

SCHEDULES

SCHEDULE 4

Section 55(1)

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

PART 1

THE HEALTH SERVICE IN ENGLAND

- 1 (1) For section 2 substitute—

“2 General power

The Secretary of State, the Board or a clinical commissioning group may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any function conferred on that person by this Act.”

- (2) For the cross-heading preceding section 2 substitute “General power”.

- 2 (1) Section 6 (performance of functions outside England) is amended as follows.

- (2) For subsection (1) substitute—

“(1) Where the Secretary of State has a duty or power to provide anything under section 2A or 2B or Schedule 1, that thing may be provided outside England.”

- (3) After subsection (1) insert—

“(1A) Where a clinical commissioning group or the Board has a duty or power to arrange for the provision of anything under section 3, 3A, 3B or 4 or Schedule 1, it may arrange for that thing to be provided outside England.”

- (4) In subsection (2) for “The Secretary of State’s functions” substitute “The functions of the Secretary of State, the Board and clinical commissioning groups”.

- 3 (1) Section 6A (reimbursement of cost of services provided in another EEA state) is amended as follows.

- (2) In subsection (3)(b) after “Secretary of State” insert “, the Board”.

- (3) In subsection (7) after “Secretary of State” insert “, the Board”.

- (4) In subsection (8) in each of paragraphs (a) and (b)—

- (a) after “Secretary of State” insert “, the Board”, and
(b) for “either of them” substitute “any of them”.

- (5) In subsection (9), after “Secretary of State” (in the second place it occurs) insert “, the Board”.

- (6) In subsection (11), in the definition of “responsible authority”—

Status: This is the original version (as it was originally enacted).

- (a) omit “Strategic Health Authority or”,
 - (b) omit “Primary Care Trust”,
 - (c) before “responsible under” insert “a local authority or clinical commissioning group”, and
 - (d) for “securing” substitute “arranging for”.
- 4 (1) Section 6B (prior authorisation for the purposes of section 6A) is amended as follows.
 - (2) In subsection (2)(b) after “Secretary of State” insert “, the Board”.
 - (3) In subsection (5), in each of paragraphs (b) and (c) after “the Secretary of State” insert “, the Board”.
- 5 (1) In section 8 (Secretary of State’s directions to health service bodies), in subsection (2)
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 - (a) omit paragraph (a), and
 - (b) omit paragraph (b).
 - (2) In the heading to that section after “to” insert “certain”.
 - (3) Before section 8 insert the following cross-heading “Directions to certain NHS bodies”.
- 6 (1) Section 9 (NHS contracts) is amended as follows.
 - (2) In subsection (4)—
 - (a) before paragraph (a) insert—
 - “(za) the Board,
 - (zb) a clinical commissioning group,”,
 - (b) omit paragraph (a), and
 - (c) omit paragraph (b).
- 7 In section 11 (arrangements to be treated as NHS contracts), in subsection (1)—
 - (a) after “under which” insert “the Board,”,
 - (b) omit “a Strategic Health Authority,” and
 - (c) omit “a Primary Care Trust”.
- 8 (1) Section 12 (arrangements with other bodies) is amended as follows.
 - (2) In subsection (1) for “any service under this Act” substitute “anything which the Secretary of State has a duty or power to provide, or arrange for the provision of, under section 2A or 2B or Schedule 1”.
 - (3) For subsection (2) substitute—
 - “(2) The bodies with whom arrangements may be made under subsection (1) include—
 - (a) the Board,
 - (b) clinical commissioning groups,
 - (c) any other public authorities, and
 - (d) voluntary organisations.”
 - (4) For subsection (3) substitute—

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“(3) The Secretary of State may make available any facilities provided by the Secretary of State under section 2A or 2B or Schedule 1 to any service provider or to any eligible voluntary organisation.

(3A) In subsection (3)—

“eligible voluntary organisation” means a voluntary organisation eligible for assistance under section 64 or section 65 of the Health Services and Public Health Act 1968;

“service provider” means a person or body with whom the Secretary of State has made an arrangement under subsection (1).”

(5) In subsection (4)—

(a) after paragraph (a) insert—

“(aa) the Board,

(ab) a clinical commissioning group,

(ac) a local authority,”

(b) omit paragraph (b), and

(c) omit paragraph (c).

(6) After subsection (4) insert—

“(4A) In subsection (4), “local authority” has the same meaning as in section 2B.”

(7) For the cross-heading preceding section 12 substitute “Arrangements with other bodies”.

9 After section 12 insert—

“12ZA Commissioning arrangements by the Board or clinical commissioning groups

(1) This section applies in relation to arrangements made by the Board or a clinical commissioning group in the exercise of functions under section 3, 3A, 3B or 4 or Schedule 1.

(2) The arrangements may be made with any person or body (including public authorities and voluntary organisations).

(3) If the Board or a clinical commissioning group arranges for the provision of facilities by a service provider, it may also make arrangements for those facilities to be made available to another service provider or to an eligible voluntary organisation.

(4) The Board or a clinical commissioning group may make available any of its facilities to—

(a) a service provider, or

(b) an eligible voluntary organisation.

(5) Where facilities are made available under subsection (4) any of the following persons may make available the services of any employee of that person who is employed in connection with the facilities—

(a) the Secretary of State,

(b) the Board,

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- (c) a clinical commissioning group,
 - (d) a Special Health Authority, or
 - (e) a Local Health Board.
 - (6) Goods or materials may be made available under this section either temporarily or permanently.
 - (7) Any power to supply goods or materials under this section includes—
 - (a) a power to purchase or store them, and
 - (b) a power to arrange with third parties for the supply of goods or materials by those third parties.
 - (8) Powers under this section may be exercised on such terms as may be agreed, including terms as to the making of payments.
 - (9) In this section—
 - “eligible voluntary organisation” means a voluntary organisation eligible for assistance under section 64 or section 65 of the Health Services and Public Health Act 1968;
 - “service provider” means a person or body with whom the Board or a clinical commissioning group has made arrangements in the exercise of the functions mentioned in subsection (1).”
- 10 (1) Section 12A (direct payments for health care) is amended as follows.
- (2) In subsection (1) after “The Secretary of State” insert “, the Board, a clinical commissioning group or a local authority”.
- (3) In subsection (2)—
- (a) for paragraph (a) substitute—
 - “(a) anything that the Secretary of State or a local authority has a duty or power to provide or arrange under section 2A or 2B or Schedule 1,”
 - (b) after that paragraph insert—
 - “(aa) anything that the Board or a clinical commissioning group may or must arrange for the provision of under this Act or any other enactment.”, and
 - (c) omit paragraphs (b) and (c).
- (4) In subsection (4)—
- (a) for “a Primary Care Trust” substitute “a clinical commissioning group”,
 - (b) for “the trust” substitute “the group”, and
 - (c) at the end insert “; and the references in this subsection to a clinical commissioning group are, so far as necessary for the purposes of regulations under subsection (2E) of that section, to be read as references to the Board.”
- (5) In subsection (5), omit “or under regulations under subsection (4)”.
- (6) After subsection (6) insert—
- “(7) In this section and sections 12B to 12D, “local authority” has the same meaning as in section 2B.”
- 11 (1) Section 12B (regulations about direct payments) is amended as follows.

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- (2) In subsection (2), in each of paragraphs (d), (g), (h) and (j), for “or the Primary Care Trust” substitute “, the Board, a clinical commissioning group or a local authority”.
- (3) In subsection (4) —
- (a) for “or the Primary Care Trust”, in the first place it occurs, substitute “, the Board, a clinical commissioning group or a local authority”, and
 - (b) for “or the Primary Care Trust”, in the second place it occurs, substitute “the Board, a clinical commissioning group or a local authority (as the case may be)”.
- (4) In subsection (5)—
- (a) in paragraph (a), after “the Secretary of State” insert “or a local authority or as arranged for by the Board or a clinical commissioning group (as the case may be)”, and
 - (b) in paragraph (b) for “a Primary Care Trust with respect to the provision of” substitute “the Board, a clinical commissioning group or a local authority with respect to the arrangement for the provision of”.
- 12 In section 12D (arrangements with other bodies relating to direct payments)—
- (a) in subsection (1) after “the Secretary of State” insert “, the Board, a clinical commissioning group or a local authority”, and
 - (b) in subsection (3) after “the Secretary of State” insert “, the Board, a clinical commissioning group or a local authority”.

