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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

Section 55(2)

PART 1: AMENDMENTS OF OTHER ENACTMENTS

Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)

- In section 1 of the Voluntary Hospitals (Paying Patients) Act 1936 (definitions)—
 - (a) in the definition of "voluntary hospital", for ", NHS foundation trust or a Primary Care Trust" substitute "or an NHS foundation trust", and
 - (b) omit the definition of "Primary Care Trust".

Commencement Information

II Sch. 5 para. 1 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

National Assistance Act 1948 (c. 29)

The National Assistance Act 1948 is amended as follows.

Commencement Information

- I2 Sch. 5 para. 2 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- 3 (1) Section 24 (local authority's liability for provision of accommodation) is amended as follows.
 - (2) In subsections (6A) and (6B)—
 - (a) after "by a" insert "clinical commissioning group or", and
 - (b) omit "Primary Care Trust or".
 - (3) After subsection (6B), insert—
 - "(6C) The references in subsections (6A) and (6B) to a clinical commissioning group are, so far as necessary for the purposes of regulations under section 117(2E) of the Mental Health Act 1983, to be read as references to the National Health Service Commissioning Board."

- I3 Sch. 5 para. 3 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- In section 26 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C)—
 - (a) after "such" insert "clinical commissioning group or", and

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(b) omit "Primary Care Trust or".

Commencement Information

I4 Sch. 5 para. 4 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

PROSPECTIVE

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- In Part 1 of Schedule 2 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (capacities in respect of which payments under Part 5 of the Act may be made, and paying authorities), in paragraph 15—
 - (a) in the first column (headed "capacity"), after "Officer of" insert "the National Health Service Commissioning Board, a clinical commissioning group,",
 - (b) in that column, omit "a Strategic Health Authority,",
 - (c) in the second column (headed "paying authority"), after "The" insert "National Health Service Commissioning Board, clinical commissioning group,", and
 - (d) in that column, omit "Strategic Health Authority,".

Commencement Information

- I5 Sch. 5 para. 5(a)(c) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- I6 Sch. 5 para. 5(b)(d) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Public Records Act 1958 (c. 51)

- In Schedule 1 to the Public Records Act 1958 (bodies the records of which are public records), in paragraph 3(2) in the Table, in the second column of the first entry relating to the Department of Health—
 - (a) after "Authorities including" insert "the National Health Service Commissioning Board, clinical commissioning groups,",
 - (b) after "records of trust property passing to" insert "the National Health Service Commissioning Board, a clinical commissioning group,",
 - (c) after "section 161 of the National Health Service (Wales) Act 2006" (in the second place it occurs) insert "or section 300 of the Health and Social Care Act 2012",
 - (d) after "or held by" insert "the National Health Service Commissioning Board, a clinical commissioning group or", and
 - (e) after "that Act, or" (in the second place where it occurs) insert "by virtue of section 2 and section 13X of, or paragraph 20 of Schedule 1A to, that Act, or under".

SCHEDULE 5 – Part 1: amendments of other enactments Document Generated: 2024-06-24

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Commencement Information

I7 Sch. 5 para. 6 in force at 1.10.2012 by S.I. 2012/1831, art. 2(2) (with art. 14)

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), in paragraph 1—
 - (a) omit paragraph (ea),
 - (b) before paragraph (g) insert—
 - "(fa) the National Health Service Commissioning Board, except as regards the exercise of functions under the National Health Service (Service Committees and Tribunal) Regulations 1992, or any regulations amending or replacing those Regulations;", and
 - (c) omit paragraph (gg).

Commencement Information

- **I8** Sch. 5 para. 7(a)(c) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- I9 Sch. 5 para. 7(b) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

Parliamentary Commissioner Act 1967 (c. 13)

- 8 In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters not subject to investigation), in paragraph 8—
 - (a) in sub-paragraph (1)—
 - (i) after "Secretary of State by" insert "a local authority, the National Health Service Commissioning Board, a clinical commissioning group",
 - (ii) omit "a Strategic Health Authority,", and
 - (iii) omit ", a Primary Care Trust", and
 - (b) in sub-paragraph (2)—
 - (i) after "action taken by" insert "a local authority, the National Health Service Commissioning Board, a clinical commissioning group or"
 - (ii) omit "a Strategic Health Authority,", and
 - (iii) omit "or Primary Care Trust".

