub-paragraph (8)(c) must not be less than 28 days beginning with the date on which the notice is published.
- (10) The Commission must send a notice under sub-paragraph (8) to the relevant persons.
- (11) The Commission must also publish the notice.
- (12) After making changes under this paragraph, the Commission must publish a notice—
 - (a) stating that it has made the changes and specifying them, and
 - (b) stating the reason why it has made them.

Disclosure etc.

- 9 (1) Before making a report on a reference, giving or sending a notice under paragraph 8(5)(a) or (8) or publishing a notice under paragraph 8(12), the Competition Commission must have regard to the following considerations.
 - (2) The first consideration is the need to exclude from disclosure (so far as practicable) any information the disclosure of which the Commission considers is contrary to the public interest.
 - (3) The second consideration is the need to exclude from disclosure (so far as practicable)—
 - (a) commercial information the disclosure of which the Commission considers would or might significantly harm the legitimate business interests of the undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual whose disclosure the Commission considers would or might significantly harm the individual's interests.
 - (4) The third consideration is the extent to which the disclosure of the information mentioned in sub-paragraph (3)(a) or (b) is necessary for the purposes of the report.
 - (5) For the purposes of the law relating to defamation, absolute privilege attaches to the report or notice.

Powers of investigation

- 10 (1) The following sections of Part 3 of the Enterprise Act 2002 (mergers) apply, with the modifications in sub-paragraphs (3), (5), (6) and (8) to (11) for the purposes of a reference as they apply for the purposes of references under that Part—
 - (a) section 109 (attendance of witnesses and production of documents),
 - (b) section 110 (enforcement of powers under section 109: general),

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- (c) section 111 (penalties),
 - (d) section 112 (penalties: main procedural requirements),
 - (e) section 113 (payments and interest by instalments),
 - (f) section 114 (appeals in relation to penalties),
 - (g) section 115 (recovery of penalties),
 - (h) section 116 (statement of policy),
 - (i) section 117 (offence of supplying false or misleading information), and
 - (j) section 125 (offences by bodies corporate) so far as relating to section 117.
- (2) Those sections of that Part of that Act apply, with the modifications in sub-paragraphs (4), (5) and (7) to (11), for the purposes of an investigation by the Competition Commission in the exercise of its functions under paragraph 8, as they apply for the purposes of an investigation on references under that Part.
- (3) Section 110, in its application by virtue of sub-paragraph (1), has effect as if—
- (a) subsection (2) were omitted,
 - (b) for subsections (5) to (8) there were substituted—
 - “(5) Where the Commission considers that a person has intentionally altered, suppressed or destroyed a document which he has been required to produce under section 109, it may impose a penalty in accordance with section 111.”, and
 - (c) in subsection (9), for the words from “or (3)” to “section 65(3)” there were substituted “, (3) or (5)”.
- (4) Section 110, in its application by virtue of sub-paragraph (2), has effect as if—
- (a) the modifications in sub-paragraph (3) were made,
 - (b) in subsection (4), for the words “the publication of the report of the Commission on the reference concerned” there were substituted “the relevant day”, and
 - (c) after that subsection there were inserted—
 - “(4A) The relevant day for the purposes of subsection (4) is—
 - (a) the day on which the Commission published a notice under paragraph 8(12) of Schedule 10 to the Health and Social Care Act 2012 in connection with the reference concerned, or
 - (b) if it has not given a direction under paragraph 8(1) of that Schedule in connection with the reference and within the permitted period, the latest day on which it was possible to give such a notice within that period.”
- (5) Section 111, in its application by virtue of sub-paragraph (1) or (2), has effect as if—
- (a) in subsection (1), for “or (3)” there were substituted “, (3) or (5)”, and
 - (b) in subsections (3) and (6), after “110(3)” there were inserted “or (5)”.
- (6) Section 111(5)(b)(ii), in its application by virtue of sub-paragraph (1), has effect as if—
- (a) for the words from “published (or, in the case of a report under section 50 or 65, given)” there were substituted “made”,
 - (b) for the words “published (or given)”, in each place they appear, there were substituted “made”, and

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- (c) the words “by this Part” were omitted.
- (7) Section 111(5)(b)(ii), in its application by virtue of sub-paragraph (2), has effect as if for sub-paragraph (ii) there were substituted—
- “(ii) if earlier, the relevant day (which for the purposes of this subsection is to be construed in accordance with section 110(4A)).”
- (8) Section 112, in its application by virtue of sub-paragraph (1) or (2), has effect as if, in subsection (1), for “or (3)” there were substituted “, (3) or (5)”.
- (9) Section 114, in its application by virtue of sub-paragraph (1) or (2), has effect as if, in subsection (1), for “or (3)” there were substituted “, (3) or (5)”.
- (10) Section 115, in its application by virtue of sub-paragraph (1) or (2), has effect as if for “or (3)” there were substituted “, (3) or (5)”.
- (11) Section 116, in its application by virtue of sub-paragraph (1) or (2), has effect as if, in subsection (2), for “or (3)” there were substituted “, (3) or (5)”.
- (12) Provisions of Part 3 of the Enterprise Act 2002 which have effect for the purposes of sections 109 to 116 of that Act (including, in particular, provisions relating to the making of orders) have effect for the purposes of the application of those sections by virtue of sub-paragraph (1) or (2) in relation to those sections as applied by virtue of the sub-paragraph concerned.
- (13) Accordingly, corresponding provisions of this Act do not have effect in relation to those sections as applied by virtue of the sub-paragraph concerned.

SCHEDULE 11

Section 107

FURTHER PROVISION ABOUT MONITOR’S ENFORCEMENT POWERS

PART 1

DISCRETIONARY REQUIREMENTS

Procedure

- 1 (1) Where Monitor proposes to impose a discretionary requirement on a person, Monitor must give notice to that person (a “notice of intent”).
- (2) A notice of intent must—
- (a) state that Monitor proposes to impose the discretionary requirement and set out its effect,
 - (b) set out the grounds for the proposal to impose the requirement,
 - (c) explain the effect of section 106 (enforcement undertakings),
 - (d) set out the circumstances (if any) in which Monitor may not impose the requirement, and
 - (e) specify the period (“the notice period”) within which representations with respect to the proposal may be made to Monitor.

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- (3) The notice period must be not less than 28 days beginning with the day after that on which the notice of intent is received.
 - (4) But where Monitor—
 - (a) proposes to impose a compliance requirement or restoration requirement, and
 - (b) considers that a shorter notice period is necessary to prevent or minimise further breaches of the kind referred to in section 105(1),the notice period is to be such shorter period as Monitor may determine, but not less than 5 days beginning with the day after that on which the notice of intent is received.
- 2
- (1) After the end of the notice period Monitor must decide whether to—
 - (a) impose the discretionary requirement, with or without modifications, or
 - (b) impose any other discretionary requirement.
 - (2) Where Monitor decides under sub-paragraph (1) to impose a discretionary requirement on a person Monitor must give notice to that person (a “final notice”).
 - (3) A final notice must—
 - (a) state that Monitor has decided to impose the discretionary requirement and set out its effect,
 - (b) set out the grounds for imposing the requirement,
 - (c) in the case of a variable monetary penalty, state—
 - (i) how payment may be made,
 - (ii) the period (“the payment period”) within which payment must be made,
 - (iii) any discount applicable for early payment of the penalty, and
 - (iv) the rate of interest payable for late payment of the penalty,
 - (d) set out the consequences of failing to comply with the requirement, and
 - (e) explain the right of appeal conferred by paragraph 3.
 - (4) The payment period must be not less than 28 days beginning with the day after that on which the final notice is received.
 - (5) Monitor must not decide under sub-paragraph (1) to impose a variable monetary penalty unless the notice of intent was given before the end of the period of 5 years beginning with the day (or, in the case of a continuing breach, the last day) on which the breach giving rise to the imposition of the discretionary requirement occurred.
- 3
- (1) A person may appeal to the First-tier Tribunal against a decision of Monitor to impose a discretionary requirement.
 - (2) The grounds for an appeal under this paragraph are—
 - (a) that the decision was based on an error of fact,
 - (b) that the decision was wrong in law,
 - (c) in the case of a decision imposing a variable monetary penalty, that the amount of the penalty is unreasonable,
 - (d) in the case of a decision to impose a compliance requirement or a restoration requirement, that the nature of the requirement is unreasonable, or
 - (e) that the decision was unreasonable for any other reason.
 - (3) The discretionary requirement is suspended pending determination of the appeal.

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- (4) On an appeal under this paragraph, the Tribunal may—
- (a) confirm, vary or withdraw the discretionary requirement,
 - (b) take such steps as Monitor could take in relation to the breach giving rise to the imposition of the requirement, or
 - (c) remit the decision whether to confirm the requirement, or any matter relating to that decision, to Monitor.
- 4 Monitor may by notice to a person on whom a discretionary requirement has been imposed—
- (a) withdraw the discretionary requirement,
 - (b) in the case of a variable monetary penalty, reduce the amount of the penalty or extend the payment period, or
 - (c) in the case of a compliance requirement or a restoration requirement, extend the period specified for taking the steps specified in the requirement.

Non-compliance penalties

- 5 (1) If a person fails to comply with a compliance requirement or a restoration requirement Monitor may impose a monetary penalty on that person of such amount as Monitor may determine (a “non-compliance penalty”).
- (2) Where Monitor proposes to impose a non-compliance penalty on a person Monitor must give notice to that person (a “non-compliance notice”).
- (3) A non-compliance notice must—
- (a) specify the amount of the non-compliance penalty,
 - (b) set out the grounds for imposing the penalty,
 - (c) state how payment of the penalty may be made,
 - (d) state the period (“the payment period”) within which payment must be made,
 - (e) state any discount applicable for early payment of the penalty,
 - (f) set out the consequences of a failure to pay within the payment period (including any increase in the amount payable), and
 - (g) explain the right of appeal conferred by paragraph 6.
- (4) The payment period must be not less than 28 days beginning with the day after that on which the non-compliance notice is received.
- (5) If the whole or any part of a non-compliance penalty is not paid by the time it is required to be paid Monitor may increase the amount payable by no more than 50% of the amount of the penalty.
- (6) Monitor may by notice to a person on whom a non-compliance penalty has been imposed reduce the amount of the penalty or extend the payment period.
- 6 (1) A person may appeal to the First-tier Tribunal against a decision of Monitor to impose a non-compliance penalty.
- (2) The grounds for such an appeal are—
- (a) that the decision was based on an error of fact,
 - (b) that the decision was wrong in law, or
 - (c) that the decision was, or the amount of the penalty is, unfair or unreasonable.
- (3) The non-compliance penalty is suspended pending determination of the appeal.

- (4) On an appeal, the Tribunal may—
- (a) confirm, vary or withdraw the non-compliance penalty, or
 - (b) remit the decision whether to confirm the penalty, or any matter relating to that decision, to Monitor.

Recovery of financial penalties

- 7 (1) Amounts payable to Monitor of the kind mentioned in sub-paragraph (2) are recoverable summarily as a civil debt (but this does not affect any other method of recovery).
- (2) The amounts are—
- (a) a variable monetary penalty and any interest payable on it, or
 - (b) a non-compliance penalty.

Payments of penalties etc. into Consolidated Fund

- 8 Monitor must pay any sums it receives in respect of any of the following into the Consolidated Fund—
- (a) a variable monetary penalty and any interest payable on it, or
 - (b) a non-compliance penalty.

PART 2

ENFORCEMENT UNDERTAKINGS

Procedure

- 9 (1) Monitor must publish a procedure for entering into enforcement undertakings.
- (2) Monitor may revise the procedure and if it does so, Monitor must publish the procedure as revised.
- (3) Monitor must consult such persons as it considers appropriate before publishing or revising the procedure.
- 10 (1) Where Monitor accepts an enforcement undertaking, Monitor must publish the undertaking.
- (2) But Monitor must not under sub-paragraph (1) publish any part of an enforcement undertaking which contains information which it is satisfied is—
- (a) commercial information the disclosure of which would, or might, significantly harm the legitimate business interests of the person to whom it relates;
 - (b) information relating to the private affairs of an individual the disclosure of which would, or might, significantly harm that person’s interests.

Variation of terms

- 11 The terms of an enforcement undertaking (including, in particular, the action specified under it and the period so specified within which the action must be taken) may be varied if both the person giving the undertaking and Monitor agree.

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Compliance certificates

- 12 (1) Where Monitor is satisfied that an enforcement undertaking has been complied with, Monitor must issue a certificate to that effect (referred to in this Schedule as a “compliance certificate”).
- (2) A person who has given an enforcement undertaking may at any time make an application to Monitor for a compliance certificate.
- (3) The application must be made in such form, and accompanied by such information, as Monitor requires.
- (4) Monitor must decide whether or not to issue a compliance certificate, and give notice to the applicant of its decision, before the end of the period of 14 days beginning with the day after that on which the application is received.
- 13 (1) An appeal lies to the First-tier Tribunal against a decision of Monitor to refuse an application for a certificate of compliance.
- (2) The grounds for an appeal under this paragraph are that the decision was—
- (a) based on an error of fact,
 - (b) wrong in law, or
 - (c) unfair or unreasonable.
- (3) On an appeal under this paragraph, the Tribunal may confirm Monitor’s decision or direct that it is not to have effect.

Inaccurate, incomplete or misleading information

- 14 Where Monitor is satisfied that a person who has given an enforcement undertaking has supplied Monitor with inaccurate, misleading or incomplete information in relation to the undertaking—
- (a) Monitor may treat the person as having failed to comply with the undertaking, and
 - (b) if Monitor decides so to treat the person, Monitor must by notice revoke any compliance certificate given to that person.

SCHEDULE 12

Section 120

PROCEDURE ON REFERENCES UNDER SECTION 120

Contents etc. of reference

- 1 (1) A reference under section 120 must specify—
- (a) Monitor’s reasons for proposing the method to which the reference relates, and
 - (b) its representations as to why the grounds referred to in section 121(4) do not apply.
- (2) Monitor must give notice of the reference to—
- (a) the National Health Service Commissioning Board, and
 - (b) each objector.

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- (3) The notice must be accompanied by a copy of the reference.
- (4) In this Schedule, “objector” means—
 - (a) in relation to a reference made where the condition in section 120(2)(a) is not met, each clinical commissioning group who objected to the proposed method to which the reference relates, and
 - (b) in relation to a reference made where the condition in section 120(2)(b) or (c) is not met, each relevant provider who objected to that proposed method.

Representations by objectors

- 2 (1) If an objector wishes to make representations to the Competition Commission on the matters specified in the reference for the purposes of paragraph 1(1), the objector must do so before the end of the period of 10 working days beginning with the day on which the objector receives the notice under paragraph 1(2).
- (2) The objector must give Monitor a copy of the representations.
- (3) If Monitor wishes to reply to representations under sub-paragraph (1), it must do so before the end of the period of 10 working days beginning with the day on which it receives the copy under sub-paragraph (2).
- (4) Monitor must send a copy of its reply to the objector who made the representations.
- (5) In this Schedule, “working day” means any day other than—
 - (a) a Saturday or a Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

Functions of Commission in relation to reference

- 3 (1) The following functions of the Competition Commission must be performed, in accordance with rules under paragraph 11, by a group selected for the purpose by the Chairman of the Commission—
 - (a) considering a reference under section 120;
 - (b) making a determination on the reference;
 - (c) giving directions and taking other steps to give effect to the Commission’s determination on the reference.
- (2) A group selected under this paragraph must consist of three members of the Commission.
- (3) The Chairman of the Commission must appoint one of the members as chair of the group.
- (4) The Chairman of the Commission may select a member of the Commission to replace a person as a member of group if—
 - (a) the person being replaced has ceased to be a member of the Commission,
 - (b) the Chairman is satisfied that the person being replaced will be unable, for a substantial period, to perform duties as a member of the group, or

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- (c) it appears to the Chairman that it is inappropriate, because of a particular interest of the person being replaced, for that person to remain a member of the group.
- (5) The replacement of a member of a group does not prevent the group from continuing after the replacement with anything begun before it.
- (6) The Chairman of the Commission may be appointed as, or may be selected to replace a person as, a member of a group (including as chair of the group).
- (7) A decision of a group is effective only if—
 - (a) all the members of the group are present when it is made, and
 - (b) at least two members of the group are in favour of it.