PART 2

NHS BODIES

- 13 In section 28 (special health authorities), omit subsection (6).
- 14 In section 29 (exercise of Special Health Authority functions), in subsection (2)(a) —
- (a) omit “, section 14”, and
 - (b) omit “, section 19”.
- 15 Omit Chapter 5B of Part 2 (trust special administrators: Primary Care Trusts).
- 16 In section 67 (effect of intervention orders), in subsection (1)—
- (a) in paragraph (a)—
 - (i) omit “Strategic Health Authority,” and
 - (ii) omit “Primary Care Trust,” and
 - (b) in paragraph (b)—
 - (i) omit “Strategic Health Authority,” and
 - (ii) omit “Primary Care Trust,”.
- 17 In section 70 (transfer of residual liabilities)—
- (a) in subsection (1)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,” and
 - (b) in the heading, at the end insert “of certain health service bodies”.

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

- 18 (1) Section 71 (schemes for meeting losses and liabilities in respect of certain health service bodies) is amended as follows.
- (2) In subsection (2)—
- (a) after “are—” insert—
 - “(za) the Board,
 - (zb) clinical commissioning groups,”
 - (b) omit paragraph (a),
 - (c) omit paragraph (b),
 - (d) after paragraph (h) (and before the “and” immediately following it) insert—
 - “(ha) a company formed under section 223 and wholly or partly owned by the Secretary of State or the Board,
 - (hb) a subsidiary of a company which is formed under that section and wholly owned by the Secretary of State,” and
 - (e) in paragraph (i)—
 - (i) for “paragraphs (a) to (h)”, in the first place where it occurs, substitute “paragraphs (za) to (hb)”, and
 - (ii) for “paragraphs (a) to (h)”, in the second place where it occurs, substitute “paragraphs (za) to (h)”.
- (3) In subsection (2A)—
- (a) after paragraph (a) insert—
 - “(ab) in relation to a company within paragraph (ha) or (hb) of subsection (2), means the company’s activities in providing facilities or services to any person or body;”, and
 - (b) in paragraph (b) for “paragraphs (a) to (h)” substitute “paragraphs (za) to (h)”.
- (4) In subsection (3)(a)—
- (a) after “the Secretary of State” insert “or the Board”,
 - (b) omit “Strategic Health Authority,” and
 - (c) omit “Primary Care Trust,”.
- (5) In subsection (5), for “(a) to (d),” substitute “(c), (d),”.
- (6) In subsection (6)—
- (a) after “the Secretary of State,” insert “the Board or”,
 - (b) omit “Strategic Health Authority,” and
 - (c) omit “Primary Care Trust,”.
- 19 In section 73 (directions and regulations), in subsection (1) omit paragraphs (c) to (f).
- 20 Omit Schedule 2.
- 21 Omit Schedule 3.
- 22 (1) Schedule 4 (NHS trusts) is amended as follows.
- (2) In paragraph (5)(1)(f), omit “Primary Care Trusts,”.
- (3) In paragraph 6—
- (a) in sub-paragraph (1) —

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

- (i) omit “Strategic Health Authority,” and
 - (ii) omit “, Primary Care Trust”, and
 - (b) in sub-paragraph (2) —
 - (i) omit “Strategic Health Authority,” and
 - (ii) omit “, Primary Care Trust”.
 - (4) In paragraph 7(3), omit “Strategic Health Authority,”.
 - (5) In paragraph 8—
 - (a) in sub-paragraph (1), omit “, Primary Care Trust” (in each place where it occurs), and
 - (b) in sub-paragraph (4), omit “, Primary Care Trust”,
 - (c) in sub-paragraph (5), omit “, Primary Care Trust” (in each place where it occurs),
 - (d) in sub-paragraph (6)(b), omit “, Primary Care Trust”, and
 - (e) in sub-paragraph (9)(b), omit “, Primary Care Trust”.
 - (6) In paragraph 9—
 - (a) in sub-paragraph (1)—
 - (i) omit “a Strategic Health Authority,”, and
 - (ii) omit “a Primary Care Trust,”,
 - (b) in sub-paragraph (3)—
 - (i) omit “Strategic Health Authority,”, and
 - (ii) omit “Primary Care Trust,”,
 - (c) in sub-paragraph (6)—
 - (i) omit “a Strategic Health Authority,”, and
 - (ii) omit “, a Primary Care Trust,”,
 - (d) in sub-paragraph (7)—
 - (i) in paragraph (a), omit “Strategic Health Authority,”,
 - (ii) in that paragraph omit “or belong to a Primary Care Trust”, and
 - (iii) in the words following paragraph (b)—
 - (a) omit “Strategic Health Authority,”, and
 - (b) omit “Primary Care Trust,”.
 - (7) In paragraph 15, omit sub-paragraphs (2) and (3).
 - (8) In paragraph 18—
 - (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
 - (9) In paragraph 29, in sub-paragraph (3) omit “Strategic Health Authority,”.
 - (10) In paragraph 30, in sub-paragraph (1)—
 - (a) omit “Strategic Health Authority,” and
 - (b) omit “Primary Care Trust,”.
- 23 (1) Schedule 6 (special health authorities established under section 28) is amended as follows.
- (2) In paragraph 3(8)—
 - (a) for “to a Strategic Health Authority” substitute “to the Board”, and

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(b) for “a Strategic Health Authority” substitute “the Board”.

(3) In paragraph 3(12)—

(a) in paragraph (a) for “of a Strategic Health Authority” substitute “of the Board”, and

(b) in paragraph (b) omit “or by a Strategic Health Authority”.

(4) In paragraph 13 for “a Strategic Health Authority” substitute “the Board”.

PART 3

LOCAL AUTHORITIES

24 In section 74 (supply of goods and services by local authorities), in subsection (1) (a)—

(a) at the beginning insert “the Board and”,

(b) after “any” insert “clinical commissioning group or”,

(c) omit “Strategic Health Authority,” and

(d) omit “or Primary Care Trust”.

25 In section 76 (power of local authorities to make payments), in subsection (1)—

(a) after the first “to” insert “the Board, a clinical commissioning group”,

(b) omit “a Strategic Health Authority,” and

(c) omit “a Primary Care Trust”.

26 In section 77 (Care Trusts), in each of subsections (1)(a), (10) and (12) omit “a Primary Care Trust or”.

27 In section 78 (directed partnership agreements), in subsection (3)—

(a) omit paragraph (a), and

(b) omit paragraph (b).

28 (1) Section 80 (supply of goods and services by the Secretary of State) is amended as follows.

(2) In subsection (1)—

(a) after “The Secretary of State” insert “, the Board or a clinical commissioning group”, and

(b) in paragraph (b) for “he” substitute “the Secretary of State”.

(3) In subsection (3)—

(a) in paragraph (a) omit “or by a Primary Care Trust”, and

(b) in paragraph (b)—

(i) omit “a Strategic Health Authority,” and

(ii) omit “a Primary Care Trust,”.