- I10 Sch. 5 para. 8(a)(i)(b)(i) in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)
- III Sch. 5 para. 8(a)(i)(b)(i) in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. paras. 1, 2)
- I12 Sch. 5 para. 8(a)(ii)(iii)(b)(ii)(iii) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. paras. 1, 2)

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Abortion Act 1967 (c. 87)

In section 1 of the Abortion Act 1967 (location of treatment for termination of pregnancy), in subsection (3) omit "a Primary Care Trust or".

Commencement Information

II3 Sch. 5 para. 9 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Leasehold Reform Act 1967 (c. 88)

- 10 In section 28 of the Leasehold Reform Act 1967 (land required for public purposes)
 - (a) in subsection (5), in paragraph (d)—
 - (i) after "to" insert "the National Health Service Commissioning Board, any clinical commissioning group,",
 - (ii) omit "any Strategic Health Authority,", and
 - (iii) omit ", any Primary Care Trust", and
 - (b) in subsection (6), in paragraph (c)—
 - (i) after "in the case of" insert "the National Health Service Commissioning Board, a clinical commissioning group,",
 - (ii) omit "a Strategic Health Authority,", and
 - (iii) omit ", Primary Care Trust".

Commencement Information

- 114 Sch. 5 para. 10(a)(i)(b)(i) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- 115 Sch. 5 para. 10(a)(ii)(iii)(b)(ii)(iii) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Health Services and Public Health Act 1968 (c. 46)

11 The Health Services and Public Health Act 1968 is amended as follows.

- 116 Sch. 5 para. 11 in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)
- II7 Sch. 5 para. 11 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- 12 (1) Section 63 (provision of instruction for officers of hospital authorities etc.) is amended as follows.
 - (2) In subsection (1)—
 - (a) after "servants of" insert "the National Health Service Commissioning Board or a clinical commissioning group,",
 - (b) omit "a Strategic Health Authority,", and
 - (c) omit ", Primary Care Trust".
 - (3) In subsection (2)—

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- (a) in paragraph (a) before "or the council" insert ", the National Health Service Commissioning Board, a clinical commissioning group", and
- (b) in paragraph (b) for "a Primary Care Trust" substitute "the National Health Service Commissioning Board".
- (4) In subsection (5A)—
 - (a) omit "Strategic Health Authority" (in each place where it occurs), and
 - (b) omit ", Primary Care Trust" (in each place where it occurs).
- (5) In subsection (5B)—
 - (a) omit paragraph (za), and
 - (b) omit paragraph (bb).

Commencement Information

- I18 Sch. 5 para. 12(1) in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)
- I19 Sch. 5 para. 12(1) in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- I20 Sch. 5 para. 12(2)(a) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- **121** Sch. 5 para. 12(2)(b)(c)(3)-(5) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- In section 64 (financial assistance to certain voluntary organisations), in subsection (3)(b)—
 - (a) after "City of London" insert "or a service for the provision of which the National Health Service Commissioning Board or a clinical commissioning group has, by virtue of the National Health Service Act 2006, a duty or power to make arrangements",
 - (b) for "a Primary Care Trust or local Health Board are" substitute "a local Health Board is",
 - (c) omit "Chapter 1 of Part 7 of the National Health Service Act 2006, or", and
 - (d) omit "Primary Care Trust or".

Commencement Information

I22 Sch. 5 para. 13 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

- In section 3 of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(a)—
 - (a) after "National Health Service and Community Care Act 1990," insert "the National Health Service Commissioning Board, a clinical commissioning group established under section 14D of the National Health Service Act 2006,", and
 - (b) omit ", a Primary Care Trust established under section 18 of the National Health Service Act 2006".

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Commencement Information

123 Sch. 5 para. 14(b) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Local Authority Social Services Act 1970 (c. 42)

- In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions) in the entry relating to the Children Act 1989, in the column headed "Nature of functions"—
 - (a) after "accommodated" insert "pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or", and
 - (b) omit "Primary Care Trusts,".

Commencement Information

I24 Sch. 5 para. 15 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Chronically Sick and Disabled Persons Act 1970 (c. 44)

- 16 (1) Section 17 of the Chronically Sick and Disabled Persons Act 1970 (separation of younger from older patients) is amended as follows.
 - (2) In subsection (1) for "The Secretary of State" substitute "The Welsh Ministers".
 - (3) In subsection (2) (as substituted by the National Health Service Reorganisation Act 1973)—
 - (a) for "The Secretary of State" substitute "The Welsh Ministers",
 - (b) for "each House of Parliament" substitute "the National Assembly for Wales",
 - (c) for "as he considers" substitute "as they consider", and
 - (d) for "in him" substitute "in them".