Timetable for determination on reference

- 4 (1) The group with the function of making a determination on a reference must make the determination before the end of the period of 30 working days following the last day for the making by Monitor of a reply in accordance with paragraph 2.
- (2) If that group is satisfied that there are good reasons for departing from the normal requirements, it may (on one occasion only) extend that period by not more than 20 working days.
- (3) The Competition Commission must ensure that an extension under sub-paragraph (2) is notified to—
 - (a) Monitor,
 - (b) the National Health Service Commissioning Board, and
 - (c) every objector who made representations in accordance with paragraph 2.

Matters to be considered on determination

- 5 (1) If the group with the function of determining a reference considers it necessary to disregard the matters referred to in sub-paragraph (2) in order to secure the making of the determination of the appeal within the period allowed by paragraph 4, it may do so.
- (2) The matters mentioned in sub-paragraph (1) are—
 - (a) all matters raised by an objector in representations under paragraph 2 that the objector did not raise at the time of the consultation under section 118, and
 - (b) all matters raised by Monitor in replies under paragraph 2 that it did not include in the reference.

Production of documents

- 6 (1) The Competition Commission may by notice require a person to produce to it the documents specified or otherwise identified in the notice.
- (2) The power to require the production of a document is a power to require its production—
 - (a) at the time and place specified in the notice, and
 - (b) in a legible form.

Status: This is the original version (as it was originally enacted).

- (3) The Competition Commission may take copies of a document produced to it under this paragraph.

Oral hearings

- 7 (1) For the purposes of this Schedule, an oral hearing may be held, and evidence may be taken on oath by a group with the function of making a determination on a reference under section 120.
- (2) A group with that function may administer oaths for the purposes of this Schedule.
- (3) The Competition Commission must give notice to each objector who has made representations in accordance with paragraph 2 of the time and place at which an oral hearing is to be held.
- (4) The Competition Commission may by notice require a person—
 - (a) to attend at a time and place specified in the notice, and
 - (b) to give evidence at that time and place to a group with that function.
- (5) At an oral hearing, the group conducting the hearing may require a person who comes within sub-paragraph (6), if present at the hearing, to give evidence or to make representations.
- (6) A person comes within this sub-paragraph if the person is—
 - (a) an objector who has made representations in accordance with paragraph 2,
 - (b) a person attending the hearing as a representative of a person mentioned in paragraph (a), or
 - (c) a person attending the hearing as a representative of Monitor.
- (7) A person who gives oral evidence at the hearing may be cross-examined by or on behalf of any other person who is present at the hearing and comes within sub-paragraph (6).
- (8) If a person is not present at a hearing and so cannot be made subject to a requirement under sub-paragraph (5)—
 - (a) the Competition Commission is not obliged to require the person to attend the hearing, and
 - (b) the group conducting the hearing may make a determination on the reference without hearing that person's evidence or representations.
- (9) Where a person is required under this paragraph to attend at a place more than 10 miles from that person's place of residence, the Competition Commission must pay the person the necessary expenses of attending.

Written statements

- 8 (1) The Commission may by notice require a person to produce a written statement with respect to a matter specified in the notice to a group with the function of making a determination on a reference under section 120.
- (2) The power to require the production of a written statement includes power to specify the time and place at which it is to be produced.
- (3) The written statement must be verified in accordance with a statement of truth.

Status: This is the original version (as it was originally enacted).

- (4) In this paragraph and paragraph 9, “statement of truth” means a statement that the person producing the document which includes the statement believes the matters stated as facts in the document to be true.

Defaults in relation to evidence

- 9 (1) This paragraph applies if a person (“the defaulter”)—
- (a) fails to comply with a notice or other requirement under paragraph 6, 7 or 8,
 - (b) in complying with a notice under paragraph 8, makes a statement that is false in a material particular, or
 - (c) in providing information otherwise verified in accordance with a statement of truth required by rules under paragraph 11, provides information that is false in a material particular.
- (2) A member of the Commission may certify the failure, or the fact that a false statement has been made, to the High Court.
- (3) The High Court may inquire into a matter so certified.
- (4) If the High Court, having heard any witness on behalf of or against the defaulter and any statement in the defaulter’s defence, is satisfied that the defaulter did, without reasonable excuse, the act referred to in sub-paragraph (1), it may punish the defaulter as if the defaulter had been guilty of contempt of court.

General provisions relating to evidence

- 10 (1) No person may be compelled to give evidence under paragraph 6, 7 or 8 which the person could not be compelled to give in civil proceedings in the High Court.
- (2) A notice under paragraph 6, 7 or 8 may be given on the Competition Commission’s behalf by a member of the Commission or its secretary.

Procedural rules

- 11 (1) The Competition Commission may make rules of procedure for determinations on references under section 120.
- (2) Those rules may include provision supplementing the provisions of this Schedule in relation to any notice, hearing or requirement for which this Schedule provides; and that provision may, in particular, impose time limits or other restrictions on—
- (a) the taking of evidence at an oral hearing, or
 - (b) the making of representations at an oral hearing.
- (3) The rules may apply, with or without modification, provision included in appeal rules under Schedule 22 to the Energy Act 2004.
- (4) The Commission must publish rules made under this paragraph.
- (5) Before making rules under this paragraph, the Commission must consult such persons as it considers appropriate.
- (6) Rules under this paragraph may make different provision for different cases.

Costs

- 12 (1) A group that makes a determination on a reference under section 120 must make an order requiring the payment to the Competition Commission of the costs incurred by the Commission in connection with the reference.
- (2) Where it is determined that the method to which the reference relates is not appropriate, the order must require those costs to be paid by Monitor.
- (3) Where it is determined that the method to which the reference relates is appropriate, the order must require those costs to be paid by such objectors as are specified in the order.
- (4) Where the order specifies more than one objector, it may specify the proportions in which the objectors are to be liable for the costs.
- (5) The group that makes a determination on a reference under section 120 may also make an order requiring Monitor or an objector who made representations in accordance with paragraph 2 to make payments to the other in respect of costs incurred by the other in connection with the determination.
- (6) A person required by an order under this paragraph to pay a sum to another person must comply with the order before the end of the period of 28 days beginning with the day after the making of the order.
- (7) Sums required to be paid by an order under this paragraph but not paid within that period are to carry interest at such rate as may be determined in accordance with provision in the order.

Power to modify time limits

- 13 The Secretary of State may by order vary any period specified in this Schedule as the period within which something must be done.

SCHEDULE 13

Section 150

PART 3: MINOR AND CONSEQUENTIAL AMENDMENTS

General

- 1 (1) Any reference in an instrument or document to the Independent Regulator of NHS Foundation Trusts is to be read, in relation to any time after the commencement of section 61, as a reference to Monitor.
- (2) Any reference in this Act or in any other enactment, instrument or document to Monitor is to be read, in relation to any time before that commencement, as a reference to the Independent Regulator of NHS Foundation Trusts.

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 2 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, after paragraph (bj) insert—
“(bk) Monitor;”.

Status: This is the original version (as it was originally enacted).

Parliamentary Commissioner Act 1967 (c. 13)

- 3 (1) In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation)—
- (a) at the appropriate place insert—
“Monitor.”, and
 - (b) omit the entry for the Independent Regulator of NHS Foundation Trusts.
- (2) In consequence of the repeal made by sub-paragraph (1)(b), omit paragraph 17 of Schedule 2 to the Health and Social Care (Community Health and Standards) Act 2003 (which inserted the entry in question).

Superannuation Act 1972 (c. 11)

- 4 (1) In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act can apply), omit the entry for the Independent Regulator of NHS Foundation Trusts.
- (2) In consequence of that repeal, omit paragraph 5(3) of Schedule 2 to the Health and Social Care (Community Health and Standards) 2003 (which inserted the entry in question).

House of Commons Disqualification Act 1975 (c. 24)

- 5 (1) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices)—
- (a) at the appropriate place insert—
“Chair or other member of Monitor.”, and
 - (b) omit the entry for the Chairman and other members of the Independent Regulator of NHS Foundation Trusts.
- (2) In consequence of the repeal made by sub-paragraph (1)(b), omit paragraph 18 of Schedule 2 to the Health and Social Care (Community Health and Standards) Act 2003 (which inserted the entry in question).

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 6 (1) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices)—
- (a) at the appropriate place insert—
“Chair or other member of Monitor.”, and
 - (b) omit the entry for the Chairman and other members of the Independent Regulator of NHS Foundation Trusts.
- (2) In consequence of the repeal made by sub-paragraph (1)(b), omit paragraph 19 of Schedule 2 to the Health and Social Care (Community Health and Standards) Act 2003 (which inserted the entry in question).

Freedom of Information Act 2000 (c. 36)

- 7 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general)—
- (a) at the appropriate place insert—

Status: This is the original version (as it was originally enacted).

- “Monitor.”, and
(b) omit the entry for the Independent Regulator of NHS Foundation Trusts.

National Health Service Act 2006 (c. 41)

- 8 The National Health Service Act 2006 is amended as follows.
- 9 (1) Omit section 31 and Schedule 8 (continuation and constitution of the Independent Regulator of NHS Foundation Trusts).
- (2) In consequence of that repeal, omit paragraph 12 of Schedule 3 to the Health Act 2009 (which amended Schedule 8).
- 10 (1) Omit section 32 (general duty of regulator).
- (2) Despite that repeal, that section is to continue, pending the commencement of section 179 (abolition of NHS trusts in England) to have effect so far as necessary for the purposes of sections 33 to 36 of that Act.
- 11 In section 275(1) (general interpretation), at the appropriate place, insert—
““the regulator” means Monitor.”.
- 12 In section 276 (index of defined expressions), in the entry for “the regulator”, for “section 31(1)” substitute “section 275(1)”.

National Health Service (Wales) Act 2006 (c. 42)

- 13 In section 184(2)(b) of the National Health Service (Wales) Act 2006 (matters to be contained in reports by overview and scrutiny committee of local authority), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

Health and Social Care Act 2008 (c. 14)

- 14 The Health and Social Care Act 2008 is amended as follows.
- 15 In section 30(3) (urgent applications for cancellation of registration of service provider: notice requirements), for paragraph (c) substitute—
“(c) where the person registered as a service provider is a person who holds a licence under Chapter 3 of Part 3 of the Health and Social Care Act 2012, to Monitor.”.
- 16 In section 39(1) (notice requirements in relation to certain matters), for paragraph (c) substitute—
“(c) where the person registered as a service provider in respect of the activity is a person who holds a licence under Chapter 3 of Part 3 of the Health and Social Care Act 2012, to Monitor.”.
- 17 In section 59 (power for Secretary of State to confer additional functions on Care Quality Commission), for subsection (2) substitute—
“(2) The Secretary of State must consult Monitor before making provision under subsection (1) in relation to persons who hold licences under Chapter 3 of Part 3 of the Health and Social Care Act 2012.”

Status: This is the original version (as it was originally enacted).

Health Act 2009 (c. 21)

- 18 In section 2(2) of the Health Act 2009 (bodies required to have regard to NHS Constitution), for paragraph (f) substitute—
“(f) Monitor;”.

Equality Act 2010 (c.15)

- 19 In Part 1 of Schedule 19 to the Equality Act 2010 (bodies subject to public sector equality duty), for the entry for the Independent Regulator of NHS Foundation Trusts substitute “Monitor”.

SCHEDULE 14

Section 179

ABOLITION OF NHS TRUSTS IN ENGLAND: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

- 1 The National Health Service Act 2006 is amended as follows.
- 2 In section 4(2) (definition of “high security psychiatric services”), omit “and paragraph 15 of Schedule 4 (NHS trusts)”.
- 3 In section 8(2) (bodies to whom Secretary of State may give directions), omit paragraph (c).
- 4 In section 9 (NHS contracts), omit subsection (3).
- 5 In section 40 (power of Secretary of State to give financial assistance to NHS foundation trusts), for subsection (4) substitute—
“(4) For the purposes of subsection (3), an agreement is an externally financed development agreement if it is certified as such by the Secretary of State.
(4A) The Secretary of State may give a certificate under subsection (4) if—
(a) in the opinion of the Secretary of State, the purpose or main purpose of the agreement is the provision of facilities or services in connection with the discharge by the NHS foundation trust of any of its functions, and
(b) a person proposes to make a loan to, or provide any other form of finance for, another party in connection with the agreement.
(4B) In subsection (4A)(b), “another party” means any party to the agreement other than the NHS foundation trust.”
- 6 In section 42 (public dividend capital), after subsection (1) insert—
“(1A) The reference in subsection (1) to an NHS trust is a reference to an NHS trust which was established under section 25 of this Act before its repeal by section 179 of the Health and Social Care Act 2012.”
- 7 In section 51 (trust funds and trustees), omit subsection (4).

Status: This is the original version (as it was originally enacted).

- 8 In section 56 (mergers of NHS foundation trusts)—
- (a) in subsection (1)(b) (as amended by section 168(1)(a)), omit “or an NHS trust established under section 25”, and
 - (b) in subsection (1A) (as inserted by section 168(2)), omit “(that is an NHS foundation trust)”.
- 9 In section 56A (acquisitions of NHS foundation trusts) (as inserted by section 169)—
- (a) in subsection (1)(b), omit “or an NHS trust established under section 25”,
 - (b) in subsection (2), omit “(that is an NHS foundation trust)”, and
 - (c) in subsection (3), omit paragraph (a) (and the following “and”).
- 10 In section 57 (mergers, acquisitions and separation of NHS foundation trusts) (as amended by sections 172 and 173(2)(a))—
- (a) in subsection (3)(a), omit “, an NHS trust established under section 25”,
 - (b) in subsection (4), omit “or an NHS trust established under section 25”, and
 - (c) omit subsection (5).
- 11 In section 65(1) (interpretation for provisions about NHS foundation trusts), in the definition of “health service body”, omit “an NHS trust,”.
- 12 In section 65A(1) (application of trust special administration regime), omit paragraph (a).
- 13 (1) Omit section 65B (appointment of trust special administrator in relation to NHS trust).
- (2) In consequence of that repeal, omit section 174(2) of this Act.
- 14 Omit section 65C (suspension of directors of NHS trust).
- 15 (1) Section 65F (special administrator’s draft report) is amended as follows.
- (2) In subsection (1), for “the Secretary of State”, in each place it appears, substitute “the regulator”.
- (3) In subsection (2)(b)—
- (a) omit “goods or”, and
 - (b) for “the Secretary of State” substitute “the regulator”.
- (4) After subsection (2) insert—
- “(2A) The administrator may not provide the draft report to the regulator under subsection (1)—
- (a) without having obtained from each commissioner a statement that the commissioner considers that the recommendation in the draft report would achieve the objective set out in section 65DA, or
 - (b) where the administrator does not obtain a statement to that effect from one or more commissioners (other than the Board), without having obtained a statement to that effect from the Board.
- (2B) Where the Board decides not to provide to the administrator a statement to that effect, the Board must—
- (a) give a notice of the reasons for its decision to the administrator and to the regulator;
 - (b) publish the notice;

Status: This is the original version (as it was originally enacted).