(4) After subsection (3) insert—

“(3A) The Board or a clinical commissioning group may make available to persons falling within subsection (1)—

(a) any facilities the provision of which is arranged by the Board or (as the case may be) the clinical commissioning group under this Act (including by virtue of section 7A),

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- (b) any facilities of the Board or (as the case may be) the group, and
 - (c) the services of persons employed by the Board or (as the case may be) the group.”
- (5) In subsection (4) after “carry out” insert “, and the Board or a clinical commissioning group may arrange for the carrying out of,”.
- (6) In subsection (5), for “The Secretary of State” substitute “The Board”.
- (7) In subsection (6)—
 - (a) in paragraph (a), after “provided” insert “by the Secretary of State”,
 - (b) in paragraph (b)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,” and
 - (c) in paragraph (c)—
 - (i) omit “a Strategic Health Authority,” and
 - (ii) omit “a Primary Care Trust,”.
- (8) After subsection (6) insert—

“(6A) The Board and each clinical commissioning group must make available to local authorities—

 - (a) any services (other than the services of any person) or other facilities the provision of which is arranged by the Board or (as the case may be) the clinical commissioning group under this Act,
 - (b) the services of persons employed by the Board or (as the case may be) the group, and
 - (c) any facilities of the Board or (as the case may be) the group,

so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.”
- (9) In subsection (7)—
 - (a) for “The Secretary of State” substitute “The Board”,
 - (b) at the end of paragraph (c) insert “or”, and
 - (c) omit paragraph (e) and the word “or” immediately preceding it.
- (10) After that subsection insert—

“(8) The Secretary of State may arrange to make available to local authorities the services of persons providing Special Health Authorities or Local Health Boards with services of a kind provided as part of the health service, so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.

(9) The Board or a clinical commissioning group may arrange to make available to local authorities the services of persons providing services pursuant to arrangements made under this Act by the Board or (as the case may be) the clinical commissioning group, so far as is reasonably necessary and practicable to enable local authorities to discharge their functions relating to social services, education and public health.

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

- (10) The reference in subsection (9) to arrangements made by the Board or (as the case may be) a clinical commissioning group includes a reference to arrangements so made by virtue of section 7A.”
 - (11) In the title to section 80, after “Secretary of State” insert “, the Board and clinical commissioning groups”.
 - (12) Until the commencement of section 34, subsection (8) of section 80 of the National Health Service Act 2006 (as inserted by sub-paragraph (10)) has effect as if after “Special Health Authorities” there were inserted “, Primary Care Trusts”.
- 29 (1) Section 81 (conditions of supply under section 80) is amended as follows.
- (2) In subsection (1)—
 - (a) for the words from the beginning to “that section” substitute “Before a person makes the services of any officer available under section 80(3)(b), (3A)(c), (6)(b) or (c) or (6A)(b), the person must”,
 - (b) in paragraph (a) for “the Secretary of State” substitute “the person”, and
 - (c) in paragraph (b) at the beginning insert “where the person is the Secretary of State and is not the officer’s employer,”.
 - (3) In subsection (2)—
 - (a) for “The Secretary of State” substitute “The person concerned”, and
 - (b) for “he” substitute “it”.
 - (4) In subsection (3)—
 - (a) omit “Strategic Health Authorities,”, and
 - (b) omit “Primary Care Trusts,”.
 - (5) In subsection (4) for “the Secretary of State” substitute “the person who makes the services available”.
 - (6) In subsection (5) —
 - (a) for the words from the beginning to “section 80(6)” substitute “A person who makes services or facilities available under section 80(6) or (6A) may make such charges in respect of them”, and
 - (b) for “the Secretary of State” substitute “the person”.

PART 4

MEDICAL SERVICES

- 30 (1) Section 83 (duty relating to primary medical services) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its powers so as to secure the provision of primary medical services throughout England.
 - (2) The Board may (in addition to any other power conferred on it) make such arrangements for the provision of primary medical services as it considers appropriate; and it may, in particular, make contractual arrangements with any person.

- (2A) Arrangements made for the purposes of subsection (1) or (2) may include arrangements for the performance of a service outside England.”
- (3) In subsection (3) of that section, for “Each Primary Care Trust” substitute “The Board”.
- (4) Omit subsection (4).
- (5) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary medical services”.
- 31 (1) Section 84 (general medical services contracts: introductory) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsections (3) and (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (4), for paragraph (b) substitute—
“(b) services to be performed outside England.”
- 32 In section 86 (persons eligible to enter into general medical services contracts), in subsection (1), for “A Primary Care Trust” substitute “The Board”.
- 33 In section 87 (general medical services contracts: payments), in subsection (3)(d), for “a Primary Care Trust” substitute “the Board”.
- 34 (1) In section 89 (general medical services contracts: required terms), in subsection (4)(a), for “a Primary Care Trust” substitute “the Board”.
- (2) The variations to contract terms that may be imposed by virtue of subsection (2)(d) of that section include, in particular, variations in consequence of the establishment of clinical commissioning groups.
- 35 (1) Section 91 (persons performing primary medical services) is amended as follows.
- (2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—
- (a) subsection (1), in each place it occurs,
- (b) subsection (3)(j),
- (c) subsection (4)(a), (b) and (d), and
- (d) subsection (6)(a) and (b).
- (3) In subsection (2), for paragraph (b) substitute—
“(b) the Board is responsible for a medical service if it secures its provision by or under any enactment.”
- (4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.
- 36 (1) Section 92 (arrangements by Strategic Health Authorities for the provision of primary medical services) is amended as follows.
- (2) For subsection (1) substitute—
“(1) The Board may make agreements, other than arrangements pursuant to section 83(2) or general medical services contracts, under which primary medical services are provided.”
- (3) Omit subsection (6).
- (4) Omit subsection (7).

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

- (5) For the title to that section substitute “Arrangements by the Board for the provision of primary medical services”.
- (6) The provision which may be made by virtue of section 304(10)(a) of this Act in an order under section 306 of this Act providing for the commencement of this paragraph includes, in particular, provision enabling the National Health Service Commissioning Board to direct Primary Care Trusts to exercise its functions under section 92 pending the commencement of section 34 of this Act.
- 37 (1) Section 93 (participants in section 92 arrangements) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “A Strategic Health Authority” substitute “The Board”, and
 - (b) omit paragraph (g).
 - (3) In subsection (3), in the definition of “NHS employee”, in paragraph (b), omit “Primary Care Trust or”.
 - (4) In that subsection, in the definition of “qualifying body”, for “(e) or (g)” substitute “or (e)”.
- 38 (1) Section 94 (regulations about section 92 arrangements) is amended as follows.
 - (2) In subsection (2), for “Strategic Health Authorities” substitute “the Board”.
 - (3) In subsection (3), after paragraph (c) insert—
 - “(ca) make provision with respect to the performance outside England of services to be provided in accordance with section 92 arrangements,”.
 - (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
 - (5) The variations of arrangements which may be imposed by virtue of subsection (3) (f) include, in particular, variations in consequence of the establishment of clinical commissioning groups.
- 39 Omit section 95 (transfer of liabilities relating to section 92 arrangements).
- 40 (1) Section 96 (assistance and support) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “A Primary Care Trust” substitute “The Board”, and
 - (b) before paragraph (a) insert—
 - “(za) primary medical services pursuant to section 83(2),”.
 - (3) In subsection (2)—
 - (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 41 (1) Section 97 (Local Medical Committees) is amended as follows.
 - (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts” substitute “The Board may recognise a committee formed for an area”.
 - (3) In subsection (3)—
 - (a) in paragraph (a), omit sub-paragraph (i), and
 - (b) in paragraph (b), for “the Primary Care Trust” substitute “the Board”.

- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- (5) Omit subsection (7).
- (6) In subsection (10)—
 - (a) for “A Primary Care Trust” substitute “The Board”, and
 - (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the Board”.

