



# Health Act 2006

## 2006 CHAPTER 28

### PART 6

#### MISCELLANEOUS

#### *Social care bursary*

#### 72 Exercise by Special Health Authority of social care training functions

After section 67 of the Care Standards Act 2000 (c. 14) insert—

**“67A Exercise by Special Health Authority of functions under s. 67(4)(a)**

- (1) The Secretary of State may direct a Special Health Authority to exercise such of his functions under section 67(4)(a) as may be specified in the directions.
- (2) If the Secretary of State gives a direction under subsection (1), the National Health Service Act 1977 shall have effect as if—
  - (a) the direction were a direction of the Secretary of State under section 16D of that Act, and
  - (b) the functions were exercisable by the Special Health Authority under section 16D.
- (3) Directions under subsection (1)—
  - (a) shall be given by an instrument in writing, and
  - (b) may be varied or revoked by subsequent directions.”

*NHS costs recovery*

**73 NHS costs recovery**

In section 153 of the 2003 Act (information contained in certificates relating to recovery of NHS charges in cases of injury requiring NHS services), for subsection (9) substitute—

- “(9) For the purposes of subsection (10), a claim made by or on behalf of an injured person is a qualifying claim if—
- (a) it does not fall within subsection (3) or within any other description of claim specified in regulations, and
  - (b) it is settled, and the damages payable under the settlement are to be reduced to reflect the injured person’s share in the responsibility for the injury in question.”

*Transfer of criminal liabilities*

**74 Transfer of criminal liabilities of certain NHS bodies**

- (1) In section 8 of the 1977 Act (Strategic Health Authorities and Health Authorities) at the end add—

“(9) The liabilities which may be transferred by virtue of this section and section 126(4) below to a relevant transferee on the abolition of a Strategic Health Authority include criminal liabilities.

- (10) In subsection (9) above “relevant transferee” means—

- (a) a Special Health Authority,
- (b) a Primary Care Trust,
- (c) an NHS trust,
- (d) an NHS foundation trust, or
- (e) another Strategic Health Authority.”

- (2) In section 11 of that Act (Special Health Authorities)—

- (a) after subsection (4) insert—

“(4A) The liabilities which may be transferred by virtue of this section and section 126(3) and (4) below to a relevant transferee on the abolition of a Special Health Authority include criminal liabilities.

- (4B) In subsection (4A) above “relevant transferee” means—

- (a) a Strategic Health Authority,
  - (b) a Primary Care Trust,
  - (c) a Local Health Board,
  - (d) an NHS trust,
  - (e) an NHS foundation trust, or
  - (f) another Special Health Authority.”, and
- (b) in subsection (5) after “an order” insert “as is mentioned in subsection (4) above”.

- (3) In paragraph 20 of Schedule 5A to that Act (transfer of property, rights and liabilities on dissolution of Primary Care Trust) after sub-paragraph (1) insert—

“(1A) The liabilities which may be transferred by virtue of sub-paragraph (1) above to a Strategic Health Authority, a Special Health Authority, an NHS trust, an NHS foundation trust or another Primary Care Trust include criminal liabilities.”

- (4) In paragraph 19 of Schedule 5B to that Act (transfer of property, rights and liabilities on dissolution of Local Health Board) after sub-paragraph (1) insert—

“(1A) The liabilities which may be transferred by virtue of sub-paragraph (1) above to another Local Health Board include criminal liabilities.”

- (5) In paragraph 30 of Schedule 2 to the National Health Service and Community Care Act 1990 (c. 19) (transfer of property, rights and liabilities on dissolution of NHS trust) after sub-paragraph (1) insert—

“(1A) The liabilities which may be transferred by virtue of sub-paragraph (1) above to any of the bodies mentioned in paragraphs (aa) to (c) of that sub-paragraph include criminal liabilities.”

- (6) In section 25 of the 2003 Act (dissolution of NHS foundation trusts) after subsection (3) insert—

“(3A) The liabilities which may be transferred by virtue of subsection (3) to any of the bodies mentioned in paragraphs (a) to (c) of that subsection include criminal liabilities.”

- (7) In section 28 of that Act (supplementary provision about mergers) after subsection (3) insert—

“(3A) In section 27(1) and (2), and subsections (1) and (2) above, “liabilities” includes criminal liabilities; and an order under subsection (3) above may transfer any remaining criminal liabilities to any of the bodies mentioned in section 25(3)(a) to (c).”

#### *Local Health Boards and Welsh health authorities*

### **75 Amendments relating to Local Health Boards and abolition of Welsh health authorities**

- (1) The Secretary of State or the Assembly may by order make such amendments of any enactment as he or it considers appropriate—

- (a) in order to reflect the fact that (by virtue of relevant directions) transferred functions may be exercised by Local Health Boards, or
- (b) otherwise in consequence of, or in connection with, the abolition of Welsh health authorities effected under section 27(5) of the Government of Wales Act 1998 (c. 38).

- (2) Where a transferred function which became exercisable by a Local Health Board by virtue of relevant directions ceases to be so exercisable, the Secretary of State or the Assembly may by order—

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

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- (a) substitute for any reference to a Local Health Board in any enactment relating to the function a reference to the Assembly, and
  - (b) make such amendments of any enactment as he or it considers appropriate in consequence of any such substitution.
- (3) No order may be made under subsection (1)(a) in relation to a transferred function on or after the date on which subsection (4) applies to the function.
- (4) This subsection applies to a transferred function on the date when either of the following comes into force in relation to the function—
- (a) an order made under subsection (1)(b) which amends an enactment so as to provide for the function to be exercisable only by the Assembly, or
  - (b) an order made under subsection (2).
- (5) In this section—
- “amendments” includes repeals, revocations and modifications;
  - “the Assembly” means the National Assembly for Wales;
  - “relevant directions” means directions given in regulations made under section 16BB of the National Health Service Act 1977 (c. 49);
  - “transferred function” means a function transferred to the Assembly by the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003 (S.I. 2003/813 (W. 98));
  - “Welsh health authority” means a Health Authority for an area in, or consisting of, Wales.