- (c) lay a copy of it before Parliament.
- (2C) In subsection (2A), “commissioner” means a person to which the trust provides services under this Act.”
- (5) In subsection (3), for “the Secretary of State” substitute “the regulator”.
- (6) Omit subsections (4) to (7).
- (7) In consequence of those repeals, omit section 176(2) of this Act.
- 16 In section 65G (consultation plan), in subsection (4), omit “In the case of an NHS foundation trust.”
- 17 (1) Section 65H (consultation on draft report) is amended as follows.
- (2) In subsection (7)—
- (a) in paragraph (b), omit “goods or”, and
- (b) in paragraphs (c) and (d), for “the Secretary of State” substitute “the regulator”.
- (3) In subsection (10), for “The Secretary of State” substitute “The regulator”.
- (4) After that subsection insert —
- “(10A) The Secretary of State may direct the regulator as to persons from whom it should direct the administrator under subsection (10) to request or seek a response.”
- (5) Omit subsections (12) and (13).
- (6) In consequence of those repeals, omit section 176(7) of this Act.
- 18 (1) Section 65I (administrator’s final report) is amended as follows.
- (2) In subsection (1), for “the Secretary of State”, in each place it appears, substitute “the regulator”.
- (3) In subsection (3), for “the Secretary of State” substitute “the regulator”.
- (4) Omit subsection (4).
- (5) In consequence of that repeal, omit section 176(8) of this Act.
- 19 (1) Section 65J (power to extend time limits) is amended as follows.
- (2) In subsection (2), for “the Secretary of State”, in each place it appears, substitute “the regulator”.
- (3) Omit subsection (5).
- (4) In consequence of that repeal, omit section 176(9) of this Act.
- 20 (1) Omit section 65K (decision on action to take in relation to the trust) and the preceding cross-heading.
- (2) In consequence of those repeals, omit section 177(1) of this Act.
- 21 (1) Section 65KA (regulator’s decision in case of NHS foundation trust) is amended as follows.
- (2) In subsection (1), omit “relating to an NHS foundation trust”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (5), for “the trust” substitute “the NHS foundation trust in question”.
 - (4) For the title to that section substitute “The regulator’s decision”.
 - (5) Before that section, insert as a cross-heading “Action by the regulator and the Secretary of State”.
- 22 (1) Section 65L (trusts coming out of administration) is amended as follows.
- (2) In subsection (1)—
 - (a) for “65K” substitute “65KB(2) or 65KD(2) or (9)”, and
 - (b) for “the trust” substitute “the NHS foundation trust in question”.
 - (3) In subsection (2)—
 - (a) for “The Secretary of State” substitute “The regulator”, and
 - (b) for “and directors” substitute “, directors and governors”.
 - (4) Omit subsections (2A), (2B) and (6).
 - (5) In consequence of the repeal of subsections (2A) and (2B) of that section, omit section 177(3) of this Act.
- 23 (1) Section 65M (replacement of special administrator) is amended as follows.
- (2) In subsection (1), for “the Secretary of State”, in each place it appears, substitute “the regulator”.
 - (3) In subsection (2), for “the Secretary of State” substitute “the regulator”.
 - (4) Omit subsection (3).
 - (5) In consequence of that repeal, omit section 178(1) of this Act.
- 24 (1) Section 65N (guidance) is amended as follows.
- (2) In subsection (1), for “The Secretary of State” substitute “The regulator”.
 - (3) Omit subsection (4).
 - (4) In consequence of that repeal, omit section 178(3) of this Act.
- 25 In section 66 (intervention orders) (as amended by paragraph 8(1) of Schedule 21), in subsection (1), omit paragraph (a) and the “and” following it.
- 26 In section 68 (default powers) (as amended by paragraph 10(1) of Schedule 21), in subsection (1), omit paragraph (a).
- 27 (1) In section 70(1) (transfer of residual liabilities of certain NHS bodies), omit “an NHS trust or”.
- (2) For the title to section 70 substitute “Transfer of residual liabilities of Special Health Authorities”.
- 28 In section 71 (schemes for meeting losses etc. of certain health bodies) (as amended by paragraph 18 of Schedule 4)—
 - (a) in subsection (2), omit paragraph (c),
 - (b) in subsections (3) and (6), omit “NHS trust,”, and
 - (c) in subsection (5), omit “(c),”.
- 29 In section 77 (Care Trusts) (as amended by section 200)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1)(a) omit “an NHS Trust or”, and
 - (b) in subsections (10) and (12) omit “NHS trust or”.
- 30 Omit sections 78 and 79 (directed partnership arrangements).
- 31 In section 185(2) (charges for more expensive supplies), omit “an NHS trust”.
- 32 In section 186(2) (charges for repairs and replacements in certain cases), omit “an NHS trust”.
- 33 In section 196(3) (bodies to which provisions about protection from fraud etc. relate), omit paragraph (d).
- 34 In section 217(1) (supplementary provisions about trusts), omit paragraph (h).
- 35 In section 242 (public involvement and consultation)—
- (a) in subsection (1)(b), for “relevant Welsh bodies” substitute “NHS trusts”,
 - (b) in subsection (1A), in the definition of “relevant English body”, omit paragraph (c),
 - (c) in that subsection, omit the definition of “relevant Welsh body”, and
 - (d) in subsection (2), for “relevant Welsh body” substitute “NHS trust”.
- 36 In section 272 (orders, regulations, rules and directions)—
- (a) in subsection (3), omit paragraph (e), and
 - (b) omit subsection (5).
- 37 In section 275 (interpretation), in subsection (1), in the definition of “NHS trust”, for “includes” substitute “means”.
- 38 In section 276 (index of defined expressions), omit the entry for “NHS trust order”.
- 39 (1) Schedule 15 (accounts and audit) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (1) omit paragraphs (d) and (e), and
 - (b) omit sub-paragraph (3).
- (3) In paragraph 4(1), omit paragraph (b) and the “or” which precedes it.
- (4) In paragraph 5—
- (a) in sub-paragraph (1) for “neither a Special Health Authority nor NHS Direct” substitute “not a Special Health Authority”, and
 - (b) in sub-paragraph (3) for “NHS body that is a Special Health Authority or NHS Direct” substitute “Special Health Authority”.
- (5) In paragraph 6—
- (a) in sub-paragraph (1) for “an NHS body that is a Special Health Authority or NHS Direct” substitute “a Special Health Authority”, and
 - (b) in sub-paragraph (3) for “body” substitute “Special Health Authority”.
- 40 In consequence of the repeal of section 56(6) by section 168(6) of this Act, omit paragraph 84 of Schedule 5 to the Health and Social Care Act 2008.

PART 2

AMENDMENTS OF OTHER ACTS

Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)

- 41 In section 1 of the Voluntary Hospitals (Paying Patients) Act 1936 (definitions), in the definition of “NHS trust” omit “the National Health Service Act 2006 or”.

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 42 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), in paragraph 1(l) omit “section 25 of the National Health Service Act 2006 or”.

Abortion Act 1967 (c. 87)

- 43 In section 1(3) of the Abortion Act 1967 (location of treatment for termination of pregnancy) after “National Health Service trust” insert “established under section 18 of the National Health Service (Wales) Act 2006 or the National Health Service (Scotland) Act 1978”.

Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)

- 44 In section 3(2)(a) of the Employers’ Liability (Compulsory Insurance) Act 1969 (NHS bodies exempted from insurance requirement), omit “section 25 of the National Health Service Act 2006,”.

Local Government Act 1972 (c. 70)

- 45 In section 113(4) of the Local Government Act 1972 (placing of staff of local authorities at disposal of NHS trusts), omit “section 25 of the National Health Service Act 2006 or”.

House of Commons Disqualification Act 1975 (c. 24)

- 46 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership of the House), in the entry for National Health Service trusts omit “the National Health Service Act 2006 or”.

Acquisition of Land Act 1981 (c. 67)

- 47 The Acquisition of Land Act 1981 is amended as follows.
- 48 In section 16(3)(b) (NHS trusts’ land excluded from compulsory purchase), omit “section 25 of the National Health Service Act 2006 or”.
- 49 In section 17(4) (special parliamentary procedure applying to compulsory purchase orders concerning NHS trusts’ land), in paragraph (aa) of the definition of “statutory undertakers” omit “section 25 of the National Health Service Act 2006 or”.

Status: This is the original version (as it was originally enacted).

Mental Health Act 1983 (c. 20)

- 50 In section 139(4) of the Mental Health Act 1983 (exemption from protection for acts done in pursuance of the Act), omit “the National Health Service Act 2006 or”.

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 51 In section 2(5) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (rights of authorised representatives of disabled persons), in paragraph (a) omit “that Act or”.

Copyright, Designs and Patents Act 1988 (c. 48)

- 52 In section 48 of the Copyright, Designs and Patents Act 1988 (material communicated to the Crown in the course of public business), in subsection (6) omit “section 25 of the National Health Service Act 2006,”.

Health and Medicines Act 1988 (c. 49)

- 53 In section 7(3) of the Health and Medicines Act 1988 (powers to give directions in relation to financing of the NHS), in paragraph (i) omit “an NHS trust or”.

Road Traffic Act 1988 (c. 52)

- 54 In section 144(2)(db) of the Road Traffic Act 1988 (exception for ambulances to requirement for third party insurance), omit “section 25 of the National Health Service Act 2006,”.

Access to Health Records Act 1990 (c. 23)

- 55 In section 11 of the Access to Health Records Act 1990 (interpretation), in the definition of “health service body”, in paragraph (d), omit “section 25 of the National Health Service Act 2006 or”.

Water Industry Act 1991 (c. 56)

- 56 In Schedule 4A to the Water Industry Act 1991 (premises not to be disconnected for non-payment), in paragraph 16 omit “the National Health Service Act 2006 or”.

London Local Authorities Act 1991 (c. xiii)

- 57 In section 4 of the London Local Authorities Act 1991 (interpretation), in the definition of “establishment for special treatment”, in paragraph (d) omit “section 25 of that Act or”.

Social Security Contributions and Benefits Act 1992 (c. 4)

- 58 The Social Security Contributions and Benefits Act 1992 is amended as follows.
- 59 In section 163(6) (interpretation of Part 11), omit “the National Health Service Act 2006,”.
- 60 In section 171(3) (interpretation of Part 12), omit “the National Health Service Act 2006,”.

Status: This is the original version (as it was originally enacted).

61 In section 171ZJ(9)(a) (Part 12ZA: supplementary), omit “the National Health Service Act 2006”.

62 In section 171ZS(9)(a) (Part 12ZB: supplementary), omit “the National Health Service Act 2006”.

Health Service Commissioners Act 1993 (c. 46)

63 In section 2(1) of the Health Service Commissioners Act 1993 (bodies subject to investigation by the Commissioner), omit paragraph (d).

Vehicle Excise and Registration Act 1994 (c. 22)

64 In Schedule 2 to the Vehicle Excise and Registration Act 1994 (vehicle exempt from vehicle excise duty), in paragraph 7(b) omit “the National Health Service Act 2006”.

Value Added Tax Act 1994 (c. 23)

65 The Value Added Tax Act 1994 is amended as follows.

66 In section 41(7) (definition of “government department”), for “Part I of that Act” substitute “section 18 of the National Health Service (Wales) Act 2006”.

67 In Part 2 of Schedule 8 (zero-rated supply of goods and services)—

- (a) in the Notes for group 12 (drugs, medicines, aids for the handicapped), in paragraph (e) of Note (5H) omit “the National Health Service Act 2006 or”, and
- (b) in the Notes for group 15 (charities, etc.), in paragraph (i) of Note 4 for “Part I of the National Health Service and Community Care Act 1990” substitute “section 18 of the National Health Service (Wales) Act 2006”.

Employment Rights Act 1996 (c. 18)

68 The Employment Rights Act 1996 is amended as follows.

69 In section 50(8)(a) (right of employees of NHS trusts to time off for public duties), omit “section 25 of the National Health Service Act 2006”.

70 In section 218(10)(c) (change of employer) omit “the National Health Service Act 2006 or”.

Audit Commission Act 1998 (c. 18)

71 The Audit Commission Act 1998 is amended as follows.

72 Omit section 33(8)(c) (bodies not subject to certain Commission studies).

73 In section 53(1) (interpretation), in the definition of “health service body” omit “or NHS Direct National Health Service Trust”.

Data Protection Act 1998 (c. 29)

74 In section 69(3) of the Data Protection Act 1998 (meaning of “health professional”), in paragraph (f) omit “section 25 of the National Health Service Act 2006”.

Status: This is the original version (as it was originally enacted).

Health Act 1999 (c. 8)

- 75 In section 16 of the Health Act 1999 (conversion of initial loans to NHS trusts to public dividend capital), in subsection (5) after the definition of “initial loan” insert—
“NHS trust” includes an NHS trust which was established (by virtue of the National Health Service (Consequential Provisions) Act 2006) under section 25 of the National Health Service Act 2006, prior to the repeal of that section by section 179 of the Health and Social Care Act 2012.”

Greater London Authority Act 1999 (c. 29)

- 76 Omit section 309E(5)(h) of the Greater London Authority Act 1999 (NHS trusts to be included among relevant bodies for purposes of Mayor of London’s health inequalities strategy).

Care Standards Act 2000 (c. 14)

- 77 The Care Standards Act 2000 is amended as follows.
- 78 In section 42(7) (power to extend application of Part 2), in paragraph (b) of the definition of “Welsh NHS bodies” omit the words from “all or most” to the end.
- 79 In Schedule 2A (persons subject to review by the Children’s Commissioner for Wales), in paragraph 3 omit the words from “all or most” to the end.
- 80 In Schedule 2B (persons whose arrangements are subject to review by the Children’s Commissioner for Wales), in paragraph 4 omit the words from “all or most” to the end.

Freedom of Information Act 2000 (c. 36)

- 81 In Part 3 of Schedule 1 to the Freedom of Information Act 2000 (NHS in England and Wales), in paragraph 40, omit “section 25 of the National Health Service Act 2006 or”.

International Development Act 2002 (c. 1)

- 82 In Schedule 1 to the International Development Act 2002 (statutory bodies who may exercise certain powers for the purpose of assisting countries outside the UK), in the entry for National Health Service trusts, omit “the National Health Service Act 2006”.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 83 In section 133(4) of the Nationality, Immigration and Asylum Act 2002 (power of medical inspector to disclose information to NHS trusts), in paragraphs (a)(ii) and (b)(ii) omit “section 25 of the National Health Service Act 2006 or”.

Community Care (Delayed Discharges etc.) Act 2003 (c. 5)

- 84 In section 1(1) of the Community Care (Delayed Discharges etc.) Act 2003 (meaning of “NHS body”), in the definition of “NHS body”, after “a National Health Service trust” insert “(in Wales)”.

Status: This is the original version (as it was originally enacted).

Finance Act 2003 (c. 14)

- 85 The Finance Act 2003 is amended as follows.
- 86 In section 61(3) (bodies that are public authorities for purpose of requirement to comply with planning obligations), under the heading “Health: England and Wales”, in the entry for National Health Service trusts, omit “section 25 of the National Health Service Act 2006 or”.
- 87 In section 66(4) (bodies that are public bodies for purpose of exemption for transfers of land), under the heading “Health: England and Wales”, in the entry for National Health Service trusts, omit “section 25 of the National Health Service Act 2006 or”.

Licensing Act 2003 (c. 17)

- 88 In section 16(3) of the Licensing Act 2003 (bodies that may apply for premises licence), in the definition of “health service body”, in paragraph (a), omit “section 25 of the National Health Service Act 2006 or”.

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

- 89 The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.
- 90 In section 148 (interpretation of Part 2)—
- (a) in the definition of “English NHS body” omit paragraph (c), and
 - (b) in paragraph (b) of the definition of “Welsh NHS body”, omit the words from “all or most” to the end.
- 91 In section 160 (provision of information in personal injury cases), in subsection (4), in the definition of “ambulance trust”, in paragraph (a)(i), omit “section 25 of the 2006 Act”.
- 92 In section 162 (payment of NHS charges to hospitals or ambulance trusts), in subsection (6), in the definition of “relevant ambulance trust”—
- (a) before paragraph (a) insert—
 - “(za) in relation to England, means the NHS foundation trust which is designated by the Secretary of State for the purposes of this section in relation to the health service hospital to which the injured person was taken for treatment,”
 - (b) in paragraph (a) omit “England or”,
 - (c) in sub-paragraph (i) of that paragraph omit “section 25 of the 2006 Act or”, and
 - (d) omit sub-paragraph (ii) of that paragraph (and the preceding “or”).
- 93 In section 165 (power to apply provisions about recovery of charges to non NHS hospitals), in subsection (3)(b)(ii) omit “section 25 of the 2006 Act”.