PART 5

DENTAL SERVICES

- 42 (1) Section 99 (duty relating to primary dental services) is amended as follows.
 - (2) For subsection (1) substitute—
 - “(1) The Board must, to the extent that it considers necessary to meet all reasonable requirements, exercise its powers so as to secure the provision of primary dental services throughout England.
 - (1A) Arrangements made for the purposes of subsection (1) may include arrangements for the performance of a service outside England.”
 - (3) Omit subsection (2).
 - (4) In subsection (3)—
 - (a) for “Each Primary Care Trust” substitute “The Board”, and
 - (b) for “for which it makes provision” substitute “for which provision is made”.
 - (5) Omit subsection (4).
 - (6) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary dental services”.
- 43 (1) Section 100 (general dental services contracts: introductory) is amended as follows.
 - (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
 - (3) In subsections (3) and (4), for “the Primary Care Trust” substitute “the Board”.
 - (4) In subsection (3), in paragraph (a), after “dental services” insert “or services which are to be performed outside England”.
- 44 In section 102 (persons eligible to enter into general dental services contracts), in subsection (1), for “A Primary Care Trust” substitute “The Board”.
- 45 In section 103 (general dental services contracts: payments), in subsection (3)(d), for “a Primary Care Trust” substitute “the Board”.
- 46 In section 104 (general dental services contracts: required terms), in subsection (3) for “a Primary Care Trust” substitute “the Board”.
- 47 (1) Section 106 (persons performing primary dental services) is amended as follows.
 - (2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—
 - (a) subsection (1), in each place it occurs,

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

- (b) subsection (3)(j),
 - (c) subsection (4)(a), (b) and (d), and
 - (d) subsection (6)(a) and (b).
- (3) In subsection (2), for paragraph (b) substitute—
 - “(b) the Board is responsible for a dental service if it secures its provision by or under any enactment.”
- (4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.
- 48 (1) Section 107 (arrangements by Strategic Health Authorities for the provision of primary dental services) is amended as follows.
 - (2) For subsection (1) substitute—
 - “(1) The Board may make agreements, other than general dental services contracts, under which primary dental services are provided.”
 - (3) Omit subsection (7).
 - (4) For the title to that section substitute “Arrangements by the Board for the provision of primary dental services”.
 - (5) The provision which may be made by virtue of section 304(10)(a) of this Act in an order under section 306 of this Act providing for the commencement of this paragraph includes, in particular, provision enabling the National Health Service Commissioning Board to direct Primary Care Trusts to exercise its functions under section 107 pending the commencement of section 34 of this Act.
- 49 (1) Section 108 (participants in section 107 arrangements) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “A Strategic Health Authority” substitute “The Board”, and
 - (b) omit paragraph (g).
 - (3) In subsection (3), in the definition of “NHS employee”, in paragraph (b), omit “Primary Care Trust or”.
- 50 (1) Section 109 (regulations about section 107 arrangements) is amended as follows.
 - (2) In subsection (2), for “Strategic Health Authorities” substitute “the Board”.
 - (3) In subsection (3), after paragraph (c) insert—
 - “(ca) make provision with respect to the performance outside England of services to be provided in accordance with section 107 arrangements,”.
 - (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- 51 Omit section 110 (transfer of liabilities relating to section 107 arrangements).
- 52 (1) Section 112 (assistance and support) is amended as follows.
 - (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
 - (3) In subsection (2)—
 - (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.

- 53 (1) Section 113 (Local Dental Committees) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts” substitute “The Board may recognise a committee formed for an area”.
- (3) In subsection (3)(b), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- (5) Omit subsection (7).
- (6) In subsection (10)—
- (a) for “A Primary Care Trust” substitute “The Board”, and
- (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the Board”.

PART 6

OPHTHALMIC SERVICES

- 54 (1) Section 115 (duty relating to primary ophthalmic services) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “area,” substitute “The Board must exercise its powers so as to secure the provision throughout England”.
- (3) After that subsection insert—
- “(1A) Arrangements made for the purposes of subsection (1) may include arrangements for the performance of a service outside England.”
- (4) For subsection (4) substitute—
- “(4) The Board may (in addition to any other power conferred on it) make such arrangements for the provision of primary ophthalmic services as it considers appropriate; and it may, in particular, make contractual arrangements with any person.
- (4A) Arrangements made for the purposes of subsection (4) may include arrangements for the performance of a service outside England.”
- (5) In subsection (5), for “Each Primary Care Trust” substitute “The Board”.
- (6) Omit subsection (6).
- (7) In subsection (9), in paragraph (b), for “(d)” substitute “(e)”.
- (8) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary ophthalmic services”.
- 55 (1) Section 117 (general ophthalmic services contracts: introductory) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsections (3) and (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (4), for paragraph (b) substitute—
- “(b) services which are to be performed outside England.”

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

- 56 In section 118 (persons eligible to enter into general ophthalmic services contracts),
 in subsection (1), for “A Primary Care Trust” substitute “The Board”.
- 57 In section 119 (exclusion of contractors), for “a Primary Care Trust” substitute “the
 Board”.
- 58 In section 120 (general ophthalmic services contracts: payments), in subsection (3)
 (d), for “a Primary Care Trust” substitute “the Board”.
- 59 In section 121 (general ophthalmic services contracts: other required terms), in
 subsection (3)(a), for “a Primary Care Trust” substitute “the Board”.
- 60 (1) Section 123 (persons performing primary ophthalmic services) is amended as
 follows.
- (2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—
- (a) subsection (1), in each place it occurs,
 - (b) subsection (3)(j),
 - (c) subsection (4)(a), (b) and (d), and
 - (d) subsection (7)(a) and (b).
- (3) In subsection (2), for paragraph (b) substitute—
- “(b) the Board is responsible for an ophthalmic service if it secures its
 provision by or under any enactment.”
- (4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.
- 61 (1) Section 124 (primary ophthalmic services: assistance and support) is amended as
 follows.
- (2) In subsection (1)—
- (a) for “A Primary Care Trust” substitute “The Board”, and
 - (b) at the end insert “or primary ophthalmic services that fall within
 section 115(4)”.
- (3) In subsection (2)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 62 (1) Section 125 (Local Optical Committees) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts”
 substitute “The Board may recognise a committee formed for an area”.
- (3) In subsection (3)—
- (a) in paragraph (a), omit “, whether under section 115(4)(a), or”, and
 - (b) in paragraph (b), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (7), for “a Primary Care Trust” substitute “the Board”.
- (5) In subsection (10)—
- (a) for “A Primary Care Trust” substitute “The Board”, and
 - (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the
 Board”.

PART 7

PHARMACEUTICAL SERVICES

- 63 (1) Section 126 (arrangements for pharmaceutical services) is amended as follows.
- (2) In subsection (1), for “Each Primary Care Trust” substitute “The Board”.
- (3) In subsection (3), for the words from “as respects” to “that area” substitute “for the provision to persons who are in England”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- (5) Omit subsection (7).
- 64 (1) Section 127 (arrangements for additional pharmaceutical services) is amended as follows.
- (2) In subsections (1)(a) and (b) and (2), for “a Primary Care Trust”, substitute “the Board”.
- (3) In subsection (1)(a), for “within or outside its area” substitute “in England”.
- (4) In subsection (2), omit the words from “(whether” to the end.
- 65 (1) Section 128 (terms and conditions of arrangements under section 127) is amended as follows.
- (2) In subsection (1), for “the Primary Care Trust to which they apply” substitute “the Board”.
- (3) In subsection (4), for “A Primary Care Trust” substitute “The Board”.
- (4) In subsection (5), for “a Primary Care Trust” substitute “the Board”.
- 66 (1) Section 129 (regulations as to pharmaceutical services) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
- (3) In subsection (2)—
- (a) in paragraph (a)—
- (i) for “a Primary Care Trust” substitute “the Board”, and
- (ii) for “the area of the Primary Care Trust” substitute “England”,
- (b) in paragraph (b), for “a Primary Care Trust” substitute “the Board”, and
- (c) in paragraph (c), for “the Primary Care Trust” substitute “the Board”.
- (4) After subsection (2ZA) (inserted by section 207(3)) insert—
- “(2ZB) Regulations under subsection (2)(a) may, in particular, require a list of persons to be prepared by reference to the area in which the premises from which the services are provided are situated (and regulations imposing that requirement must prescribe the description of area by reference to which the list is to be prepared).”
- (5) In subsection (2A), for “The Primary Care Trust” substitute “The Board”,
- (6) In subsections (2C), (3A), (4), (5) and (8), for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
- (7) In subsection (6)—

