



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 2

STANDARDS

CHAPTER 10

SUPPLEMENTARY AND GENERAL

General

146 Offences by bodies corporate

- (1) This section applies where any offence under this Part is committed by a body corporate.
- (2) If the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) any director, manager, or secretary of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,he (as well as the body corporate) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (3) The reference in subsection (2) to a director, manager or secretary of a body corporate includes a reference—
 - (a) to any other similar officer of the body; and
 - (b) where the body is a local authority or NHS body, to any officer or member of the authority or NHS body.

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

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: General. (See end of Document for details)

Commencement Information

- I1** S. 146 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(a\)](#)

147 Minor and consequential amendments

Schedule 9 (which makes minor and consequential amendments relating to this Part) has effect.

Commencement Information

- I2** S. 147 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)
I3 S. 147 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)
I4 S. 147 in force at 11.3.2004 for specified purposes for E. by [S.I. 2004/759](#), [art. 4\(1\)\(b\)](#)
I5 S. 147 in force at 11.3.2004 for specified purposes by [S.I. 2004/759](#), [art. 5\(1\)\(b\)](#)
I6 S. 147 in force at 1.4.2004 for specified purposes by [S.I. 2004/759](#), [art. 9](#)
I7 S. 147 in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/759](#), [art. 4\(2\)\(b\)](#)
I8 S. 147 in force at 1.4.2004 for specified purposes by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)
I9 S. 147 in force at 1.6.2004 for specified purposes by [S.I. 2004/759](#), [art. 8](#)
I10 S. 147 in force at 15.1.2007 for specified purposes for E. by [S.I. 2006/3397](#), [art. 5](#)

148 Interpretation of Part 2

In this Part—

F1 ...
F2 ...

“cross-border SHA” means a Special Health Authority not performing functions only or mainly in respect of England or only or mainly in respect of Wales;

F3 ...

“English local authority social service” means—

- (a) a service which is provided, in any place, by a local authority in England in the exercise of any of its social services functions;
- (b) a service which is provided, in any place, by another person pursuant to arrangements made by a local authority in England in the exercise of its social services functions;
- (c) a service which—
- (i) is provided, in any place, by a local authority in England, or by another person pursuant to arrangements made by a local authority in England, under section 2(1)(b) of the Local Government Act 2000 (c. 22) [^{F4}or section 1 of the Localism Act 2011]; and
 - (ii) is similar in nature to a service which could be provided by the authority in the exercise of any of its social services functions [^{F5}but does not include anything which may be inspected by Her Majesty's Chief Inspector of Education, Children's Services and Skills under Chapter 4 of Part 8 of the Education and Inspections Act 2006].

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“English NHS body” means—

- (a) ^{F6} ...
- (b) ^{F7} ...
- (c) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England;
- (ca) [^{F8}NHS England];
- (cb) [^{F9}an integrated care board;]
- (d) an NHS foundation trust;
- (e) a Special Health Authority performing functions only or mainly in respect of England;

^{F10} ...

“health care” has the meaning given by section 45(2);

“local authority” [^{F11} —

- (a) in relation to England,] has the same meaning as in the Local Authority Social Services Act 1970 (c. 42) (see section 1 of that Act);
- (b) [^{F12}in relation to Wales, has the same meaning as in the Social Services and Well-being (Wales) Act 2014]

^{F13} ...

“NHS body” means—

- (a) an English NHS body;
- (b) a Welsh NHS body;
- (c) a cross-border SHA;

“NHS trust” has the same meaning as in [^{F14}the 2006 Act];

“personal records” includes medical records;

“prescribed” means prescribed by regulations made by—

- (a) the Secretary of State;
- (b) in the case of sections 63, 75 and 101, the Assembly;

“regulator” means the Independent Regulator of NHS Foundation Trusts;

[^{F15}“social services functions” in relation to —

- (a) a local authority in England, has the same meaning as in the Local Authority Social Services Act 1970 but does not include—
 - (i) functions within section 135(1)(d) or (e) of the Education and Inspections Act 2006, or
 - (ii) functions prescribed by regulations under section 135(1)(f) of that Act;

- (b) a local authority in Wales, has the same meaning as in section 143 of the Social Services and Well-being (Wales) Act 2014;]

“Welsh local authority social service ” means—

- (a) a service provided, in any place, by a local authority in Wales in the exercise of any of its social services functions;
- (b) a service provided, in any place, by another person pursuant to arrangements made by a local authority in Wales in the exercise of its social services functions;
- (c) a service which—
 - (i) is provided, in any place, by a local authority in Wales, or by another person pursuant to arrangements made by a

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local authority in Wales, under section 2(1)(b) of the Local Government Act 2000 (c. 22); and

(ii) is similar in nature to a service which could be provided by the authority in the exercise of any of its social services functions;

“ Welsh NHS body ” means—

- (a) a Local Health Board;
- (b) an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales;
- (c) a Special Health Authority performing functions only or mainly in respect of Wales.

Textual Amendments

- F1** Words in s. 148 omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 57**; S.I. 2015/841, art. 3(x)
- F2** Words in s. 148 repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 51(a), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(t), 36
- F3** Words in s. 148 repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 51(b), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(t), 36
- F4** Words in s. 148 inserted (28.3.2012) by The Localism Act 2011 (Consequential Amendments) Order 2012 (S.I. 2012/961), art. 1(2), **Sch. 1 para. 6**
- F5** Words in s. 148 added (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 93(2)**; S.I. 2007/935, art. 5(gg)
- F6** Words in s. 148 omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 121(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 148 omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 121(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 148 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** Words in s. 148 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 70**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 148 repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 51(c), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(t), 36
- F11** Words in s. 148 inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **208(a)(i)**
- F12** Words in s. 148 inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **208(a)(ii)**
- F13** Words in s. 148 repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 51(d), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(t), 36
- F14** Words in s. 148 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 246** (with Sch. 3 Pt. 1)
- F15** Words in s. 148 substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **208(b)**

Commencement Information

- I11** S. 148 partly in force; s. 148 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I12** S. 148 in force at 1.1.2004 by S.I. 2003/3346, art. 4

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PROSPECTIVE

149 References to the provision of health care

- (1) For the purposes of this Part, a person provides health care for another person if he provides it—
 - (a) at the direction of the other person;
 - (b) in accordance with, or by virtue of, an agreement or arrangements made by the other person (whether or not with the person providing the health care); or
 - (c) otherwise on behalf of the other person.
- (2) References in this section to the provision of health care include references to its provision jointly with another person.

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Changes to legislation:

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