Finance Act 2004 (c. 12)

- 94 In section 59 of the Finance Act 2004 (contractors), in subsection (5), in the definition of “NHS trust”, in paragraph (a) omit “section 25 of the National Health Service Act 2006 or”.

Status: This is the original version (as it was originally enacted).

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 95 In section 9(4)(a) of the Domestic Violence, Crime and Victims Act 2004 (duty to have regard to guidance on conduct of domestic homicide reviews), in the entry for NHS trusts omit “section 25 of the National Health Service Act 2006 or”.

Children Act 2004 (c. 31)

- 96 The Children Act 2004 is amended as follows.
- 97 In section 11(1) (NHS trusts’ duty to promote the safety and welfare of children), omit paragraph (f).
- 98 In section 13(3) (Local Safeguarding Children Boards), in paragraph (f) omit “an NHS trust and”.
- 99 In section 28(1) (arrangements to safeguard and promote welfare: Wales), in paragraph (c) omit the words from “all or most” to the end.

Civil Contingencies Act 2004 (c. 36)

- 100 In Part 1 of Schedule 1 to the Civil Contingencies Act 2004 (category 1 responders to emergencies), in paragraph 5 omit “section 25 of the 2006 Act, or”.

National Health Service (Wales) Act 2006 (c. 42)

- 101 In section 206(1) of the National Health Service Act (Wales) 2006 (interpretation), omit the definition of “NHS trust”.

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- 102 In section 6(7) of the Corporate Manslaughter and Corporate Homicide Act 2007 (duty of care in emergencies), in the definition of “relevant NHS body”, in paragraph (a) omit “NHS trust,”.

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 103 The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- 104 In section 222 (arrangements regarding local involvement networks)—
- (a) omit subsection (3)(b), and
 - (b) omit subsection (4)(d).
- 105 In section 224(2) (duties of service-providers to local involvement networks), omit paragraph (a).
- 106 In section 225(7) (duty to allow entry to local involvement networks), omit paragraph (a).

Criminal Justice and Immigration Act 2008 (c. 4)

- 107 In section 119(4) of the Criminal Justice and Immigration Act 2008 (offence of causing nuisance or disturbance on NHS premises), in the definition of “relevant English NHS body”—
- (a) omit paragraph (a), and

Status: This is the original version (as it was originally enacted).

- (b) in paragraph (c), for “that Act” substitute “the National Health Service Act 2006” (and omit the “or” preceding that paragraph).

Health and Social Care Act 2008 (c. 14)

- 108 The Health and Social Care Act 2008 is amended as follows.
- 109 In section 97(1) (general interpretation of Part 1)—
 - (a) in the definition of “English NHS body” omit paragraph (c), and
 - (b) in the definition of “English NHS provider” omit paragraph (b).
- 110 In section 153(1) (directing NHS bodies to exercise certain functions in relation to financial assistance), omit paragraph (c).

Autism Act 2009 (c. 15)

- 111 In section 4(1) of the Autism Act 2009 (interpretation), in the definition of “NHS body”, omit paragraph (c).

Health Act 2009 (c. 21)

- 112 The Health Act 2009 is amended as follows.
- 113 In section 2(2) (bodies with duty to have regard to NHS Constitution) omit paragraph (c).
- 114 In section 8(2) (bodies with duty to publish information on quality of services) omit paragraph (b).

Corporation Tax Act 2010 (c. 4)

- 115 In section 986 of the Corporation Tax Act 2010 (meaning of “health service body”), in the table, in the entry for a National Health Service trust, omit “section 25 of the National Health Service Act 2006 or”.

Equality Act 2010 (c. 15)

- 116 In Part 1 of Schedule 19 to the Equality Act 2010 (bodies subject to public sector equality duty), in the group of entries that includes entries for bodies whose functions relate to the health service, omit the entry for an NHS trust.

Charities Act 2011 (c. 25)

- 117 The Charities Act 2011 is amended as follows.
- 118 In section 149 (audit or examination of English NHS charity accounts), in subsection (7), omit paragraphs (c), (d) and (e).
- 119 In section 150 (audit or examination of Welsh NHS charity accounts), in subsection (4)—
 - (a) in paragraph (b), omit the words from “all or most” to the end,
 - (b) in paragraph (c), omit “falling within paragraph (b)”, and
 - (c) in paragraph (d), omit “such”.

SCHEDULE 15

Sections 230 and 231

PART 7: CONSEQUENTIAL AMENDMENTS AND SAVINGS

PART 1

ABOLITION OF THE GENERAL SOCIAL CARE COUNCIL

Amendments to the Care Standards Act 2000 (c. 14)

- 1 The Care Standards Act 2000 is amended as follows.
- 2 In section 55(3)(g) (power to treat persons on certain social work courses as social care workers)—
 - (a) for “a Council” substitute “the Welsh Council”, and
 - (b) after “section 63” insert “, or by the Health and Care Professions Council under article 15 of the Health and Social Work Professions Order 2001,”.
- 3 In section 56 (register of social care workers etc.)—
 - (a) in subsection (1), for “Each Council” substitute “The Welsh Council”, and
 - (b) in subsection (4), for “the Council” substitute “the Welsh Council”.
- 4 In section 57 (applications for registration), in subsection (1), for “a Council” substitute “the Welsh Council”.
- 5 In section 58 (grant or refusal of registration), in subsection (1) for “the Council” substitute “the Welsh Council”.
- 6 In section 58A (visiting social workers from relevant European States)—
 - (a) in subsections (3) and (7), for “a Council” substitute “the Welsh Council”, and
 - (b) in subsection (6), for “a Council, that” substitute “the Welsh Council, the”.
- 7 In section 59 (removal etc. from register), in subsection (1), for “Each Council” substitute “The Welsh Council”.
- 8 In section 60 (rules about registration), for “A Council” substitute “The Welsh Council”.
- 9 In section 61 (offence relating to use of title “social worker” etc.)—
 - (a) in subsection (1), after “a person” insert “in Wales”,
 - (b) in subsection (2)(a), for “a Council” substitute “the Welsh Council”, and
 - (c) in subsection (2)(b), after “the law of” insert “England and Wales so far as applying in relation to England,”.
- 10 In section 62 (codes of practice)—
 - (a) in subsection (1), for “Each Council” substitute “The Welsh Council”,
 - (b) in subsections (3), (4) and (6), for “a Council” substitute “the Council”, and
 - (c) in subsection (5), after “Local authorities” insert “in Wales”.
- 11 In section 63 (approval of courses etc.)—
 - (a) in subsection (1), for “Each Council” substitute “The Welsh Council”, and
 - (b) in subsection (4), for “A Council” substitute “The Council”.
- 12 In section 64 (qualifications gained outside Council’s area)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (A1), for “a Council” substitute “the Welsh Council”,
 - (b) omit subsection (1), and
 - (c) for the title substitute “Qualifications gained outside the Welsh Council’s area”.
- 13 In section 65(1) (power to make rules requiring registered persons to undertake further training), for “A Council” substitute “The Welsh Council”.
- 14 In section 66 (visitors for certain social work courses)—
- (a) in subsection (1), for “A Council” substitute “The Welsh Council”, and
 - (b) in subsection (3), for “a Council” substitute “the Council”.
- 15 In section 67 (functions of the appropriate Minister)—
- (a) in subsection (2), for “a Council” substitute “the Welsh Council”, and
 - (b) in subsection (5), omit paragraph (a) (and the “or” following it).
- 16 In section 68 (appeals to the Tribunal), in subsections (1) and (1A), for “a Council” substitute “the Welsh Council”.
- 17 In section 69 (publication etc. of register), in subsection (1), for “A Council” substitute “The Welsh Council”.
- 18 Omit section 70 (abolition of the Central Council for Education and Training in Social Work).
- 19 In section 71 (rules), in subsections (1), (2), (3A) and (4), for “a Council” substitute “the Welsh Council”.
- 20 In section 113 (default Ministerial powers), omit subsection (1).
- 21 In section 114 (schemes for the transfer of staff), in subsection (1), omit “, 70”.
- 22 In section 118 (orders and regulations), in subsection (4), omit the words from “; and” to the end.
- 23 In section 121 (13) (index of defined expressions)—
- (a) omit the entry for “CCETSW”,
 - (b) omit the entry for references to the Council, the English Council and the Welsh Council, and
 - (c) at the end insert—
- “the Welsh Council | Section 54”.
- 24 In section 122 (commencement), omit “section 70(2) to (5) and”.
- 25 In section 123 (extent), omit subsection (3).
- 26 Schedule 1 (the Care Councils) is amended as follows.
- 27 Omit paragraph 1 (introductory).
- 28 In paragraph 2 (status)—
- (a) for “An authority” substitute “The Welsh Council”, and
 - (b) for “an authority’s” substitute “the Council’s”.
- 29 In paragraph 3(1) (general powers), for “the Secretary of State, an authority” substitute “the Welsh Ministers, the Welsh Council”.
- 30 In paragraph 4 (general duty), for “an authority” substitute “the Welsh Council”.

Status: This is the original version (as it was originally enacted).

- 31 For paragraph 5 (membership)—
- (a) for “Each authority” substitute “The Welsh Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
- 32 In paragraph 6 (appointment, procedure etc.)—
- (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Welsh Council”,
 - (c) in paragraphs (b), (c) and (d), (in the case of paragraph (d), in each place it appears) for “an authority” substitute “the Council”, and
 - (d) in paragraph (c), for “the authority” substitute “the Council”.
- 33 (1) Paragraph 7 (remuneration and allowances) is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) for “An authority” substitute “The Welsh Council”,
 - (b) for “the authority”, in each place it appears, substitute “the Council”, and
 - (c) for “the Secretary of State” substitute “the Welsh Ministers”.
 - (3) In sub-paragraph (2)—
 - (a) for “the Secretary of State so determines” substitute “the Welsh Ministers so determine”,
 - (b) for “an authority”, in each place it appears, substitute “the Council”, and
 - (c) for “the Secretary of State” substitute “the Welsh Ministers”.
 - (4) In sub-paragraph (3)—
 - (a) for “the Secretary of State determines” substitute “the Welsh Ministers determine”,
 - (b) for “an authority” substitute “the Council”,
 - (c) for “the authority” substitute “the Council”, and
 - (d) for “the Secretary of State” substitute “the Welsh Ministers”.
- 34 (1) Paragraph 8 (chief officer) is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) for “each authority” substitute “the Welsh Council”, and
 - (b) for “the authority”, in each place it appears, substitute “the Council”.
 - (3) In sub-paragraph (2), for “the Secretary of State”, in each place it appears, substitute “the Welsh Ministers”.
 - (4) In sub-paragraph (3), for “the authority” substitute “the Council”.
 - (5) In sub-paragraph (4), for “the Secretary of State” substitute “the Welsh Ministers”.
- 35 (1) Paragraph 12 (staff) is amended as follows.
- (2) In sub-paragraph (1), for “An authority” substitute “The Welsh Council”.
 - (3) In sub-paragraph (2)—
 - (a) for “an authority” substitute “the Council”, and
 - (b) for “the authority” substitute “the Council”.
 - (4) In sub-paragraph (3), for “an authority” substitute “the Council”.
 - (5) In sub-paragraph (4)—

Status: This is the original version (as it was originally enacted).

- (a) for “Secretary of State” substitute “Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Council”, and
 - (c) in paragraph (c), for “the authority” substitute “the Council”.
- 36 (1) Paragraph 13 (delegation of functions) is amended as follows.
 - (2) In sub-paragraph (1)—
 - (a) for “An authority” substitute “The Welsh Council”, and
 - (b) for “the authority” substitute “the Council”.
 - (3) In sub-paragraph (2)—
 - (a) for “An authority” substitute “The Council”, and
 - (b) for “the authority” substitute “the Council”.
- 37 In paragraph 14 (arrangements for the use of staff)—
 - (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Welsh Council”, and
 - (c) in paragraph (b), for “an authority” substitute “the Council”, and for “the authority” substitute “the Council”.
- 38 In paragraph 16 (payments to authorities)—
 - (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) for “an authority” substitute “the Welsh Council”, and
 - (c) for “he considers” substitute “they consider”.
- 39 (1) Paragraph 18 (accounts) is amended as follows.
 - (2) In sub-paragraph (1)—
 - (a) for “An authority” substitute “The Welsh Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
 - (3) In sub-paragraph (2)—
 - (a) for “An authority” substitute “The Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
 - (4) In sub-paragraph (3)—
 - (a) for “An authority” substitute “The Council”,
 - (b) for “the Secretary of State”, in each place it appears, substitute “the Welsh Ministers”, and
 - (c) for “the Comptroller and Auditor General” substitute “the Auditor General for Wales”.
 - (5) In sub-paragraph (4)—
 - (a) for “The Comptroller and Auditor General” substitute “The Auditor General for Wales”, and
 - (b) for “Parliament” substitute “the Assembly”.
 - (6) In sub-paragraph (5)—
 - (a) for “an authority” substitute “the Council”, and
 - (b) in paragraph (a), for “the authority” substitute “the Council”.
- 40 (1) Paragraph 19 (reports etc.) is amended as follows.
 - (2) In sub-paragraph (1)—

Status: This is the original version (as it was originally enacted).

- (a) for “an authority” substitute “the Welsh Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
- (3) In sub-paragraph (2)—
- (a) for “An Authority” substitute “The Council”,
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”, and
 - (c) for “he” substitute “they”.
- (4) In sub-paragraph (3), for “the authority” substitute “the Council”.
- 41 In paragraph 20 (application of seal)—
- (a) for “an authority” substitute “the Welsh Council”, and
 - (b) in paragraphs (a) and (b), for “the authority” substitute “the Council”.
- 42 In paragraph 21 (evidence), for “an authority” substitute “the Welsh Council”.
- 43 For the title to Schedule 1 substitute “The Welsh Council”.
- Amendments to the Health and Social Care Act 2008 (c. 14)*
- 44 The Health and Social Care Act 2008 is amended as follows.
- 45 (1) In section 124 (regulation of social care workers)—
- (a) in subsection (1), for “appropriate Minister”, in each place it appears, substitute “Welsh Ministers”,
 - (b) in that subsection, for “their regulation” substitute “the regulation of social care workers”, and
 - (c) in subsection (3), omit the definition of “the appropriate Minister”.
- (2) For the title to that section substitute “Regulation of social care workers: Wales”.
- 46 Section 125 (standard of proof in proceedings relating to registration of social care worker)—
- (a) in subsection (2), for “a committee of a Council, a Council itself or any officer of a Council” substitute “the Care Council for Wales, a committee of the Council or any officer of the Council”, and
 - (b) in subsection (3), omit paragraph (a).
- 47 (1) Section 126 (education and training of approved mental health professionals) is amended as follows.
- (2) In subsection (1)—
- (a) for “appropriate Minister” substitute “Welsh Ministers”, and
 - (b) omit “the General Social Care Council or”.
- (3) In subsection (4), omit the definition of “the appropriate Minister”.
- (4) For the title to section 126 substitute “Education and training of approved mental health professionals: Wales”.
- 48 In section 171(4) (provisions which Welsh Ministers have power to commence), before paragraph (a) insert—
- “(za) sections 124 and 125 and Schedule 9 (regulation of social care workers: Wales) and section 126 (education and training of approved mental health professionals: Wales).”.

Status: This is the original version (as it was originally enacted).

- 49 (1) Schedule 9 (regulation of social care workers) is amended as follows.
- (2) In paragraph 1 (interpretation), for the definition of “the appropriate Council” substitute—
- ““the Council” means the Care Council for Wales.”
- (3) In paragraph 2 (matters generally within the scope of regulations), in paragraphs (a) and (h), for “the appropriate Council” substitute “the Council”.
- (4) In paragraph 5 (payments), in paragraph (b), for “the appropriate Council” substitute “the Council”.
- (5) In paragraph 6 (sub-delegation), in paragraph (a), omit the words from “Ministers of the Crown” to “Welsh Ministers, on”.
- (6) In paragraph 8 (matters outside the scope of regulations)—
- (a) in sub-paragraph (1), omit “the General Social Care Council or”,
- (b) in sub-paragraph (2), for “either of those Councils” substitute “the Council”, and
- (c) in that sub-paragraph, for “that Council” substitute “the Council”.
- (7) Omit paragraph 9 (preliminary procedure for making regulations: England).
- (8) For the title to that Schedule substitute “Regulation of social care workers: Wales”.