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

- (a) in paragraphs (za), (a), (b), (c), (d), (g), (h), (i), (j) and (k), for “a Primary Care Trust” substitute “the Board”,
 - (b) in paragraphs (b), (e) and (k), for “the Primary Care Trust”, in each place it appears, substitute “the Board”, and
 - (c) in paragraph (f), for “that Primary Care Trust” substitute “the Board”.
- (8) In subsection (6)(c)—
 - (a) for “the Primary Care Trust”, in the first place it appears, substitute “the Board”, and
 - (b) omit “in the area of the Primary Care Trust”.
- (9) In subsection (10A), for “Primary Care Trusts” substitute “The Board”.
- 67 In section 130 (regulations about appeals from decisions on applications for inclusion in pharmaceutical list), in subsection (2)—
 - (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 68 (1) Section 131 (power to charge fee to applicants) is amended as follows.
 - (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsections (2)(b), (3)(b) and (5), for “the Primary Care Trust” substitute “the Board”.
 - (4) In subsection (3)(a), omit the words from “and such” to the end.
- 69 (1) Section 132 (persons authorised to provide pharmaceutical services) is amended as follows.
 - (2) In subsections (1) and (4)(a), (b), (c), (d) and (e), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsection (3)—
 - (a) for “each Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
 - (4) In subsection (4), after paragraph (a) insert—
 - “(aa) requiring a list of medical practitioners referred to in subsection (3) to be prepared by reference to an area of a prescribed description,”.
 - (5) In subsection (5)—
 - (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 70 (1) Section 133 (inadequate provision of pharmaceutical services) is amended as follows.
 - (2) In subsection (1)(a)—
 - (a) for “the area, or part of the area, of a Primary Care Trust” substitute “any part of England”, and
 - (b) omit “area or”.
 - (3) In subsection (1)(b), for “any such area or part” substitute “any part of England”.
 - (4) In subsection (2)(a), for “the Primary Care Trust” substitute “the Board”.

- 71 (1) Section 134 (pilot schemes) is amended as follows.
- (2) In subsection (1), for “Primary Care Trusts” substitute “The Board”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “a Primary Care Trust” substitute “the Board”,
 - (b) after that paragraph insert “and”,
 - (c) in paragraph (b), omit “(otherwise than by the Primary Care Trust)”, and
 - (d) omit paragraph (c) and the preceding “and”.
- (4) In subsection (5), for “a Primary Care Trust” substitute “the Board”.
- 72 In section 136 (designation of priority neighbourhoods or premises), in subsections (1) and (2)(b), for “a Primary Care Trust” substitute “the Board”.
- 73 In section 137 (reviews of pilot schemes), in subsection (3)(a), for “the Primary Care Trust concerned” substitute “the Board”.
- 74 (1) Section 138 (variation and termination of pilot schemes) is amended as follows.
- (2) In subsection (1), for “Primary Care Trusts” substitute “the Board”.
- (3) In subsections (2) and (3), for “the Primary Care Trust concerned” substitute “the Board”.
- 75 (1) Section 140 (funding of preparatory work) is amended as follows.
- (2) In subsection (1), for “Primary Care Trusts” substitute “the Board”.
- (3) In subsection (3)(b) and (c), for “a Primary Care Trust” substitute “the Board”.
- 76 (1) In section 144 (local pharmaceutical services schemes)—
- (a) for “Primary Care Trusts” substitute “the Board or the Secretary of State”, and
 - (b) omit “or Strategic Health Authorities”.
- (2) In consequence of the repeal made by sub-paragraph (1)(b), omit section 29(4) of the Health Act 2009.
- 77 (1) Section 148 (conditional inclusion in pharmaceutical lists) is amended as follows.
- (2) In subsection (1), in paragraph (a), for “the Primary Care Trust in whose list he is included” substitute “the Board”.
- (3) In subsections (1)(b), (c) and (e), (3)(a) and (b)(ii) and (iii) and (4), for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- 78 (1) Section 150A (notices and penalties) is amended as follows.
- (2) In subsection (1)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- (3) In subsection (2), for “Primary Care Trusts” substitute “the Board”.
- 79 (1) Section 151 (disqualification of practitioners) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.

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- (3) In subsection (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (6), for “The Primary Care Trust” substitute “The Board”.
- 80 (1) Section 152 (contingent removal) is amended as follows.
 - (2) In subsections (1) and (3), for “the Primary Care Trust” substitute “the Board”.
 - (3) In subsection (4), for “The Primary Care Trust” substitute “The Board”.
- 81 In section 154 (suspension), in subsections (1), (3), (4), (6)(b) and (c) and (8) (in each place it appears), for “the Primary Care Trust” substitute “the Board”.
- 82 (1) Section 155 (suspension pending removal) is amended as follows.
 - (2) In subsections (1), (3) and (6), for “the Primary Care Trust” substitute “the Board”.
 - (3) In subsection (5), for “The Primary Care Trust” substitute “The Board”.
- 83 (1) Section 157 (review of decisions) is amended as follows.
 - (2) In subsection (1), for “The Primary Care Trust” substitute “The Board”.
 - (3) In subsections (2)(a) and (3), for “the Primary Care Trust” substitute “the Board”.
- 84 (1) Section 158 (appeals) is amended as follows.
 - (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsections (2) and (6), for “The Primary Care Trust” substitute “The Board”.
 - (4) In subsections (3), (4) and (5)(a) and (b) for “the Primary Care Trust” substitute “the Board”.
 - (5) In subsection (7), for “Primary Care Trusts” substitute “the Board”.
- 85 (1) Section 159 (national disqualification) is amended as follows.
 - (2) In subsection (1), for “each Primary Care Trust”, in each place it appears, substitute “the Board”.
 - (3) In subsection (3), for “a Primary Care Trust” substitute “the Board”.
 - (4) In subsection (4)—
 - (a) for “The Primary Care Trust” substitute “The Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
 - (5) In subsection (5), for “the Primary Care Trust’s” substitute “the Board’s”.
 - (6) In subsection (6)—
 - (a) in paragraph (a), for “no Primary Care Trust or” substitute “neither the Board nor a”, and
 - (b) in paragraph (b), for “each Primary Care Trust” substitute “the Board (if he is included in a list prepared by it)”.
- 86 In section 160 (notification of decisions), for “a Primary Care Trust” substitute “the Board”.
- 87 In section 161 (withdrawal from lists), in paragraphs (a) and (b), for “a Primary Care Trust” substitute “the Board”.

- 88 (1) Section 162 (regulations about decisions under Chapter 6 of Part 7) is amended as follows.
- (2) In subsections (1) and (2)(b), for “a Primary Care Trust” substitute “the Board”.
- (3) In subsections (2)(c) and (3), for “the Primary Care Trust” substitute “the Board”.
- 89 (1) Section 164 (remuneration for persons providing pharmaceutical services) is amended as follows.
- (2) In subsection (3)(b), for “any Primary Care Trust” substitute “the Board”.
- (3) In subsection (4A)(a)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
- (b) for “to persons who provide” substitute “for providing”.
- 90 (1) Section 166 (indemnity cover) is amended as follows.
- (2) In subsection (2)(b)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
- (b) for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
- (3) In subsection (3), in paragraph (a) of the definition of “indemnity cover”, for “a Primary Care Trust” substitute “the Board”.
- 91 (1) Section 167 (local pharmaceutical committees) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts,” substitute “The Board may recognise a committee formed for an area”.
- (3) In subsections (2)(a) and (3)(a), omit “in the Primary Care Trust’s area”.
- (4) In subsections (2)(a) and (b), (3)(a) and (b), (9), (10) and (11), for “the Primary Care Trust” substitute “the Board”.
- (5) In subsections (6) and (7), for “a Primary Care Trust” substitute “the Board”.
- (6) In subsection (9), for “A Primary Care Trust” substitute “The Board”.
- 92 (1) Schedule 11 (pilot schemes) is amended as follows.
- (2) In paragraph 1 (initiation of pilot schemes), in sub-paragraph (1)(a), for “a Primary Care Trust” substitute “the Board”.
- (3) In paragraph 2 (preliminary steps)—
- (a) in sub-paragraph (1), for “the Primary Care Trust concerned” substitute “the Board”,
- (b) in sub-paragraphs (2), (3), (4) and (5)(a) and (b), for “a Primary Care Trust” substitute “the Board”,
- (c) in sub-paragraph (3)(b), for “the Primary Care Trust” substitute “the Board”, and
- (d) in sub-paragraph (5)(d)—
- (i) for “Primary Care Trusts” substitute “the Board”, and
- (ii) for “them” substitute “it”.
- (4) In paragraph 3 (approvals)—
- (a) in sub-paragraphs (2) and (3)(b), for “the Primary Care Trust” substitute “the Board”, and

