



Health Act 1999

1999 CHAPTER 8

PART I

THE NATIONAL HEALTH SERVICE

Partnership

26 Co-operation between NHS bodies

It is the duty of Health Authorities, Special Health Authorities, Primary Care Trusts and NHS trusts to co-operate with each other in exercising their functions.

27 Co-operation between NHS bodies and local authorities

(1) Section 22 of the 1977 Act (co-operation between health authorities and local authorities) is amended as follows.

(2) For subsection (1) (co-operation between Health Authorities and Special Health Authorities on the one hand and local authorities on the other) there is substituted—

“(1) In exercising their respective functions NHS bodies (on the one hand) and local authorities (on the other) shall co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales.

(1A) In this section “NHS body” means—

- (a) a Health Authority;
- (b) a Special Health Authority;
- (c) a Primary Care Trust; or
- (d) an NHS trust.”

28 Plans for improving health etc

(1) It is the duty of each Health Authority, at such times as the Secretary of State may direct, to prepare a plan which sets out a strategy for improving—

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- (a) the health of the people for whom they are responsible, and
 - (b) the provision of health care to such people.
- (2) It is the duty of each Health Authority to keep under review any plan prepared by them under this section.
- (3) It is the duty of the bodies specified in subsection (4) to participate in the preparation or review by a Health Authority of any plan under this section.
- (4) Those bodies are—
 - (a) any Primary Care Trust whose area falls within the area of the Health Authority,
 - (b) any NHS trust which provides services at or from a hospital or other establishment or facility which falls within the area of the Health Authority, and
 - (c) any local authority whose area falls wholly or partly within the area of the Health Authority.
- (5) In preparing or reviewing any plan under this section, a Health Authority—
 - (a) must consult, or seek the participation of, such persons as the Secretary of State may direct, and
 - (b) may consult, or seek the participation of, such other persons as they consider appropriate.
- (6) The Secretary of State may give directions—
 - (a) as to the periods to be covered by plans under this section,
 - (b) as to the action to be taken by Health Authorities, Primary Care Trusts, NHS trusts and local authorities in connection with the preparation or review of plans under this section,
 - (c) as to the matters to be taken into account in connection with the preparation or review of plans under this section,
 - (d) as to the matters to be dealt with by plans under this section,
 - (e) as to the form and content of plans under this section,
 - (f) as to the publication of plans prepared or reviewed under this section,
 - (g) as to the sharing of information between Health Authorities, Primary Care Trusts, NHS trusts and local authorities in connection with the preparation or review of plans under this section,
 - (h) as to the provision by Health Authorities of reports or other information to the Secretary of State in connection with plans under this section.
- (7) In exercising their respective functions—
 - (a) Health Authorities must have regard to any plan prepared or reviewed by them under this section, and
 - (b) Primary Care Trusts, NHS trusts and local authorities must have regard to any plan under this section in relation to which they have participated.
- (8) For the purposes of this section, the persons for whom a Health Authority are responsible are—
 - (a) the people in the Authority's area, and
 - (b) such of the people outside the Authority's area as may be specified in directions given by the Secretary of State.

(9) It is the duty of Health Authorities, Primary Care Trusts, NHS trusts and local authorities to comply with any directions under this section which relate to them.

(10) In this section—

“health care” has the meaning given by section 18(4),

“local authority” means a county council, a county borough council, a district council, a London borough council or the Common Council of the City of London.

29 Payments by NHS bodies to local authorities

(1) Section 28A of the 1977 Act (power to make payments towards expenditure on community services) is amended as follows.

(2) In subsection (1) (authorities to which section applies)—

(a) for “authorities” there is substituted “bodies”,

(b) for paragraph (b) (which specifies a Special Health Authority established for a London Post-Graduate Teaching Hospital) there is substituted—

“(b) a Primary Care Trust”.

(3) After subsection (2) there is inserted—

“(2A) A body to which this section applies may, if they think fit, make payments to a local authority towards expenditure incurred or to be incurred by the authority in connection with the performance of any of the authority’s functions which, in the opinion of the body,—

(a) have an effect on the health of any individuals,

(b) have an effect on, or are affected by, any NHS functions, or

(c) are connected with any NHS functions.

(2B) In this section “NHS functions” means functions exercised by a Health Authority, Special Health Authority, Primary Care Trust or NHS trust.”

30 Payments by local authorities to NHS bodies

After section 28B of the 1977 Act there is inserted—

“28BB Power of local authorities to make payments to NHS bodies

(1) A local authority may, if they think fit, make payments to a relevant NHS body towards expenditure incurred or to be incurred by the body in connection with the performance by the body of prescribed functions of the NHS body.

(2) In this section—

“prescribed” means prescribed to any extent by regulations made by the Secretary of State;

“relevant NHS body” means a Health Authority or a Primary Care Trust.