Amendments to other Acts

- 50 In the following provisions, omit the entry for the General Social Care Council—
- (a) the Schedule to the Public Bodies (Admission to Meetings) Act 1960,
- (b) Schedule 2 to the Parliamentary Commissioner Act 1967,
- (c) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
- (d) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, and
- (e) Part 6 of Schedule 1 to the Freedom of Information Act 2000.
- 51 In section 343 of the Income Tax (Earning and Pensions) Act 2003 (deductions for professional membership fees), in paragraph 1 of the Table in subsection (2), omit sub-paragraph (o).
- 52 In section 41 of the Safeguarding Vulnerable Groups Act 2006 (registers: duty to refer), in entry number 8 in the table in subsection (7)—
- (a) in the first column, after “social care workers” insert “in Wales”, and
- (b) in the second column, for the words from “General” to the end substitute “Care Council for Wales”.

PART 2

THE HEALTH AND CARE PROFESSIONS COUNCIL

- 53 (1) A reference in any instrument or document to the Health Professions Council is to be read, in relation to any time after the commencement of section 214(1), as a reference to the Health and Care Professions Council.

Status: This is the original version (as it was originally enacted).

- (2) A reference in this Act or any other enactment, or in any other instrument or document, to the Health and Care Professions Council is to be read, in relation to any time before the commencement of section 214(1), as a reference to the Health Professions Council.
- (3) In sub-paragraph (2), “enactment” means an enactment contained in, or in an instrument made under—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of the National Assembly for Wales, or
 - (d) Northern Ireland legislation.
- 54 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975, at the appropriate place insert—
“*The Health and Care Professions Council*”.
- 55 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, at the appropriate place insert—
“*The Health and Care Professions Council*”.
- 56 In the following provisions, for “the Health Professions Council” substitute “the Health and Care Professions Council”—
- (a) Part 6 of Schedule 1 to the Freedom of Information Act 2000,
 - (b) section 25(3)(gb) of the National Health Service Reform and Health Care Professions Act 2002,
 - (c) section 4(4)(a) of the Health (Wales) Act 2003,
 - (d) paragraph 1(f) of the Table in section 343(2) of the Income Tax (Earning and Pensions) Act 2003,
 - (e) paragraph 16 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006, and
 - (f) sections 17(5)(c)(viii) and 30A(5) of the Protection of Vulnerable Groups (Scotland) Act 2007.
- 57 In section 257(3) of the Armed Forces Act 2006 (definition of “registered social worker”), for paragraph (a) substitute—
“(a) *the Health and Care Professions Council*”.
- 58 After section 30A(5) of the Protection of Vulnerable Groups (Scotland) Act 2007, insert—
“(6) The reference in subsection (5) to the Health and Care Professions Council does not include a reference to that body in so far as it has functions relating to the social work profession in England or social care workers in England (each of those expressions having the same meaning as in section 60 of the Health Act 1999).”

PART 3

THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE

General

- 59 (1) A reference in any instrument or document to the Council for Healthcare Regulatory Excellence is to be read, in relation to any time after the commencement of section 222(1), as a reference to the Professional Standards Authority for Health and Social Care.
- (2) A reference in this Act or any other enactment, or in any other instrument or document, to the Professional Standards Authority for Health and Social Care is to be read, in relation to any time before the commencement of section 222(1), as a reference to the Council for Healthcare Regulatory Excellence.
- (3) In sub-paragraph (2), “enactment” means an enactment contained in, or in an instrument made under—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of the National Assembly for Wales, or
 - (d) Northern Ireland legislation.

Health Act 1999 (c. 8)

- 60 In section 60(1) of the Health Act 1999—
- (a) in paragraph (c), for “the Council for Healthcare Regulatory Excellence” substitute “the Professional Standards Authority for Health and Social Care”, and
 - (b) in each of paragraphs (d) and (e), for “Council” substitute “Authority”.
- 61 In paragraph 7(4) of Schedule 3 to that Act, for “the Council for Healthcare Regulatory Excellence” substitute “the Professional Standards Authority for Health and Social Care”.

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 62 In each of the following provisions of the National Health Service Reform and Health Care Professions Act 2002, for “Council” substitute “Authority”—
- (a) section 25(2), (2A) and (4),
 - (b) section 26(1), (2), (3) and (4),
 - (c) section 26A(1) (in each place it appears) and (2),
 - (d) section 26B(1) and (4) (in each case, in each place it appears),
 - (e) section 27(1), (2), (4), (10) and (14),
 - (f) section 28(1), (2)(b), (e), (f), (g), (h) and (j), (3)(a), (b) and (d) and (4),
 - (g) section 29(4) and (7) (in each case, in each place it appears),
 - (h) in Schedule 7, paragraphs 2, 6(a), (b) and (c) (in each place it appears), 7, 8, 9(1) and (2), 10(1) and (2) (in each case, in each place it appears), 11(1) (in each place it appears), (2), (3) and (4), 12(1) (in each place it appears) and (2), 13, 14(1), (2), (3), (4), (7), (8) and (9), 15(1), (2), (3), (4) and (7) (a), 16(1), (1A)(a) and (b), (2), (3) and (4), 17 (in each place it appears), 18 and 19(1) and (2)(a) and (b),

Status: This is the original version (as it was originally enacted).

- (i) the title of each of sections 26, 27 and 29, and
 - (j) the cross-heading preceding each of paragraphs 14 and 19 of Schedule 7.
- 63 In sections 26(6), 27(3) and 29(6) of, and paragraphs 1 and 4 of Schedule 7 to, that Act for “The Council” substitute “The Authority”.
- 64 Omit section 26(12) of that Act.
- 65 In section 26A(2) of, and paragraph 1 of Schedule 7 to, that Act for “Council’s” substitute “Authority’s”.
- 66 For the title to Schedule 7 substitute “The Professional Standards Authority for Health and Social Care”.

Other Acts, etc.

- 67 In section 36A(1)(b) of the Dentists Act 1984 (professions complementary to dentistry), for “regulated by the Council for Healthcare Regulatory Excellence under section 25” substitute “listed in section 25(3)”.
- 68 In each of the following provisions, for “the Council for Healthcare Regulatory Excellence” substitute “the Professional Standards Authority for Health and Social Care”—
- (a) paragraphs 1(bca) and 2(ca) of the Schedule to the Public Bodies (Admission to Meetings) Act 1960,
 - (b) paragraph (b) of the definition of “relevant disciplinary proceedings” in section 201(4) of the National Health Service Act 2006, and
 - (c) paragraph (b) of the definition of “relevant disciplinary proceedings” in section 149(4) of the National Health Service (Wales) Act 2006.
- 69 (1) In each of the following provisions, omit the entry for “The Council for Healthcare Regulatory Excellence”—
- (a) Schedule 1 to the Public Records Act 1958,
 - (b) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
 - (c) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, and
 - (d) Part 6 of Schedule 1 to the Freedom of Information Act 2000.
- (2) In each of the provisions listed in sub-paragraph (1), at the appropriate place insert—
 “The Professional Standards Authority for Health and Social Care”.
- (3) Omit paragraph 26(a) of Schedule 10 to the Health and Social Care Act 2008 (which provides for the inclusion of a reference to the Council for Healthcare Regulatory Excellence in the National Assembly for Wales (Disqualification) Order 2006, which has itself been revoked).

PART 4

THE OFFICE OF THE HEALTH PROFESSIONS ADJUDICATOR

Miscellaneous amendments

- 70 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, omit paragraphs 1(bcb) and 2(cb).

Status: This is the original version (as it was originally enacted).

- 71 (1) Omit the entry for the Office of the Health Professions Adjudicator in each of the following—
- (a) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
 - (b) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975,
 - (c) Part 6 of Schedule 1 to the Freedom of Information Act 2000, and
 - (d) the table in Article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 (S.I. 2007/2951).
- (2) In consequence of those repeals, omit paragraphs 4(b), 5(b) and 13(b) of Schedule 10 to the Health and Social Care Act 2008 and the preceding “and” in each case.
- (3) Omit paragraph 26(b) of Schedule 10 to the Health and Social Care Act 2008 (which inserts a reference to the OHPA in the National Assembly for Wales (Disqualification) Order 2006, which has itself been revoked).
- (4) Omit paragraph 27 of that Schedule (which inserts a reference to the OHPA in the Pharmacists and Pharmacy Technicians Order 2007, which has itself been revoked).

Amendments to the Health Act 1999 (c. 8)

- 72 (1) The Health Act 1999 is amended as follows.
- (2) Omit section 60(1)(f) (power to modify constitution or functions of OHPA).
- (3) In consequence of that repeal, omit paragraph 1(2) of Schedule 8 to the Health and Social Care Act 2008.
- (4) In paragraph 8(2A) of Schedule 3 (provision under section 60 as to functions relating to unfitness to practise must provide for functions to be exercised by relevant regulatory body or OHPA), omit “or the Office of the Health Professions Adjudicator”.
- (5) In section 60A(2) (standard of proof in fitness to practise proceedings before OHPA or regulatory bodies), omit paragraph (a) and the “or” following it.

Amendments to the National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 73 (1) In section 29 of the National Health Service Reform and Health Care Professions Act 2002 (reference of disciplinary cases by the Council for Healthcare Regulatory Excellence to the court), in subsection (1)—
- (a) in paragraph (c), omit “otherwise than by reason of his physical or mental health”, and
 - (b) in paragraph (f), omit the words from “, other than a direction” to the end.
- (2) In consequence of those repeals, omit section 118(2)(b) and (d), (5) and (6) of the Health and Social Care Act 2008.

Amendments to the Health Act 2006 (c. 28)

- 74 (1) Omit section 60(3)(b) of the Health Act 2006 (Appointments Commission to exercise functions of Privy Council relating to appointment of members of OHPA) and the “or” immediately preceding it.

Status: This is the original version (as it was originally enacted).

- (2) Omit section 63(6A) and (6B) of that Act (Appointments Commission to assist OHPA with exercise of appointment functions).
- (3) In consequence of those repeals, omit paragraph 22 of Schedule 10 to the Health and Social Care Act 2008.

Amendments to the Health and Social Care Act 2008 (c. 14)

- 75 (1) The Health and Social Care Act 2008 is amended as follows.
- (2) In section 128 (interpretation), omit the definition of “the OHPA”.
 - (3) In section 162 (orders and regulations), omit subsections (1)(b) and (c) and (4).
 - (4) In Schedule 10 (amendments relating to Part 2 of that Act), omit paragraphs 7, 9, 14, 15 and 18.

Savings

- 76 (1) If abolition is to occur at a time other than immediately after the end of a financial year within the meaning of paragraphs 19 and 20 of Schedule 6 to the Health and Social Care Act 2008 (annual reports), the period that begins with the 1 April before abolition and ends with abolition is to be treated as a financial year for the purposes of those paragraphs.
- (2) Despite section 231(2), paragraphs 19 and 20 of that Schedule are to continue to have effect for the purpose of imposing the duties under paragraphs 19(2), (3)(b) and (4) to (6) and 20(1), (2)(b) and (3) and for the purpose of conferring the power under paragraph 20(4); and for those purposes—
- (a) the duties under paragraphs 19(2) and 20(1), in so far as they have not been discharged by the OHPA, must be discharged by the Secretary of State,
 - (b) the duties under paragraphs 19(3)(b) and (4) and 20(2)(b) must be discharged by the Secretary of State, and
 - (c) the power conferred by paragraph 20(4) may be exercised by giving directions of the description in question to the Secretary of State.
- (3) Subject to that, anything which the OHPA is required to do under an enactment before abolition may, in so far as it has not been done by the OHPA, be done by the Secretary of State after abolition.

77 A reference in any document to the OHPA is, so far as necessary or appropriate in consequence of section 231(1), to be read after abolition as a reference to the Secretary of State.

78 In paragraphs 76 and 77—

- “abolition” means the commencement of section 231(1);
- “enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978);
- “the OHPA” means the Office of the Health Professions Adjudicator.

SCHEDULE 16

Section 232

THE NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE

Membership, appointment, etc.

- 1 (1) NICE consists of—
 - (a) at least six members appointed by the Secretary of State (referred to in this Schedule as the “non-executive members”), and
 - (b) at least three but not more than five other members appointed by the non-executive members (referred to in this Schedule as the “executive members”).
- (2) One of the non-executive members must be appointed as the chair.
- (3) One of the executive members must be appointed as the chief executive; but the appointment may not be made without the approval of the Secretary of State.
- (4) The executive members are employees of NICE.
- (5) Regulations may—
 - (a) prescribe the number of executive members (subject to sub-paragraph (1)(b)), and
 - (b) provide that all or any of the executive members (other than the chief executive) must hold posts of descriptions specified in the regulations.

Tenure of non-executive office

- 2 (1) The chair and other non-executive members—
 - (a) hold and vacate office in accordance with the terms of their appointments, but
 - (b) may resign office by giving notice to the Secretary of State.
- (2) The Secretary of State may remove a person from office as the chair or other non-executive member on any of the following grounds—
 - (a) incapacity,
 - (b) misbehaviour, or
 - (c) failure to carry out his or her duties as a non-executive member.
- (3) The Secretary of State may suspend a person from office as the chair or other non-executive member if it appears to the Secretary of State that there are or may be grounds to remove the person from office under sub-paragraph (2).
- (4) A non-executive member may not be appointed for a period of more than four years.
- (5) A person who ceases to be the chair or another non-executive member is eligible for re-appointment.

Suspension from non-executive office

- 3 (1) This paragraph applies where a person is suspended under paragraph 2(3).
- (2) The Secretary of State must give notice of the decision to the person; and the suspension takes effect on receipt by the person of the notice.

Status: This is the original version (as it was originally enacted).

- (3) The notice may be—
 - (a) delivered in person (in which case, the person is taken to receive it when it is delivered), or
 - (b) sent by first class post to the person’s last known address (in which case, the person is taken to receive it on the third day after the day on which it is posted).
 - (4) The initial period of suspension must not exceed six months.
 - (5) The Secretary of State may at any time review the suspension.
 - (6) The Secretary of State—
 - (a) must review the suspension if requested in writing by the person to do so, but
 - (b) need not review the suspension less than three months after the beginning of the initial period of suspension.
 - (7) Following a review during a period of suspension, the Secretary of State may—
 - (a) revoke the suspension, or
 - (b) suspend the person for another period of not more than six months from the expiry of the current period.
 - (8) The Secretary of State must revoke the suspension if the Secretary of State—
 - (a) decides that there are no grounds to remove the person from office under paragraph 2(2), or
 - (b) decides that there are grounds to do so but does not remove the person from office under that provision.
- 4
- (1) This paragraph applies where a person is suspended from office as the chair under paragraph 2(3).
 - (2) The Secretary of State may appoint a non-executive member as the interim chair to exercise the chair’s functions.
 - (3) The interim chair—
 - (a) holds and vacates office in accordance with the terms of the appointment, but
 - (b) may resign office by giving notice in writing to the Secretary of State.
 - (4) Appointment as interim chair is for a term not exceeding the shorter of—
 - (a) the period ending with either—
 - (i) the appointment of a new chair, or
 - (ii) the revocation or expiry of the existing chair’s suspension, and
 - (b) the remainder of the interim chair’s term as a non-executive member.
 - (5) A person who ceases to be the interim chair is eligible for re-appointment.

Remuneration etc. of non-executive members

- 5
- (1) NICE must pay to the non-executive members such remuneration and allowances as the Secretary of State may determine.
 - (2) NICE must pay or make provision for the payment of such pensions, allowances or gratuities as the Secretary of State may determine to or in respect of any person who is or has been a non-executive member.

Status: This is the original version (as it was originally enacted).