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- (b) in sub-paragraph (3)(a), for “the Primary Care Trust concerned” substitute “the Board”.
 - (5) In paragraph 4 (preliminary approval)—
 - (a) in sub-paragraphs (1) and (4), for “a Primary Care Trust” substitute “the Board”, and
 - (b) in sub-paragraph (2), for “The Primary Care Trust” substitute “The Board”.
 - (6) In paragraph 5 (effect of proposals on existing services)—
 - (a) in sub-paragraph (1)(a)—
 - (i) for “the Primary Care Trust”, in the first place it appears, substitute “the Board”, and
 - (ii) for “the area of the Primary Care Trust” substitute “the area concerned”,
 - (b) in sub-paragraph (1)(b), for the words from “supplied” to the end substitute “prepared under sub-paragraph (3)”,
 - (c) in sub-paragraph (3)—
 - (i) for “a Primary Care Trust” substitute “the Board”,
 - (ii) for “the area of another Primary Care Trust” substitute “another area”, and
 - (iii) for “consult that other Primary Care Trust about” substitute “prepare an assessment of the likely effect on those services of the implementation of”, and
 - (d) omit sub-paragraph (4).
 - (7) In paragraph 7 (making a scheme)—
 - (a) in sub-paragraphs (1), (2) and (4), for “the Primary Care Trust concerned” substitute “the Board”, and
 - (b) in sub-paragraph (1), for “the Primary Care Trust must” substitute “the Board must”.
 - (8) Any pilot scheme under Chapter 2 of Part 7 of the National Health Service Act 2006 having effect immediately before the commencement of this paragraph is to continue to have effect as if it had been established by the Board; and nothing in this paragraph or paragraphs 68 to 75 affects the validity of anything done under or for the purposes of the scheme.
- 93 (1) Schedule 12 (LPS schemes) is amended as follows.
- (2) In paragraph 1 (provision of local pharmaceutical services)—
- (a) in sub-paragraph (1)—
 - (i) for “Primary Care Trusts” substitute “The Board or the Secretary of State”, and
 - (ii) omit “or Strategic Health Authorities”,
 - (b) in sub-paragraph (2)—
 - (i) in paragraph (a), for “a Primary Care Trust” substitute “the Board or the Secretary of State (the “commissioner”)”,
 - (ii) in that paragraph, omit “or Strategic Health Authority (the “commissioning body”)”, and
 - (iii) in paragraph (b), for “the commissioning body” substitute “the commissioner”,

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

- (c) omit sub-paragraph (2A),
 - (d) for sub-paragraph (2B) substitute—
 - “(2B) The Secretary of State may establish an LPS scheme only where the other party is the Board.
 - (2C) The Board may provide local pharmaceutical services under an LPS scheme only in such circumstances as may be prescribed.”,
 - (e) in each of sub-paragraphs (5) and (6), for “a Primary Care Trust” substitute “the Board”, and
 - (f) in sub-paragraph (5), omit “in its area”.
- (3) In paragraph 2 (designation of priority neighbourhoods or premises)—
- (a) in each of sub-paragraphs (1) and (2)(b), for “a Primary Care Trust” substitute “the Board”, and
 - (b) in sub-paragraph (1), omit “or Strategic Health Authority”.
- (4) In paragraph 3 (regulations)—
- (a) in sub-paragraph (2), for “the commissioning body” substitute “the commissioner”, and
 - (b) in sub-paragraph (3)(k)—
 - (i) for “Primary Care Trusts” substitute “the Board or the Secretary of State”, and
 - (ii) omit “or Strategic Health Authorities”.
- (5) In consequence of the repeals made by this paragraph, omit section 29(7), (8)(a) and (c), (10), (12) and (15) of the Health Act 2009.
- (6) Any LPS scheme under Chapter 3 of Part 7 of the National Health Service Act 2006 having effect immediately before the commencement of this paragraph is to continue to have effect as if it had been established by the Board; and nothing in this paragraph or paragraph 76 affects the validity of anything done under or for the purposes of the scheme.

PART 8

CHARGING

- 94 In section 176 (dental charging)—
- (a) in subsection (3), for “a Primary Care Trust or Special Health Authority” substitute “the Board”, and
 - (b) in subsection (4)(a), omit sub-paragraph (i).
- 95 In section 177 (exemptions from dental charging), in subsection (4), omit paragraph (a).
- 96 (1) Section 180 (payments in respect of costs of optical appliances) is amended as follows.
- (2) In subsection (1), for “him or a relevant body” substitute “the Board”.
- (3) In subsection (3), in paragraph (a)—
- (a) for “himself or such relevant body as may be prescribed” substitute “the Board”, and

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

- (b) for “he or the prescribed body” substitute “the Board”.
- (4) In paragraph (b) of that subsection—
 - (a) for “him or such relevant body as may be prescribed” substitute “the Board”, and
 - (b) for “him or by the prescribed body” substitute “the Board”.
- (5) After subsection (6) insert—

“(6A) The Board may direct a Special Health Authority, or such other body as may be prescribed, to exercise any of the Board’s functions under regulations under this section.”
- (6) Omit subsection (10).
- (7) In subsection (11), at the end insert “in accordance with the regulations”.
- (8) Omit subsection (12).
- (9) For the title to section 180 substitute “Payments in respect of costs of optical appliances and sight tests”.
- 97 (1) Section 181 (provision supplementary to section 180) is amended as follows.
 - (2) In subsection (3), omit the words from “(whether” to the end.
 - (3) Omit subsection (9).
- 98 (1) Section 183 (payment of travelling expenses) is amended as follows.
 - (2) In paragraph (a) —
 - (a) after “the Secretary of State” insert “, the Board, a clinical commissioning group,”, and
 - (b) omit “, a Primary Care Trust,”.
 - (3) In paragraph (b)—
 - (a) after “by” insert “the Board,”,
 - (b) omit “a Primary Care Trust”, and
 - (c) before the first “to” insert “or a clinical commissioning group”, and
 - (d) omit the words from “and” to “Trust,”.
 - (4) In paragraph (c)—
 - (a) after “by” insert “the Board,”,
 - (b) omit “a Primary Care Trust”, and
 - (c) before the first “to” insert “or a clinical commissioning group”.
- 99 In section 185 (charges for more expensive supplies), in subsection (2)—
 - (a) after “the Secretary of State,” insert “the Board, a clinical commissioning group, a local authority,”, and
 - (b) omit “a Primary Care Trust,”.
- 100 In section 186 (charges for repairs and replacements in certain cases), in subsection (2)—
 - (a) after “the Secretary of State,” insert “the Board, a clinical commissioning group, a local authority,” and
 - (b) omit “a Primary Care Trust,”.

- 101 In section 187 (charges for designated services or facilities) for the words from “designated” to the end substitute “of a kind mentioned in section 3(1)(d) or (e) (whether provided in pursuance of those provisions or any other provision of this Act)”.
- 102 In section 188 (sums otherwise payable to those providing services), in subsection (2) —
- (a) after the first “by” insert “the Board or a clinical commissioning group”, and
 - (b) omit “a Primary Care Trust”.

PART 9

FRAUD ETC.

