



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 5

#### MISCELLANEOUS

##### *Amendments relating to National Health Service*

#### **142 Indemnity schemes in connection with provision of health services**

- (1) Section 71 of the National Health Service Act 2006 (c. 41) (schemes for meeting losses and liabilities of health service bodies) is amended as follows.
- (2) In subsection (1), after “the bodies” (in each place) insert “ or other persons ”.
- (3) In subsection (2)—
  - (a) after “The bodies” insert “ and other persons ”,
  - (b) after paragraph (g) insert—
    - “(h) the Secretary of State, and
    - (i) a body or other person (other than a body or other person within any of paragraphs (a) to (h)) providing, or arranging the provision of, health services whose provision is the subject of arrangements with a body or other person within any of paragraphs (a) to (h),” and
  - (c) after “bodies which” insert “ , or other persons who, ”.
- (4) After subsection (2) insert—
  - “(2A) In subsection (1)(b) “functions”—
    - (a) in relation to the Secretary of State, means the Secretary of State's functions in connection with the health service;
    - (b) in relation to a body or other person within paragraph (i) of subsection (2), means the body's or person's functions of providing, or arranging the provision of, health services whose provision is the

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 142. (See end of Document for details)*

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subject of arrangements with a body or other person within any of paragraphs (a) to (h) of that subsection.”

(5) In subsection (3)—

- (a) in paragraph (b), after “body which” insert “, or other person who, ”, and
- (b) in paragraph (c), after “Secretary of State” insert “ (whether or not a participator in the scheme and, if a participator, whether or not required to make payments as a participator) ”.

(6) For subsection (5) substitute—

“(5) The Secretary of State may make a direction under subsection (4) in respect of a body only if the body is within any of paragraphs (a) to (d), (f) and (g) of subsection (2).”

(7) After subsection (8) insert—

“(9) In subsection (2)(i), the reference to a person providing health services does not include a person providing health services under a contract of employment.

(10) In this section “health services” means services provided as part of the health service.”

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**Commencement Information**

**II** S. 142 in force at 1.10.2008 by S.I. 2008/2497, art. 5

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 142.