- (3) If a person ceases to be a non-executive member and the Secretary of State decides that there are exceptional circumstances which mean that the person should be compensated, NICE must pay compensation to the person of such amount as the Secretary of State may determine.

Staff

- 6 (1) NICE may appoint such persons to be employees of NICE as it considers appropriate.
- (2) Employees of NICE are to be paid such remuneration and allowances as NICE may determine.
- (3) Employees of NICE are to be appointed on such other terms and conditions as NICE may determine.
- (4) NICE may pay or make provision for the payment of such pensions, allowances or gratuities as it may determine to or in respect of any person who is or has been an employee of NICE.
- (5) Before making a determination as to remuneration, pensions, allowances or gratuities for the purposes of sub-paragraph (2) or (4), NICE must obtain the approval of the Secretary of State to its policy on that matter.

Committees

- 7 (1) NICE may appoint such committees and sub-committees as it considers appropriate.
- (2) A committee or sub-committee may consist of or include persons who are not members or employees of NICE.
- (3) NICE may pay such remuneration and allowances as it may determine to any person who—
 - (a) is a member of a committee or sub-committee, but
 - (b) is not an employee of NICE,whether or not that person is a non-executive member of NICE.

Procedure

- 8 (1) NICE may regulate its own procedure.
- (2) But regulations may make provision about procedures to be adopted by NICE for dealing with conflicts of interest of members of NICE or members of a committee or sub-committee.
- (3) The validity of any act of NICE is not affected by any vacancy among the members or by any defect in the appointment of a member.

Exercise of functions

- 9 NICE may arrange for the exercise of its functions on its behalf by—
 - (a) a non-executive member;
 - (b) an employee (including an executive member);
 - (c) a committee or sub-committee.

Status: This is the original version (as it was originally enacted).

General powers

- 10 (1) NICE may do anything which appears to it to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions.
- (2) But, except as provided by paragraph 11(3), NICE has no power to borrow money.
- (3) NICE may do any of the following only with the approval of the Secretary of State—
- (a) form, or participate in the forming of, companies,
 - (b) invest in companies (whether by acquiring assets, securities or rights or otherwise), and
 - (c) provide loans and guarantees and make other kinds of financial provision to or in respect of companies.
- (4) The approval of the Secretary of State may be given for the purposes of sub-paragraph (3) subject to such conditions as the Secretary of State thinks appropriate.
- (5) In this paragraph “company” has the same meaning as in the Companies Acts (see section 1(1) of the Companies Act 2006).

Finance

- 11 (1) The Secretary of State may make payments to NICE out of money provided by Parliament of such amounts as the Secretary of State thinks appropriate.
- (2) Payments made under sub-paragraph (1) may be made at such times and on such conditions (if any) as the Secretary of State thinks appropriate.
- (3) The Secretary of State may lend money to NICE on such terms (including as to repayment and interest) as the Secretary of State may determine.

Reports

- 12 (1) As soon as practicable after the end of each financial year, NICE must prepare an annual report on how it has exercised its functions during the year.
- (2) NICE must—
- (a) lay a copy of the report before Parliament, and
 - (b) once it has done so, send a copy of it to the Secretary of State.
- (3) NICE must provide the Secretary of State with such other reports and information relating to the exercise of NICE’s functions as the Secretary of State may require.
- (4) In this paragraph and paragraph 14 “financial year” means—
- (a) the period beginning on the day on which section 232 comes into force and ending on the following 31 March;
 - (b) each successive period of 12 months.

Accounts

- 13 (1) NICE must keep proper accounts and proper records in relation to the accounts.
- (2) The Secretary of State may, with the approval of the Treasury, give directions to NICE as to—
- (a) the content and form of its accounts, and

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- (b) the methods and principles to be applied in the preparation of its accounts.
 - (3) In sub-paragraph (2) a reference to accounts includes NICE’s annual accounts prepared under paragraph 14 and any interim accounts prepared by virtue of paragraph 15.
- 14
- (1) NICE must prepare annual accounts in respect of each financial year.
 - (2) NICE must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may direct.
 - (3) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the annual accounts, and
 - (b) lay copies of them and the report before Parliament.
- 15
- (1) The Secretary of State may, with the approval of the Treasury, direct NICE to prepare accounts in respect of such period or periods as may be specified in the direction (“interim accounts”).
 - (2) NICE must send copies of any interim accounts to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State may direct.
 - (3) The Comptroller and Auditor General must—
 - (a) examine, certify and report on any interim accounts sent by virtue of sub-paragraph (2), and
 - (b) if the Secretary of State so directs—
 - (i) send a copy of the report on the accounts to the Secretary of State, and
 - (ii) lay copies of them and the report before Parliament.

Seal and evidence

- 16
- (1) The application of NICE’s seal must be authenticated by the signature of the chair or of any employee who has been authorised (generally or specifically) for that purpose.
 - (2) A document purporting to be duly executed under NICE’s seal or to be signed on its behalf must be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Status

- 17
- (1) NICE must not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
 - (2) NICE’s property must not be regarded as property of, or property held on behalf of, the Crown.

Status: This is the original version (as it was originally enacted).

SCHEDULE 17

Section 249

PART 8: CONSEQUENTIAL AMENDMENTS

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 1 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which that Act applies) in paragraph 1, after paragraph (m) insert—
 “(n) the National Institute for Health and Care Excellence;”.

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) at the appropriate place insert—
 “National Institute for Health and Care Excellence.”

Local Government Act 1972 (c. 70)

- 3 In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of other local authorities and health bodies) in subsection (1A)—
 (a) after “agreement with” insert “the National Institute for Health and Care Excellence;”,
 (b) in paragraph (a), after “disposal of” insert “the National Institute for Health and Care Excellence;”, and
 (c) in paragraph (b), after “employed by” insert “the National Institute for Health and Care Excellence;”.

House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert—
 “The National Institute for Health and Care Excellence.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 5 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert—
 “The National Institute for Health and Care Excellence.”

Employment Rights Act 1996 (c. 18)

- 6 (1) The Employment Rights Act 1996 is amended as follows.
 (2) In section 50 (right to time off for public duties) in subsection (8), after paragraph (ab) insert—
 “(ac) the National Institute for Health and Care Excellence;”.
 (3) In section 218 (change of employer) in subsection (10), after paragraph (cb) insert—
 “(cc) the National Institute for Health and Care Excellence;”.

Data Protection Act 1998 (c. 29)

- 7 In section 69 of the Data Protection Act 1998 (meaning of “health professional”) in subsection (3), after paragraph (fa) insert—
“(fb) the National Institute for Health and Care Excellence.”

Freedom of Information Act 2000 (c. 36)

- 8 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) at the appropriate place insert—
“The National Institute for Health and Care Excellence.”

International Development Act 2002 (c. 1)

- 9 In Schedule 1 to the International Development Act 2002 (bodies which may enter agreements to provide international development assistance etc.) after the entry for an NHS foundation trust insert—
“The National Institute for Health and Care Excellence.”

National Health Service Act 2006 (c. 41)

- 10 (1) The National Health Service Act 2006 is amended as follows.
(2) In section 9 (NHS contracts) in subsection (4), after paragraph (k) insert—
“(ka) NICE.”
(3) In section 71 (schemes for losses and liabilities of certain health service bodies) in subsection (2), after paragraph (d) insert—
“(da) NICE.”
(4) In section 72 (co-operation between NHS bodies)—
(a) the existing text becomes subsection (1), and
(b) after that subsection insert—
“(2) For the purposes of this section, NICE is an NHS body.”
(5) In section 275 (interpretation) in subsection (1), after the definition of “NHS trust” insert—
““NICE” means the National Institute for Health and Care Excellence;”.

National Health Service (Wales) Act 2006 (c. 42)

- 11 In section 7 of the National Health Service (Wales) Act 2006 (NHS contracts) in subsection (4), after paragraph (k) insert—
“(ka) the National Institute for Health and Care Excellence.”

Health and Social Care Act 2008 (c. 14)

- 12 (1) The Health and Social Care Act 2008 is amended as follows.
(2) Omit section 45 (standards set by the Secretary of State) and the preceding cross-heading.

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- (3) In section 53 (information and advice given by Care Quality Commission to Secretary of State) in subsection (3)—
- (a) at the end of paragraph (a) insert “or”, and
 - (b) omit paragraph (c) and the word “or” immediately preceding it.

Health Act 2009 (c. 21)

- 13 In section 2 of the Health Act 2009 (duty to have regard to the NHS Constitution) in subsection (2), after paragraph (d) insert—
- “(da) the National Institute for Health and Care Excellence;”.

Equality Act 2010 (c. 15)

- 14 In Part 1 of Schedule 19 to the Equality Act 2010 (bodies subject to public sector equality duty) at the end of the group of entries for bodies whose functions relate to the health service add—
- “The National Institute for Health and Care Excellence.”

SCHEDULE 18

Section 252

THE HEALTH AND SOCIAL CARE INFORMATION CENTRE

Membership, appointment, etc.

- 1 (1) The Information Centre consists of—
- (a) at least six members appointed by the Secretary of State (referred to in this Schedule as the “non-executive members”), and
 - (b) not more than five other members appointed by the non-executive members (referred to in this Schedule as the “executive members”).
- (2) One of the non-executive members must be appointed as the chair.
- (3) One of the executive members must be appointed as the chief executive; but the appointment may not be made without the approval of the Secretary of State.
- (4) The first chief executive is to be appointed by the Secretary of State.
- (5) The executive members are employees of the Information Centre.

Tenure of non-executive office

- 2 (1) The chair and other non-executive members—
- (a) hold and vacate office in accordance with the terms of their appointments, but
 - (b) may resign office by giving notice to the Secretary of State.
- (2) The Secretary of State may remove a person from office as the chair or other non-executive member on any of the following grounds—
- (a) incapacity,
 - (b) misbehaviour, or

Status: This is the original version (as it was originally enacted).

- (c) failure to carry out his or her duties as a non-executive member.
- (3) The Secretary of State may suspend a person from office as the chair or other non-executive member if it appears to the Secretary of State that there are or may be grounds to remove the person from office under sub-paragraph (2).
- (4) A non-executive member may not be appointed for a period of more than four years.
- (5) A person who ceases to be the chair or another non-executive member is eligible for re-appointment.

Suspension from non-executive office

- 3
 - (1) This paragraph applies where a person is suspended under paragraph 2(3).
 - (2) The Secretary of State must give notice of the decision to the person; and the suspension takes effect on receipt by the person of the notice.
 - (3) The notice may be—
 - (a) delivered in person (in which case, the person is taken to receive it when it is delivered), or
 - (b) sent by first class post to the person's last known address (in which case, the person is taken to receive it on the third day after the day on which it is posted).
 - (4) The initial period of suspension must not exceed six months.
 - (5) The Secretary of State may at any time review the suspension.
 - (6) The Secretary of State—
 - (a) must review the suspension if requested in writing by the person to do so, but
 - (b) need not review the suspension less than three months after the beginning of the initial period of suspension.
 - (7) Following a review during a period of suspension, the Secretary of State may—
 - (a) revoke the suspension, or
 - (b) suspend the person for another period of not more than six months from the expiry of the current period.
 - (8) The Secretary of State must revoke the suspension if the Secretary of State—
 - (a) decides that there are no grounds to remove the person from office under paragraph 2(2), or
 - (b) decides that there are grounds to do so but does not remove the person from office under that provision.
- 4
 - (1) This paragraph applies where a person is suspended from office as the chair under paragraph 2(3).
 - (2) The Secretary of State may appoint a non-executive member as the interim chair to exercise the chair's functions.
 - (3) The interim chair—
 - (a) holds and vacates office in accordance with the terms of the appointment, but
 - (b) may resign office by giving notice in writing to the Secretary of State.
 - (4) Appointment as interim chair is for a term not exceeding the shorter of—

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- (a) the period ending with either—
 - (i) the appointment of a new chair, or
 - (ii) the revocation or expiry of the existing chair’s suspension, and
 - (b) the remainder of the interim chair’s term as a non-executive member.
- (5) A person who ceases to be the interim chair is eligible for re-appointment.

Remuneration etc. of non-executive members

- 5
- (1) The Information Centre must pay to the non-executive members such remuneration and allowances as the Secretary of State may determine.
 - (2) The Information Centre must pay or make provision for the payment of such pensions, allowances or gratuities as the Secretary of State may determine to or in respect of any person who is or has been a non-executive member.
 - (3) If a person ceases to be a non-executive member and the Secretary of State decides that there are exceptional circumstances which mean that the person should be compensated, the Information Centre must pay compensation to the person of such amount as the Secretary of State may determine.

Staff

- 6
- (1) The Information Centre may appoint such persons to be employees of the Centre as it considers appropriate.
 - (2) Employees of the Information Centre are to be paid such remuneration and allowances as the Centre may determine.
 - (3) Employees of the Information Centre are to be appointed on such other terms and conditions as the Centre may determine.
 - (4) The Information Centre may pay or make provision for the payment of such pensions, allowances or gratuities as it may determine to or in respect of any person who is or has been an employee of the Centre.
 - (5) Before making a determination as to remuneration, pensions, allowances or gratuities for the purposes of sub-paragraph (2) or (4), the Centre must obtain the approval of the Secretary of State to its policy on that matter.

Committees

- 7
- (1) The Information Centre may appoint such committees and sub-committees as it considers appropriate.
 - (2) A committee or sub-committee may consist of or include persons who are not members or employees of the Information Centre.
 - (3) The Information Centre may pay such remuneration and allowances as it may determine to any person who—
 - (a) is a member of a committee or sub-committee, but
 - (b) is not an employee of the Centre,whether or not that person is a non-executive member of the Centre.

Procedure

- 8 (1) The Information Centre may regulate its own procedure.
- (2) The validity of any act of the Information Centre is not affected by any vacancy among the members or by any defect in the appointment of a member.

Exercise of functions

- 9 The Information Centre may arrange for any function exercisable by it to be exercised on its behalf by—
- (a) a non-executive member;
 - (b) an employee (including an executive member);
 - (c) a committee or sub-committee.

General powers

- 10 (1) The Information Centre may do anything which appears to it to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions.
- (2) Except as provided by paragraph 11(3), the Information Centre has no power to borrow money.
- (3) The Information Centre may do any of the following only with the approval of the Secretary of State—
- (a) form, or participate in the forming of, companies,
 - (b) invest in companies (whether by acquiring assets, securities or rights or otherwise), and
 - (c) provide loans and guarantees and make other kinds of financial provision to or in respect of companies.
- (4) The approval of the Secretary of State may be given for the purposes of sub-paragraph (3) subject to such conditions as the Secretary of State thinks appropriate.
- (5) In this paragraph “company” has the same meaning as in the Companies Acts (see section 1(1) of the Companies Act 2006).

Finance

- 11 (1) The Secretary of State may make payments to the Information Centre out of money provided by Parliament of such amounts as the Secretary of State thinks appropriate.
- (2) Payments made under sub-paragraph (1) may be made at such times and on such conditions (if any) as the Secretary of State thinks appropriate.
- (3) The Secretary of State may lend money to the Information Centre on such terms (including as to repayment and interest) as the Secretary of State may determine.

Reports

- 12 (1) As soon as practicable after the end of each financial year, the Information Centre must prepare an annual report on how it has exercised its functions during the year.
- (2) The Information Centre must—
- (a) lay a copy of the report before Parliament, and

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- (b) once it has done so, send a copy of it to the Secretary of State.
- (3) The Information Centre must provide the Secretary of State with such other reports and information relating to the exercise of the Centre’s functions as the Secretary of State may require.
- (4) In this paragraph and paragraph 14 “financial year” means—
 - (a) the period beginning on the day on which section 252 comes into force and ending on the following 31 March, and
 - (b) each successive period of 12 months.