- 103 (1) Section 195 (compulsory disclosure of documents) is amended as follows.
- (2) In subsection (2) for “section 2(1)(b)” substitute “section 2”.
- (3) In subsection (3) —
- (a) for “section 2(1)(b)” substitute “section 2”,
 - (b) in paragraph (a) after “(“NHS services”)” insert “or in arranging for the provision of such services”,
 - (c) in paragraph (d) after “NHS services” insert “or with arranging for the provision of such services”, and
 - (d) in paragraph (f) after “NHS services” insert “or with arranging for the provision of such services”.
- 104 (1) Section 196 (persons and bodies about which provision is made by Part 10) is amended as follows.
- (2) In subsection (2), for “section 28(6)” substitute “section 275(1)”.
- (3) In subsection (3)—
- (a) before paragraph (a) insert—
 - “(za) the Board,
 - (zb) a clinical commissioning group,”
 - (b) omit paragraph (a), and
 - (c) omit paragraph (c).
- (4) After subsection (5) insert—
- “(5A) A “public health service contractor” means any person providing services of any description under arrangements made in the exercise of the public health functions of the Secretary of State or a local authority.”
- 105 (1) Section 197 (notice requiring production of documents) is amended as follows.
- (2) In subsection (1)(a) after “health service provider” insert “, public health service contractor”.
- (3) In subsection (3)(d) after “health service provider” insert “, public health service contractor”.

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

- 106 In section 201 (disclosure of information), in subsection (3)(a) for “any of the Secretary of State’s functions” substitute “any of the functions of the Secretary of State, the Board, a clinical commissioning group or a local authority”.
- 107 (1) Section 210 (interpretation of Part 10) is amended as follows.
- (2) In subsection (1) after “health service provider” insert “, “public health service contractor””.
- (3) In subsection (2)(a)—
- (a) after “in relation to” insert “the Secretary of State, local authorities,”, and
- (b) after “health service providers” insert “, public health service contractors”.

PART 10

PROPERTY AND FINANCE

- 108 (1) Section 211 (acquisition, use and maintenance of property) is amended as follows.
- (2) In subsection (4) for “A local social services authority” substitute “A local authority”.
- (3) After that subsection insert—
- “(4A) In subsection (4), “local authority” has the same meaning as in section 2B.”
- 109 In section 213 (transfers of trust property), in subsection (2)(c)—
- (a) after “for” insert “the Board or a clinical commissioning group,”, and
- (b) omit “a Primary Care Trust,”.
- 110 (1) Section 214 (transfer of functions and property to or from special trustees) is amended as follows.
- (2) In subsection (1)—
- (a) after the first “by” insert “the Board, a clinical commissioning group,”, and
- (b) omit “a Primary Care trust,”.
- (3) In subsection (3)(a)—
- (a) after “for” insert “the Board or a clinical commissioning group,”, and
- (b) omit “a Primary Care Trust,”.
- 111 (1) Section 215 (trustees and property under section 222) is amended as follows.
- (2) Omit subsection (2)(b) and the preceding “and”.
- (3) In subsection (3)—
- (a) before paragraph (a) insert—
- “(za) on trust for any purposes of the Board for which trustees have been appointed under paragraph 11 of Schedule A1,
- (zb) on trust for any purposes of a clinical commissioning group for which trustees have been appointed under paragraph 15 of Schedule 1A,”, and
- (b) omit paragraph (a).
- (4) In subsection (4)—
- (a) after the second “and” insert “the Board, clinical commissioning group,”,

- (b) omit “the Primary Care Trust,” (in each place it occurs), and
 - (c) after the second “by” insert “the Board, clinical commissioning group,”.
- 112 In section 216 (application of trust property: further provisions), in subsection (3), after “or 214” insert “of this Act or section 300 or 302 of the Health and Social Care Act 2012”.
- 113 In section 217 (trusts: supplementary provisions), in subsection (1)—
 - (a) after paragraph (e) insert—
 - “(ea) paragraph 11 of Schedule A1,
 - (eb) paragraph 15 of Schedule 1A,”
 - (b) omit paragraph (f), and
 - (c) omit paragraph (g).
- 114 In section 218 (private trusts for hospitals), in subsection (4)—
 - (a) in paragraph (b) omit “or Primary Care Trust”,
 - (b) in paragraph (c) omit “or Primary Care Trust” (in both places where it occurs), and
 - (c) for paragraph (d) substitute —
 - “(d) in any other case—
 - (i) where the hospital is vested in the Secretary of State, the Special Health Authority exercising functions of the Secretary of State in respect of it or, where there is no such Special Health Authority, the Secretary of State,
 - (ii) where the Welsh Ministers have functions in respect of the hospital, the Special Health Authority or Local Health Board exercising those functions.”
- 115 In section 220 (trust property previously held for general hospital purposes), in subsection (2), after “or 214” insert “of this Act or section 300 or 302 of the Health and Social Care Act 2012”.
- 116 (1) Section 222 (power to raise money) is amended as follows.
 - (2) In subsection (3) for “the Secretary of State” substitute “the appropriate authority”.
 - (3) After subsection (3) insert—
 - “(3A) In subsection (3) “appropriate authority” means—
 - (a) in relation to a clinical commissioning group, the Board, and
 - (b) in relation to any other body to which this section applies, the Secretary of State.”
 - (4) In subsection (9), for “section 224 or 226” substitute “section 225”.
- 117 (1) In section 223 (formation of companies), in each of subsections (1), (2) and (5) after “Secretary of State” insert “or the Board”.
- (2) After that section insert—

“223A Application of section 223 to clinical commissioning groups

- (1) Section 223 applies in relation to a clinical commissioning group as it applies in relation to the Board.
- (2) But the powers conferred by that section are exercisable by a clinical commissioning group only for the purpose of securing improvement—
 - (a) in the physical and mental health of the people for whom it has responsibility for the purposes of section 3, or
 - (b) in the prevention, diagnosis and treatment of illness in such people.”
- 118 Omit section 224 (means of meeting expenditure of Strategic Health Authorities).
- 119 (1) Section 226 (financial duties of Strategic Health Authorities and Special Health Authorities) is amended as follows.
 - (2) Omit subsection (1).
 - (3) In subsection (3) —
 - (a) omit “Strategic Health Authority or”, and
 - (b) for “subsection (1) or (2)” substitute “subsection (2)”.
 - (4) In subsection (4) omit “Strategic Health Authority or” (in each place where it occurs).
 - (5) In subsection (5) omit “Strategic Health Authority or”.
 - (6) In subsection (6) omit “Strategic Health Authority or”.
 - (7) In subsection (7)—
 - (a) in paragraph (a) omit “specified Strategic Health Authority or”,
 - (b) omit paragraph (b)(i) and the word “or” immediately following it, and
 - (c) omit paragraph (c)(i) and the word “or” immediately following it, and
 - (d) in the words following paragraph (c) omit “Strategic Health Authority or”.
 - (8) In the heading to the section, omit “Strategic Health Authorities and”.
- 120 (1) Section 227 (resource limits for Strategic Health Authorities and Special Health Authorities) is amended as follows.
 - (2) In subsection (1), omit “Strategic Health Authority and each”.
 - (3) In subsection (2)(b) omit “Strategic Health Authority or”.
 - (4) In subsection (3) omit “Strategic Health Authority or”.
 - (5) In subsection (4) for “subsections (1) and (2)” substitute “subsection (2)”.
 - (6) In the heading to the section, omit “Strategic Health Authorities and”.
- 121 Omit sections 228 to 231 (funding of Primary Care Trusts etc).
- 122 In section 234 (special arrangement as to payment of remuneration), omit subsection (4).
- 123 (1) Section 236 (payment for medical examination before application for admission to hospital under the Mental Health Act) is amended as follows.

- (2) In subsection (1), for “the Secretary of State” substitute “the prescribed clinical commissioning group”.
- (3) In subsection (2)(b)—
- (a) after “report made” insert “—
 - (i)”,
 - (b) omit “a Primary Care Trust,”,
 - (c) before “NHS trust” insert “an”, and
 - (d) at the end insert “, or
 - (ii) pursuant to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group, or
 - (iii) pursuant to arrangements made in the exercise (by any person) of the public health functions of the Secretary of State or a local authority.”
- 124 Omit Schedule 14 (further provision about expenditure of Primary Care Trusts).
- 125 (1) Schedule 15 (accounts and audits) is amended as follows.
- (2) In paragraph 1(1)—
- (a) omit paragraph (a),
 - (b) omit paragraph (c), and
 - (c) omit paragraph (g).
- (3) In paragraph 5, omit sub-paragraph (2).
- (4) Omit paragraph 7.
- (5) In paragraph 8(3) omit “or 7”.
- (6) Omit paragraph 9.

