
STATUTORY INSTRUMENTS

2013 No. 160

The Health and Social Care Act 2012 (Commencement No.4, Transitional, Savings and Transitory Provisions) Order 2013

Saving and transitional provision concerning continuity in relation to the affairs of Primary Care Trusts and Strategic Health Authorities

7.—(1) Anything done before 1st April 2013 by or in relation to a Primary Care Trust or a Strategic Health Authority in connection with the exercise of a function which from 1st April 2013 falls to be performed by a relevant new body, shall be treated on and after that date as if done by or in relation to the relevant new body.

(2) Any instrument made by or in relation to a Primary Care Trust or a Strategic Health Authority which relates to a function which from 1st April 2013 falls to be performed by a relevant new body continues in force in relation to the relevant new body until it is varied or revoked by the relevant new body.

(3) Any form supplied by a Primary Care Trust or a Strategic Health Authority which relates to a function which from 1st April 2013 falls to be performed by a relevant new body, continues to be a valid form until it is cancelled or varied by the relevant new body, as if any reference in that form to the Trust or Authority in question were a reference to the relevant new body.

(4) So far as is necessary or appropriate, a reference in an agreement or other instrument to a Primary Care Trust or a Strategic Health Authority which relates to a function which from 1st April 2013 falls to be performed by a relevant new body, shall be treated on or after that date as a reference to the relevant new body.

(5) In this article, “relevant new body” means—

- (a) in relation to a function which falls to be performed by the National Health Service Commissioning Board⁽¹⁾, that Board;
- (b) in relation to a function which falls to be performed by a clinical commissioning group, that clinical commissioning group;
- (c) in relation to a function which falls to be performed by a local authority in exercise of its public health functions (within the meaning of section 1H(5)(b) of the 2012 Act), that local authority;
- (d) in relation to a function which falls to be performed by the Secretary of State, the Secretary of State.

(6) In this article, a reference to a function of a Primary Care Trust or Strategic Health Authority which from 1st April 2013 falls to be performed by a relevant new body includes a reference to the provision of, or the arrangement of the provision of, a service by a Trust or Authority which from 1st April 2013 is provided, or its provision arranged, by a relevant new body.

(7) Paragraphs (1) to (4) apply subject to any provision for continuity in—

- (a) a transfer scheme under section 300 of the 2012 Act (transfer schemes);

(1) The National Health Service Commissioning Board is established by section 1H of the National Health Service Act 2006 (c. 41).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) an order made under section 303 of the 2012 Act (power to make consequential provision);
or
- (c) any other enactment.