Accounts

- 13 (1) The Information Centre must keep proper accounts and proper records in relation to the accounts.
- (2) The Secretary of State may, with the approval of the Treasury, give directions to the Information Centre as to—
 - (a) the content and form of its accounts, and
 - (b) the methods and principles to be applied in the preparation of its accounts.
- (3) In sub-paragraph (2) a reference to accounts includes the Information Centre’s annual accounts prepared under paragraph 14 and any interim accounts prepared by virtue of paragraph 15.
- 14 (1) The Information Centre must prepare annual accounts in respect of each financial year.
- (2) The Information Centre must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may direct.
- (3) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the annual accounts, and
 - (b) lay copies of them and the report before Parliament.
- 15 (1) The Secretary of State may, with the approval of the Treasury, direct the Information Centre to prepare accounts in respect of such period or periods as may be specified in the direction (“interim accounts”).
- (2) The Information Centre must send copies of any interim accounts to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State may direct.
- (3) The Comptroller and Auditor General must—
 - (a) examine, certify and report on any interim accounts sent by virtue of sub-paragraph (2), and
 - (b) if the Secretary of State so directs—
 - (i) send a copy of the report on the accounts to the Secretary of State, and
 - (ii) lay copies of them and the report before Parliament.

Seal and evidence

- 16 (1) The application of the Information Centre’s seal must be authenticated by the signature of the chair or of any employee who has been authorised (generally or specifically) for that purpose.
- (2) A document purporting to be duly executed under the Information Centre’s seal or to be signed on its behalf must be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Status

- 17 (1) The Information Centre must not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Information Centre’s property must not be regarded as property of, or property held on behalf of, the Crown.

SCHEDULE 19

Section 277

PART 9: CONSEQUENTIAL AMENDMENTS

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 1 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which that Act applies) in paragraph 1, after paragraph (n) (inserted by Schedule 17) insert—
- “(o) the Health and Social Care Information Centre.”

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) at the appropriate place insert—
- “Health and Social Care Information Centre.”

House of Commons Disqualification Act 1975 (c. 24)

- 3 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert—
- “The Health and Social Care Information Centre.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 4 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert—
- “The Health and Social Care Information Centre.”

Access to Health Records Act 1990 (c. 23)

- 5 In section 11 of the Access to Health Records Act 1990 (interpretation) in the definition of “health service body”, at the end insert—

Status: This is the original version (as it was originally enacted).

“(f) the Health and Social Care Information Centre;”.

Employment Rights Act 1996 (c. 18)

- 6 (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 50 (right to time off for public duties) in subsection (8), after paragraph (ac) (inserted by Schedule 17) insert—
- “(ad) the Health and Social Care Information Centre;”.
- (3) In section 218 (change of employer) in subsection (10), after paragraph (cc) (inserted by Schedule 17) insert—
- “(cd) the Health and Social Care Information Centre;”.

Data Protection Act 1998 (c. 29)

- 7 In section 69 of the Data Protection Act 1998 (meaning of “health professional”) in subsection (3), after paragraph (fb) (inserted by Schedule 17) insert—
- “(fc) the Health and Social Care Information Centre;”.

Freedom of Information Act 2000 (c. 36)

- 8 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) at the appropriate place insert—
- “The Health and Social Care Information Centre.”

National Health Service Act 2006 (c. 41)

- 9 (1) The National Health Service Act 2006 is amended as follows.
- (2) In section 9 (NHS contracts) in subsection (4), after paragraph (ka) (inserted by Schedule 17) insert—
- “(kb) the Health and Social Care Information Centre;”.
- (3) In section 71 (schemes for losses and liabilities of certain health service bodies) in subsection (2), after paragraph (da) (inserted by Schedule 17) insert—
- “(db) the Health and Social Care Information Centre;”.
- (4) In section 72 (co-operation between NHS bodies), after subsection (2) (inserted by Schedule 17 to this Act) insert—
- “(3) For the purposes of this section, the Health and Social Care Information Centre is an NHS body.”

National Health Service (Wales) Act 2006 (c. 42)

- 10 (1) The National Health Service (Wales) Act 2006 is amended as follows.
- (2) In section 7 (NHS contracts) in subsection (4), after paragraph (ka) (inserted by Schedule 17) insert—
- “(kb) the Health and Social Care Information Centre;”.

Health and Social Care Act 2008 (c. 14)

- 11 In section 64 of the Health and Social Care Act 2008 (power of the Care Quality Commission to require documents and information etc. from certain persons) in subsection (2)—
- (a) omit the “or” after paragraph (d), and
 - (b) after paragraph (e) insert “, or
(f) the Health and Social Care Information Centre.”

Health Act 2009 (c. 21)

- 12 In section 2 of the Health Act 2009 (duty to have regard to the NHS Constitution), in subsection (2) after paragraph (da) (inserted by Schedule 17) insert—
- “(db) the Health and Social Care Information Centre;”.

Equality Act 2010 (c. 15)

- 13 In Part 1 of Schedule 19 to the Equality Act 2010 (bodies subject to public sector equality duty) at the end of the group of entries for bodies whose functions relate to the health service add—
- “The Health and Social Care Information Centre.”

SCHEDULE 20

Sections 278, 279 and 280

PART 10: CONSEQUENTIAL AMENDMENTS AND SAVINGS

PART 1

THE ALCOHOL EDUCATION AND RESEARCH COUNCIL

Consequential amendments

- 1 Omit the entry for the Alcohol Education and Research Council in each of the following—
- (a) Schedule 2 to the Parliamentary Commissioner Act 1967, and
 - (b) Part 6 of Schedule 1 to the Freedom of Information Act 2000.
- 2 Omit the entry in Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 for the liquidator appointed under section 2 of the Licensing (Alcohol Education and Research) Act 1981.
- 3 In consequence of the repeal made by section 278(2)—
- (a) in Schedule 2 to the Trustee Act 2000, omit paragraph 40 (and the preceding cross-heading), and
 - (b) in Schedule 3 to the Health Act 2009, omit paragraph 2 (and the preceding cross-heading).

Status: This is the original version (as it was originally enacted).

Savings

- 4 (1) Anything which is in the process of being done by the Alcohol Education and Research Council under an enactment immediately before abolition may be continued by the Secretary of State.
- (2) Anything which the Council is required to do under an enactment before abolition may, in so far as it has not been done by the Council, be done by the Secretary of State after abolition.
- (3) The Secretary of State must prepare a report on the activities of the Council during the period that begins with the 1 April before abolition and ends with abolition.
- (4) In this paragraph—
“abolition” means the commencement of section 278(1);
“enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978).

PART 2

THE APPOINTMENTS COMMISSION

Consequential amendments

- 5 (1) Omit the entry for the Appointments Commission in each of the following—
(a) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
(b) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, and
(c) Part 6 of Schedule 1 to the Freedom of Information Act 2000.
- (2) In consequence of those repeals, in Schedule 8 to the Health Act 2006, omit paragraphs 4, 5 and 45(3) (and the cross-heading preceding each of paragraphs 4 and 5).
- 6 Omit paragraph 1A(4) of Schedule 1 (membership of governing Council) to each of the following—
(a) the Medical Act 1983,
(b) the Dentists Act 1984,
(c) the Opticians Act 1989,
(d) the Osteopaths Act 1993, and
(e) the Chiropractors Act 1994.
- 7 In consequence of the repeal made by section 279(2)—
(a) in Schedule 1 to the National Health Service (Consequential Provisions) Act 2006, omit paragraphs 284 to 286,
(b) in Schedule 5 to the Health and Social Care Act 2008, omit paragraphs 79 and 80 (and the preceding cross-heading),
(c) in Schedule 10 to that Act, omit paragraphs 20 to 23 (and the preceding cross-heading), and
(d) in Schedule 3 to the Health Act 2009, omit paragraph 8 (and the preceding cross-heading).

Status: This is the original version (as it was originally enacted).

Savings

- 8 (1) Anything which is in the process of being done by the Appointments Commission under an enactment immediately before abolition may be continued by the Secretary of State.
- (2) If abolition is to occur at a time other than immediately after the end of a financial year within the meaning of paragraph 22 of Schedule 4 to the Health Act 2006 (accounts), the period that begins with the 1 April before abolition and ends with abolition is to be treated as a financial year for the purposes of that paragraph.
- (3) Despite section 279(2), paragraph 22 of that Schedule is to continue to have effect for the purpose of imposing the duties under sub-paragraphs (2), (3)(b) and (4) of that paragraph; and for that purpose—
- (a) the duty under sub-paragraph (2) of that paragraph, in so far as it has not been discharged by the Commission, must be discharged by the Secretary of State, and
- (b) the duty under sub-paragraph (3)(b) of that paragraph must be discharged by the Secretary of State.
- (4) Subject to that, anything which the Commission is required to do under an enactment before abolition may, in so far as it has not been done by the Commission, be done by the Secretary of State after abolition.
- (5) In this paragraph—
- “abolition” means the commencement of section 279(1);
- “enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978).

PART 3

THE NATIONAL INFORMATION GOVERNANCE BOARD FOR HEALTH AND SOCIAL CARE

Consequential amendments

- 9 (1) Omit the entry for the National Information Governance Board for Health and Social Care in each of the following—
- (a) Schedule 2 to the Parliamentary Commissioner Act 1967,
- (b) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975, and
- (c) Part 6 of Schedule 1 to the Freedom of Information Act 2000.
- (2) In consequence of those repeals, in Schedule 14 to the Health and Social Care Act 2008, omit paragraphs 2 to 4 (and the cross-heading preceding each of those paragraphs).
- 10 (1) In section 271 of the National Health Service Act 2006 (territorial limit of exercise of functions), in subsection (3), omit paragraph (fa).
- (2) In consequence of that repeal, in Schedule 14 to the Health and Social Care Act 2008, omit paragraph 5 (and the preceding cross-heading).
- 11 In consequence of the repeal made by section 280(2), omit sections 157(1) and 158 of the Health and Social Care Act 2008.

Status: This is the original version (as it was originally enacted).

Savings

- 12 (1) Anything which is in the process of being done by the National Information Governance Board for Health and Social Care under an enactment immediately before abolition may be continued by the Secretary of State.
- (2) Despite section 280(2), section 250D of the National Health Service Act 2006 (annual report) is to continue to have effect for the purpose of imposing the duty under subsection (1)(a); and for that purpose—
- (a) if abolition is to occur at a time other than immediately after the end of a reporting year within the meaning of that section, the period that begins with the 1 April before abolition and ends with abolition is to be treated as a reporting year for the purposes of that section, and
 - (b) the duty under subsection (1)(a) of that section must be discharged by the Secretary of State.
- (3) Anything which the Board is required to do under an enactment before abolition may, in so far as it has not been done by the Board, be done by the Secretary of State after abolition.
- (4) In this paragraph—
- “abolition” means the commencement of section 280(1);
 - “enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978).

SCHEDULE 21

Section 297

AMENDMENTS RELATING TO RELATIONSHIPS BETWEEN THE HEALTH SERVICES

National Health Service (Scotland) Act 1978 (c. 29)

- 1 The National Health Service (Scotland) Act 1978 is amended as follows.
- 2 (1) Section 17A (NHS contracts) is amended as follows.
- (2) In subsection (1), in paragraph (b) for “(q)” substitute “(s)”.
- (3) In subsection (2)—
- (a) after paragraph (c) insert —
 - “(ca) the Scottish Ministers;”;
 - (b) for paragraph (f) substitute—
 - “(f) Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006;”;
 - (c) for paragraph (ff) substitute—
 - “(fa) Special Health Authorities established under section 28 of the National Health Service Act 2006;
 - (fb) Special Health Authorities established under section 22 of the National Health Service (Wales) Act 2006;”;
 - (d) omit paragraph (h),
 - (e) before paragraph (k) insert—
 - “(ja) the National Health Service Commissioning Board;

Status: This is the original version (as it was originally enacted).

- (jb) clinical commissioning groups established under section 14D of the National Health Service Act 2006;”,
 - (f) in paragraph (k), for “section 5 of the National Health Service and Community Care Act 1990” substitute “section 18 of the National Health Service (Wales) Act 2006”,
 - (g) omit paragraph (ka),
 - (h) after paragraph (m) insert—
 - “(ma) the Welsh Ministers;”,
 - (i) after paragraph (p) omit the “and,”,
 - (j) after paragraph (q) insert—
 - “(r) the National Institute for Health and Care Excellence; and
 - (s) the Health and Social Care Information Centre,”.
- (4) After subsection (10) insert—
- “(11) Subsection (12) applies where a person mentioned in subsection (2)(fa), (ja), (jb), (m), (r) or (s) is a party or prospective party to an arrangement or proposed arrangement which—
 - (a) falls within subsection (1); and
 - (b) also falls within the definition of NHS contract in section 9 of the National Health Service Act 2006.
 - (12) Subsections (4) to (9) shall 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 of references to the Scottish Ministers and the Secretary of State acting jointly.
 - (13) Subsection (14) applies where a person mentioned in subsection (2)(f), (fb), (k) or (ma) is a party or prospective party to an arrangement or proposed arrangement which—
 - (a) falls within subsection (1); and
 - (b) also falls within the definition of NHS contract in section 7 of the National Health Service (Wales) Act 2006.
 - (14) Subsections (4) to (9) shall apply in relation to that arrangement or proposed arrangement with the substitution for references to the Secretary of State—
 - (a) in so far as the arrangement or proposed arrangement relates to reserved matters within the meaning of the Scotland Act 1998, of references to the Secretary of State and the Welsh Ministers acting jointly; and
 - (b) for all other purposes, of references to the Scottish Ministers and Welsh Ministers acting jointly.
 - (15) Subsection (16) applies (and subsections (12) and (14) do 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 subsection (1); and
 - (b) also falls within the definition of NHS contract in section 9 of the National Health Service Act 2006 and the definition of NHS contract in section 7 of the National Health Service (Wales) Act 2006.

Status: This is the original version (as it was originally enacted).

- (16) Subsections (4) to (9) shall 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;
 - (b) where the Authority is exercising functions in relation to Wales only, of references to the Welsh Ministers and the Scottish Ministers acting jointly; and
 - (c) 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.
- (17) In subsections (15) and (16), “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.”
- 3 (1) Section 17C (personal medical or dental services) is amended as follows.
- (2) In subsection (5)—
- (a) in paragraph (a), for the words from “the Board by” to the end substitute “the Board by a Local Health Board”, and
 - (b) in paragraph (b), for the words from “exercisable by” to “the Authority” substitute “exercisable by a Local Health Board in relation to an agreement made under section 50 of the National Health Service (Wales) Act 2006 to be exercisable on behalf of the Local Health Board”.
- (3) In subsection (6), for the first definition substitute—
- ““Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;”.
- (4) In consequence of the amendments made by sub-paragraphs (2) and (3), omit paragraph 12 of Schedule 3 to the National Health Service Reform and Health Care Professions Act 2002, and the cross-heading which precedes it.
- 4 In section 17D (persons with whom agreements under section 17C may be made), in subsection (2), in paragraph (b) of the definition of “NHS employee”—
- (a) in sub-paragraph (ii) omit “a Primary Care Trust or”,
 - (b) in sub-paragraph (iii)—
 - (i) after “NHS trust” insert “within the meaning of the National Health Service Act (Wales) 2006”, and
 - (c) omit the words from “and in this paragraph” to the end.

National Health Service Act 2006 (c. 41)

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

Status: This is the original version (as it was originally enacted).

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.”

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.

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)”.

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).