(3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.

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- (4) The Secretary of State may by directions prescribe conditions relating to payments under this section.
- (5) The power to give such directions may be exercised so as to make, as respects the cases in relation to which it is exercised, the same provision for all cases, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes.
- (6) Without prejudice to the generality of subsection (4) above, the power may be exercised—
 - (a) so as to make different provision for England and Wales and different provision for different areas in either; and
 - (b) so as to require, in such circumstances as may be specified—
 - (i) repayment of the whole or any part of a payment under this section; or
 - (ii) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.
- (7) No payment shall be made under this section in respect of any expenditure unless the conditions relating to it conform with the conditions prescribed for payments of that description under subsection (4) above.”

31 Arrangements between NHS bodies and local authorities

- (1) The Secretary of State may by regulations make provision for or in connection with enabling prescribed NHS bodies (on the one hand) and prescribed local authorities (on the other) to enter into prescribed arrangements in relation to the exercise of—
 - (a) prescribed functions of the NHS bodies, and
 - (b) prescribed health-related functions of the local authorities,
 if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.
- (2) The arrangements which may be prescribed include arrangements—
 - (a) for or in connection with the establishment and maintenance of a fund—
 - (i) which is made up of contributions by one or more NHS bodies and one or more local authorities, and
 - (ii) out of which payments may be made towards expenditure incurred in the exercise of both prescribed functions of the NHS body or bodies and prescribed health-related functions of the authority or authorities,
 - (b) for or in connection with the exercise by an NHS body on behalf of a local authority of prescribed health-related functions of the authority in conjunction with the exercise by the NHS body of prescribed functions of theirs,
 - (c) for or in connection with the exercise by a local authority on behalf of an NHS body of prescribed functions of the NHS body in conjunction with the exercise by the authority of prescribed health-related functions of theirs,
 - (d) as to the provision of staff, goods, services or accommodation in connection with any arrangements mentioned in paragraph (a), (b) or (c),
 - (e) as to the making of payments by a local authority to an NHS body in connection with any arrangements mentioned in paragraph (b),

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- (f) as to the making of payments by an NHS body to a local authority in connection with any arrangements mentioned in paragraph (c).
- (3) Regulations under this section may make provision—
- (a) as to the cases in which NHS bodies and local authorities may enter into prescribed arrangements,
 - (b) as to the conditions which must be satisfied in relation to prescribed arrangements (including conditions in relation to consultation),
 - (c) for or in connection with requiring the consent of the Secretary of State to the operation of prescribed arrangements (including provision in relation to applications for consent, the approval or refusal of such applications and the variation or withdrawal of approval),
 - (d) in relation to the duration of prescribed arrangements,
 - (e) for or in connection with the variation or termination of prescribed arrangements,
 - (f) as to the responsibility for, and the operation and management of, prescribed arrangements,
 - (g) as to the sharing of information between NHS bodies and local authorities.
- (4) The provision which may be made by virtue of subsection (3)(f) includes provision in relation to—
- (a) the formation and operation of joint committees of NHS bodies and local authorities,
 - (b) the exercise of functions which are the subject of prescribed arrangements (including provision in relation to the exercise of such functions by joint committees or employees of NHS bodies and local authorities),
 - (c) the drawing up and implementation of plans in respect of prescribed arrangements,
 - (d) the monitoring of prescribed arrangements,
 - (e) the provision of reports on, and information about, prescribed arrangements,
 - (f) complaints and disputes about prescribed arrangements,
 - (g) accounts and audit in respect of prescribed arrangements.
- (5) Any arrangements made by virtue of this section shall not affect—
- (a) the liability of NHS bodies for the exercise of any of their functions,
 - (b) the liability of local authorities for the exercise of any of their functions, or
 - (c) any power or duty to recover charges in respect of services provided in the exercise of any local authority functions.
- (6) The Secretary of State may issue guidance to NHS bodies and local authorities in relation to consultation or applications for consent in respect of prescribed arrangements.
- (7) The reference in subsection (1) to an improvement in the way in which functions are exercised includes an improvement in the provision to any individuals of any services to which those functions relate.
- (8) In this section—
- “health-related functions”, in relation to a local authority, means functions of the authority which, in the opinion of the Secretary of State—
 - (i) have an effect on the health of any individuals,

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- (ii) have an effect on, or are affected by, any functions of NHS bodies, or
- (iii) are connected with any functions of NHS bodies,

“local authority” means a district council, county council, county borough council, London borough council or the Common Council of the City of London,

“NHS body” means a Health Authority, Primary Care Trust or NHS trust,

“prescribed” means prescribed to any extent by regulations made by the Secretary of State.

32 Joint consultative committees

In section 22 of the 1977 Act (co-operation between health authorities and local authorities), subsections (2) to (6) (which make provision in relation to joint consultative committees) are omitted.