PART 11

PUBLIC INVOLVEMENT AND SCRUTINY

- 126 (1) Section 242 (public involvement and consultation) is amended as follows.
- (2) In subsection (1A)—
- (a) omit paragraph (a), and
 - (b) omit paragraph (b).
- (3) Omit subsections (4) and (5).
- 127 Omit sections 242A and 242B (duties of Strategic Health Authorities in relation to involvement of users).

PART 12

MISCELLANEOUS

- 128 After section 254 insert—

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

“Support functions of the Secretary of State

Support functions of the Secretary of State

- 254A (1) The Secretary of State may, for the purpose of assisting any person exercising functions in relation to the health service or providing services for its purposes—
- (a) provide (or otherwise make available) to the person goods, materials or other facilities;
 - (b) facilitate the recruitment and management of the person’s staff;
 - (c) develop or operate information or communication systems;
 - (d) do such other things to facilitate or support the carrying out of the person’s functions or other activities as the Secretary of State considers appropriate;
 - (e) arrange for any other person to do anything mentioned in paragraphs (a) to (d) or to assist the Secretary of State in doing any such thing.
- (2) The power conferred by subsection (1)(a) includes power to purchase goods and materials for the purpose of providing them or making them available.
- (3) The Secretary of State may, in connection with anything done under subsection (1), make available the services of any person employed by the Secretary of State.
- (4) The powers conferred by this section may be exercised on such terms, including terms as to the making of payments to or by the Secretary of State, as may be agreed.
- (5) In this section, “the health service” does not include that part of the health service that is provided in pursuance of the public health functions of the Secretary of State or local authorities.”
- 129 (1) Section 256 (power of Primary Care Trusts to make payments towards expenditure on community services) is amended as follows.
- (2) In subsection (1) for “A Primary Care Trust” substitute “The Board or a clinical commissioning group”.
- (3) In subsection (3)—
- (a) for “A Primary Care Trust” substitute “The Board or a clinical commissioning group”, and
 - (b) for “the Primary Care Trust” substitute “the Board or (as the case may be) the clinical commissioning group”.
- (4) After subsection (5) insert—
- “(5A) The Secretary of State may by directions to the Board specify the minimum amount which the Board must spend in a financial year in making payments under—
- (a) this section;
 - (b) subsection (1) of this section;

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

- (c) subsection (3) of this section.
- (5B) The Secretary of State may by directions to the Board specify—
 - (a) a body or description of bodies to whom payments under subsection (1) or (3), or under either or both of those subsections, must be made by the Board in a financial year;
 - (b) functions or activities, or descriptions of functions or activities, in respect of which such payments must be made by the Board in a financial year;
 - (c) the minimum amount which the Board must spend in a financial year in making such payments—
 - (i) to a body or description of bodies specified in relation to the year under paragraph (a);
 - (ii) in respect of functions or activities, or descriptions of functions or activities, specified in relation to the year under paragraph (b);
 - (iii) to a body or description of bodies specified in relation to the year under paragraph (a) in respect of functions or activities or descriptions of functions or activities so specified under paragraph (b)."
- 130 In section 257 (payments in respect of voluntary organisations under section 256), in subsection (2) for "the Primary Care Trust" substitute "the Board or the clinical commissioning group".
- 131 (1) Section 258 (university clinical teaching and research) is amended as follows.
 - (2) In subsection (1)—
 - (a) for "The Secretary of State must exercise his functions under this Act" substitute "The functions under this Act of the Secretary of State, the Board and each clinical commissioning group must be exercised", and
 - (b) for "he" substitute "the Secretary of State, the Board or the clinical commissioning group (as the case may be)".
 - (3) In subsection (2), in paragraph (a)—
 - (a) after "exercisable by" insert "the Board,"
 - (b) after "a" insert "clinical commissioning group,"
 - (c) omit "Strategic Health Authority," and
 - (d) omit "Primary Care Trust,".
- 132 (1) Section 259 (sale of medical practices) is amended as follows.
 - (2) In subsection (4), in paragraph (e), for "section 83(2)(b)" substitute "section 83(2)".
 - (3) After that subsection insert—
 - "(4A) The reference in subsection (4)(e) to arrangements under section 83(2) of this Act includes a reference to arrangements made under section 83(2)(b) of this Act before the commencement of paragraph 30 of Schedule 4 to the Health and Social Care Act 2012 (sub-paragraph (2) of which replaces section 83(2))."
 - (4) In subsection (5), in the definition of "relevant area"—
 - (a) after "“relevant area”" insert "—

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

- (a) ”, and
 - (b) at the end insert “;
 - (b) in relation to the Board, in a case where a person has at any time provided or performed services by arrangement or contract with the Board, means the prescribed area (at the prescribed time).”
- 133 Omit section 268 (persons displaced by health service development), and the cross-heading which precedes it.
- 134 In section 271 (territorial limit of exercise of functions), in the words in brackets in subsection (3)(a), after “directions to” insert “certain”.
- 135 After section 271 insert—

“271A Services to be treated as services of the Crown for certain purposes

- (1) Services to which this section applies are to be treated as services of the Crown for the purposes of—
 - (a) Schedule 1 to the Registered Designs Act 1949 (provisions as to the use of registered designs for the services of the Crown etc.), and
 - (b) sections 55 to 59 of the Patents Act 1977 (use of patented inventions for the services of the Crown).
 - (2) This section applies to services provided in pursuance of—
 - (a) the functions of the Board or a clinical commissioning group under section 3, 3A, 3B or 4 or Schedule 1, or
 - (b) the public health functions of a local authority.”
- 136 (1) Section 272 (orders, regulations, rules and directions) is amended as follows.
 - (2) In subsection (3)—
 - (a) omit paragraph (b), and
 - (b) omit paragraph (d).
 - (3) In subsection (5)—
 - (a) omit “a PCT order, or”, and
 - (b) before paragraph (a) insert—
 - “(za) section 14A(1).”.
- 137 (1) Section 273 (further provision about orders and directions) is amended as follows.
 - (2) In subsection (3) for “by a Strategic Health Authority” substitute “by the Board”.
 - (3) In subsection (4)(c)(ii)—
 - (a) after “8,” insert “13Z1,”, and
 - (b) omit “15.”.
- 138 (1) Section 275 (interpretation) is amended as follows.
 - (2) In subsection (1)—
 - (a) before the definition of “dental practitioner” insert—
 - ““the Board” means the National Health Service Commissioning Board,
 - “clinical commissioning group” means a body established under section 14D of this Act,”.

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

- (b) in the definition of “health service hospital” omit “a Primary Care Trust,” and
- (c) after the definition of “modifications” insert—
 - ““NHS body” means—
 - (a) the Board,
 - (b) a clinical commissioning group,
 - (c) a Special Health Authority,
 - (d) an NHS trust,
 - (e) an NHS foundation trust, and
 - (f) a Local Health Board.”

- (3) In subsection (3)—
 - (a) omit “or 15”,
 - (b) omit “Strategic Health Authority,” (in both places where it occurs), and
 - (c) omit “Primary Care Trust or” (in both places where it occurs).
- (4) Until the commencement of section 33, the definition of “NHS body” in section 275 of the National Health Service Act 2006 has effect as if it included a reference to a Strategic Health Authority.
- (5) Until the commencement of section 34, the definition of “NHS body” in section 275 of the National Health Service Act 2006 has effect as if it included a reference to a Primary Care Trust.

139 (1) Section 276 (index of defined expressions) is amended as follows.

- (2) Omit the entry relating to “NHS body”.
- (3) After the entry for “LPS scheme” insert—

“NHS constitution		section 1B(2)”
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- (4) Omit the entry relating to “PCT order”.
- (5) After the entry relating to “provider, in relation to an NHS contract” insert—

“public health functions of the Secretary of State section 1H(5)(a)

public health functions of local authorities section 1H(5)(b)”.