National Health Service (Wales) Act 2006 (c. 42)

- 12 The National Health Service (Wales) Act 2006 is amended as follows.
- 13 In section 7 (NHS contracts), in subsection (4)—
- (a) omit paragraph (a),
 - (b) omit paragraph (b),
 - (c) before paragraph (c) insert—
 - “(ba) the National Health Service Commissioning Board,
 - (bb) a clinical commissioning group,”
 - (d) after paragraph (f) insert—
 - “(fa) a Special Health Board constituted under that section,”
 - (e) omit paragraph (j), and
 - (f) after paragraph (n) insert—
 - “(na) the Scottish Ministers,
 - (nb) Healthcare Improvement Scotland,”
- 14 After section 8 insert—

“8A 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 7(4) is, a party or prospective party to an arrangement or proposed arrangement which—
 - (a) falls within the definition of NHS contract in section 7(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 7 apply in relation to the arrangement or proposed arrangement with the substitution for references to the Welsh Ministers—
 - (a) in so far as the arrangement or proposed arrangement relates to reserved matters within the meaning of the Scotland Act 1998, of references to the Welsh Ministers and the Secretary of State acting jointly, and
 - (b) for all other purposes, of references to the Welsh Ministers and the Scottish Ministers acting jointly.
- (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 7(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 9(1) of the National Health Service Act 2006.
- (4) Subsections (5) to (13) of section 7 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 Welsh Ministers—

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- (a) where the cross-border Special Health Authority is exercising functions in relation to Wales only, of references to the Welsh Ministers and the Scottish Ministers acting jointly, and
 - (b) where the Authority is exercising functions in relation to England and Wales, of references to the Welsh Ministers and the Secretary of State 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.”
- 15 In section 10 (Welsh Ministers’ arrangements with other bodies), in subsection (4) omit paragraph (b).
- 16 In section 13 (exercise of Local Health Board functions), in subsection (3)—
- (a) omit paragraph (a), and
 - (b) before paragraph (b) insert—
 - “(aa) the National Health Service Commissioning Board,
 - (ab) clinical commissioning groups,”.
- 17 In section 17 (plans for improving health etc), in subsection (6)—
- (a) in paragraph (g)—
 - (i) after “between” insert “the National Health Service Commissioning Board, clinical commissioning groups,”,
 - (ii) omit “Strategic Health Authorities,”,
 - (iii) omit “Primary Care Trusts,”, and
 - (iv) for “section 24 of the National Health Service Act 2006 (c. 41)” substitute “the preparation of joint health and wellbeing strategies under section 116A of the Local Government and Public Involvement in Health Act 2007”, and
 - (b) in paragraph (h)—
 - (i) after “provision by” insert “the National Health Service Commissioning Board, clinical commissioning groups,”,
 - (ii) omit “Strategic Health Authorities,”,
 - (iii) omit “Primary Care Trusts”, and
 - (iv) for “section 24 of the National Health Service Act 2006 (c. 41)” substitute “joint health and wellbeing strategies under section 116A of the Local Government and Public Involvement in Health Act 2007”.
- 18 In section 22 (special health authorities), omit subsection (6).
- 19 In section 26 (intervention orders), in subsection (1) after “other than” insert “the National Health Service Commissioning Board, clinical commissioning groups and”.
- 20 In section 27 (effect of intervention orders), in subsection (1)—

Status: This is the original version (as it was originally enacted).

- (a) omit “Strategic Health Authority,” in each place it occurs, and
 - (b) omit “Primary Care Trust,” in each place it occurs.
- 21 In section 28 (default powers), in subsection (1) after “other than” insert “the National Health Service Commissioning Board, clinical commissioning groups and”.
- 22 In section 34 (power of local authorities to make payments), in subsection (1)—
- (a) after “payments to” insert “the National Health Service Commissioning Board, a clinical commissioning group”,
 - (b) omit “a Strategic Health Authority,”, and
 - (c) omit “a Primary Care Trust”.
- 23 In section 36 (directed partnership arrangements), in subsection (3)—
- (a) omit paragraph (a), and
 - (b) omit paragraph (b).
- 24 (1) Section 38 (supply of goods and services by the Welsh Ministers) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a) omit “or by a Primary Care Trust”, and
 - (b) in paragraph (b) omit “, a Primary Care Trust”.
- (3) In subsection (6) omit “, a Primary Care Trust” in each place it occurs.
- (4) In subsection (7), in paragraph (d) omit “, Primary Care Trusts”.
- 25 In section 39 (conditions of supply under section 38), in subsection (3), omit “Primary Care Trusts,”.
- 26 In section 41 (duty to provide primary medical services), omit subsection (4).
- 27 (1) Section 51 (persons with whom agreements for provision of primary medical services may be made) is amended as follows.
- (2) In subsection (1)(g), omit “Primary Care Trust or”.
- (3) In subsection (3), in paragraph (b) of the definition of “NHS employee”, omit “Primary Care Trust or”.
- 28 In section 56 (primary dental services), omit subsection (4).
- 29 (1) Section 65 (persons with whom agreements for provision of primary dental services may be made) is amended as follows.
- (2) In subsection (1)(g), omit “Primary Care Trust or”.
- (3) In subsection (3), in paragraph (b) of the definition of “NHS employee”, omit “Primary Care Trust or”.
- 30 In section 106 (provision about regulations under section 105), in subsection (2)—
- (a) omit paragraph (e), and
 - (b) after paragraph (e) insert—
 - “(f) a list corresponding to a list mentioned in any of paragraphs (a) to (d) prepared by the National Health Service Commissioning Board under or by virtue of the National Health Service Act 2006,”
- 31 (1) Section 115 (national disqualification) is amended as follows.

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- (2) In subsection (1)—
- (a) omit paragraph (e),
 - (b) after that paragraph insert—
 - (f) the lists corresponding to the lists mentioned in paragraphs (a) to (d) prepared by the National Health Service Commissioning Board under or by virtue of the National Health Service Act 2006,”
 - (c) after “such lists prepared by each Local Health Board” insert “and the National Health Service Commissioning Board”, and
 - (d) omit “and each Primary Care Trust”.
- (3) In subsection (6)—
- (a) in paragraph (a)—
 - (i) omit “or Primary Care Trust”, and
 - (ii) before “may include” insert “or the National Health Service Commissioning Board”, and
 - (b) in paragraph (b)—
 - (i) omit “and each Primary Care Trust”, and
 - (ii) after “included” insert “, and the National Health Service Commissioning Board,”.
- 32 In section 131 (payment of travelling expenses), in paragraph (c) omit “, and, in such cases as may be prescribed, to a Primary Care Trust,”.
- 33 In section 144 (persons and bodies about which provision is made), in subsection (2) for “section 22(6)” substitute “section 206(1)”.
- 34 In section 161 (transfers of trust property), in subsection (2)(c)—
- (a) after “for” insert “the National Health Service Commissioning Board or a clinical commissioning group,”, and
 - (b) omit “a Primary Care Trust,”
- 35 (1) Section 162 (transfer of functions and property to or from special trustees) is amended as follows.
- (2) In subsection (1)—
- (a) after the first “by” insert “the National Health Service Commissioning Board, a clinical commissioning group,”, and
 - (b) omit “a Primary Care Trust,”.
- (3) In subsection (3)(a)—
- (a) after “for” insert “the National Health Service Commissioning Board or a clinical commissioning group”, and
 - (b) omit “a Primary Care Trust,”.
- 36 In section 181 (payment for medical examination before application for admission to hospital under the Mental Health Act), in subsection (2)(b)—
- (a) omit “a Primary Care Trust,”, and
 - (b) before “NHS trust” insert “an”.
- 37 In section 197 (university clinical teaching and research), in subsection (2)(a)—
- (a) after “exercisable by” insert “the National Health Service Commissioning Board,”,

- (b) after “a” insert “clinical commissioning group,”
 - (c) omit “a Strategic Health Authority,” and
 - (d) omit “Primary Care Trust,”.
- 38 (1) In section 206 (interpretation), in subsection (1)—
- (a) before the definition of “dental practitioner” insert—
 - ““clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006,”
 - (b) after the definition of “modifications” insert—
 - ““NHS body” means—
 - (a) a Special Health Authority,
 - (b) an NHS trust,
 - (c) an NHS foundation trust,
 - (d) a Local Health Board,
 - (e) the National Health Service Commissioning Board, and
 - (f) a clinical commissioning group.”
 - (c) omit the definition of “Primary Care Trust”, and
 - (d) omit the definition of “Strategic Health Authority”.
- (2) Until the commencement of section 34 of this Act, the definition of “NHS body” in section 206(1) of the National Health Service (Wales) Act 2006 has effect as if it included a reference to a Primary Care Trust.
- 39 In Schedule 2 (Local Health Boards), in paragraph 9—
- (a) omit “Strategic Health Authorities and”,
 - (b) omit “under paragraph 7(8) of Schedule 2 to the National Health Service Act 2006 (c. 41) and”, and
 - (c) for “that Act” substitute “the National Health Service Act 2006”.
- 40 (1) Schedule 3 (NHS trusts) is amended as follows.
- (2) In paragraph 5(1)(f) omit “Primary Care Trust,”.
- (3) In paragraph 6—
- (a) omit “Strategic Health Authority,” in each place it occurs, and
 - (b) omit “, Primary Care Trust” in each place it occurs.
- (4) In paragraph 7, in sub-paragraph (3) omit “Strategic Health Authority”.
- (5) In paragraph 8 omit “, Primary Care Trust” in each place it occurs.
- (6) In paragraph 9—
- (a) in sub-paragraph (1)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,”
 - (b) in sub-paragraph (3)—
 - (i) omit “Strategic Health Authority,” and
 - (ii) omit “Primary Care Trust,”
 - (c) in sub-paragraph (6)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,” and

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- (d) in sub-paragraph (7)—
 - (i) omit “Strategic Health Authority,” in each place it occurs,
 - (ii) omit “or belong to a Primary Care Trust”, and
 - (iii) omit “Primary Care Trust,”.
- (7) In paragraph 18—
 - (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
- (8) In paragraph 30—
 - (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
- 41 (1) Schedule 5 (Special Health Authorities) is amended as follows.
 - (2) In paragraph 3—
 - (a) in sub-paragraph (8)—
 - (i) omit “or to a Strategic Health Authority”, and
 - (ii) omit “, a Strategic Health Authority”, and
 - (b) in sub-paragraph (12)—
 - (i) in paragraph (a) omit “or of a Strategic Health Authority”, and
 - (ii) in paragraph (b) omit “or by a Strategic Health Authority”.
 - (3) In paragraph 13, for “a Strategic Health Authority” substitute “the National Health Service Commissioning Board”.
- 42 (1) Schedule 10 (further provision about Community Health Councils) is amended as follows.
 - (2) In paragraph 2—
 - (a) omit “, Strategic Health Authorities” in each place it occurs, and
 - (b) omit “, Primary Care Trusts” in each place it occurs.
 - (3) In paragraph 3—
 - (a) omit paragraph (b), and
 - (b) omit paragraph (c).

Health and Personal Social Services (Northern Ireland) Order 1991 (No. 194 (N.I. 1))

- 43 (1) Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991 (health and social services contracts) is amended as follows.
 - (2) In paragraph (2)—
 - (a) in sub-paragraph (g)—
 - (i) omit paragraph (i),
 - (ii) omit paragraph (ii), and
 - (iii) omit paragraph (iii),
 - (b) after that sub-paragraph insert—
 - “(ga) the National Health Service Commissioning Board;
 - (gb) clinical commissioning groups established under section 14D of the National Health Service Act 2006;

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- (gc) Special Health Authorities established under section 28 of that Act;
 - (gd) Special Health Authorities established under section 22 of the National Health Service (Wales) Act 2006;
 - (ge) Local Health Boards established under section 11 of that Act;
 - (gf) NHS trusts established under section 18 of that Act;”,
 - (c) in sub-paragraph (h) after paragraph (i) insert—
 “(ia) Special Health Boards;”,
 - (d) after sub-paragraph (h) insert—
 “(ha) Healthcare Improvement Scotland;”,
 - (e) omit sub-paragraph (i), and
 - (f) before sub-paragraph (j) insert—
 “(ia) the National Institute for Health and Care Excellence;
 (ib) the Health and Social Care Information Centre;”.
- (3) In paragraph (10) for “paragraph 2(g), (h), (i) or (j)” substitute “any of sub-paragraphs (g) to (gf), (h), (ha), (ia), (ib) and (j) of paragraph (2)”.

SCHEDULE 22

Section 300(2)

PROPERTY TRANSFER SCHEMES

<i>Transferor</i>	<i>Permitted transferees</i>
A Primary Care Trust	The Secretary of State The National Health Service Commissioning Board A clinical commissioning group A local authority The Care Quality Commission Monitor A Special Health Authority Any public authority which provides services as part of the health service in England Any other person who provides services as part of the health service in England and consents to the transfer A qualifying company Any person with whom the Secretary of State has made, or has decided to make, an agreement under section 12ZA(1) of the Mental Health Act 1983
A Strategic Health Authority	The Secretary of State

Status: This is the original version (as it was originally enacted).

<i>Transferor</i>	<i>Permitted transferees</i>
	<p>The National Health Service Commissioning Board</p> <p>A clinical commissioning group</p> <p>A local authority</p> <p>The Care Quality Commission</p> <p>Monitor</p> <p>A Special Health Authority</p> <p>Any public authority which provides services as part of the health service in England</p> <p>Any other person who provides services as part of the health service in England and consents to the transfer</p> <p>A qualifying company</p> <p>Any person with whom the Secretary of State has made, or has decided to make, an agreement under section 12ZA(1) of the Mental Health Act 1983</p>
The Special Health Authority known as the National Institute for Health and Clinical Excellence	The National Institute for Health and Care Excellence (established under section 232)
The Special Health Authority known as the Health and Social Care Information Centre	The Health and Social Care Information Centre (established under section 252)
The Special Health Authority known as the NHS Institute for Innovation and Improvement	The National Health Service Commissioning Board
The Special Health Authority known as the National Patient Safety Agency	<p>The National Health Service Commissioning Board</p> <p>The Health and Social Care Information Centre</p>
The Special Health Authority known as the NHS Business Services Authority	The Health and Social Care Information Centre
The Appointments Commission	<p>A Minister of the Crown</p> <p>A Special Health Authority</p>
The General Social Care Council	<p>The Secretary of State</p> <p>The Health and Care Professions Council</p> <p>A person authorised by the Secretary of State under subsection (5)(b) of section 67 of the Care Standards Act 2000 to exercise functions of the Secretary of State under that section</p>

Status: This is the original version (as it was originally enacted).

<i>Transferor</i>	<i>Permitted transferees</i>
The Health Protection Agency The Secretary of State	Any other person who carries on activities in connection with social work or social care work The Secretary of State The National Health Service Commissioning Board The Health and Social Care Information Centre A Special Health Authority A qualifying company

SCHEDULE 23

Section 300(3)

STAFF TRANSFER SCHEMES

<i>Transferor</i>	<i>Permitted transferees</i>
Any Primary Care Trust	The Secretary of State The National Health Service Commissioning Board A clinical commissioning group A local authority The Care Quality Commission A Special Health Authority Any public authority which exercises functions in relation to health and is prescribed in regulations A qualifying company Any person with whom the Secretary of State has made, or has decided to make, an agreement under section 12ZA(1) of the Mental Health Act 1983
Any Strategic Health Authority	The Secretary of State The National Health Service Commissioning Board A clinical commissioning group The Care Quality Commission Monitor A Special Health Authority

Status: This is the original version (as it was originally enacted).

<i>Transferor</i>	<i>Permitted transferees</i>
	Any public authority which exercises functions in relation to health and is prescribed in regulations
	A qualifying company
	Any person with whom the Secretary of State has made, or has decided to make, an agreement under section 12ZA(1) of the Mental Health Act 1983
The Special Health Authority known as National Institute for Health and Clinical Excellence	The National Institute for Health and Care Excellence (established under section 232)
The Special Health Authority known as the Health and Social Care Information Centre	The Health and Social Care Information Centre (established under section 252)
The Special Health Authority known as the NHS Institute for Innovation and Improvement	The National Health Service Commissioning Board
The Special Health Authority known as the National Patient Safety Agency	The National Health Service Commissioning Board
	The Health and Social Care Information Centre
The Special Health Authority known as the NHS Business Services Authority	The Health and Social Care Information Centre
The Appointments Commission	A Minister of the Crown
	A Special Health Authority
The General Social Care Council	The Secretary of State
	The Health and Care Professions Council
	A person authorised by the Secretary of State under subsection (5)(b) of section 67 of the Care Standards Act 2000 to exercise functions of the Secretary of State under that section
	Any other person who carries on activities in connection with social work or social care work
The Health Protection Agency	The Secretary of State
The Secretary of State	The National Health Service Commissioning Board
	The Care Quality Commission
	Monitor
	The Health and Social Care Information Centre