Commencement Information

125 Sch. 5 para. 16 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Local Government Act 1972 (c. 70)

- In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of certain persons)—
 - (a) in subsection (1A)—
 - (i) after "with" insert "the Secretary of State, the National Health Service Commissioning Board,",
 - (ii) after "Local Health Board," (in each place where it occurs) insert "clinical commissioning group,",
 - (iii) omit "Primary Care Trust," (in each place where it occurs),

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- (iv) in paragraph (a), after "disposal of" insert "the Secretary of State, the National Health Service Commissioning Board,", and
- (v) in paragraph (b), after "employed by" insert "the Secretary of State, the National Health Service Commissioning Board,", and
- (b) in subsection (4)—
 - (i) after "above", insert ""Secretary of State" means the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,"
 - (ii) before "'NHS trust" insert "'clinical commissioning group" means a body established under section 14D of the National Health Service Act 2006, and", and
 - (iii) omit the words from "and "Primary Care Trust"" to the end.

Commencement Information

126 Sch. 5 para. 17 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Local Government Act 1974 (c. 7)

- In section 26 of the Local Government Act 1974 (matters subject to investigation by Local Commissioner), in subsection (1), after paragraph (c) insert—
 - "(d) an alleged or apparent failure in a service provided by the authority in pursuance of arrangements under section 7A of the National Health Service Act 2006;
 - (e) an alleged or apparent failure to provide a service in pursuance of such arrangements."

Commencement Information

127 Sch. 5 para. 18 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Health and Safety at Work etc. Act 1974 (c. 37)

- 19 (1) Section 60 of the Health and Safety at Work etc. Act 1974 (supplementary provision about the Employment Medical Advisory Service) is amended as follows.
 - (2) In subsection (1) for "each Primary Care Trust and Local Health Board" substitute "the National Health Service Commissioning Board or each clinical commissioning group (in relation to England) and each Local Health Board (in relation to Wales)".
 - (3) In subsection (2)—
 - (a) omit "for one of their", and
 - (b) for "each" to "its" substitute "the National to "arranges".

Commencement Information

I28 Sch. 5 para. 19 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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House of Commons Disqualification Act 1975 (c. 24)

- In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership of the House)—
 - (a) omit the entry relating to the chairman or any member of a Primary Care Trust.
 - (b) in the entry relating to the chairman or any member of any Strategic Health Authority or Special Health Authority, omit "Strategic Health Authority, or", and
 - (c) at the appropriate place insert— "Chairman or non-executive member of the National Health Service Commissioning Board."

Commencement Information

- **129** Sch. 5 para. 20(a)(b) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- I30 Sch. 5 para. 20(c) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

Acquisition of Land Act 1981 (c. 67)

The Acquisition of Land Act 1981 is amended as follows.

Commencement Information

- I31 Sch. 5 para. 21 in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)
- I32 Sch. 5 para. 21 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- In section 16 (land excluded from compulsory purchase), in subsection (3)—
 - (a) after paragraph (a) insert—
 - "(aa) the National Health Service Commissioning Board;
 - (ab) a clinical commissioning group established under section 14D of the National Health Service Act 2006;", and"
 - (b) omit paragraph (c).

- I33 Sch. 5 para. 22(a) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- **I34** Sch. 5 para. 22(b) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- In section 17 (special parliamentary procedure applying to compulsory purchase orders concerning certain land), in subsection (4) in the definition of "statutory undertakers"—
 - (a) omit paragraph (ad), and
 - (b) before paragraph (b) insert—
 - "(ae) the National Health Service Commissioning Board,
 - (af) a clinical commissioning group established under section 14D of the National Health Service Act 2006,".

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Commencement Information

- I35 Sch. 5 para. 23(a) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- I36 Sch. 5 para. 23(b) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

Mental Health Act 1983 (c. 20)

The Mental Health Act 1983 is amended as follows.

Commencement Information

- I37 Sch. 5 para. 24 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- In section 19 (regulations as to transfers of patients), in subsection (3)—
 - (a) for "NHS foundation trust,", in each place it appears, substitute "NHS foundation trust or", and
 - (b) omit "or Primary Care Trust" in each place it appears.

Commencement Information

I38 Sch. 5 para. 25 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 23 (discharge of patients), in subsection (5)(a)—
 - (a) for ", Special Health Authority", in each place it appears, substitute "or Special Health Authority",
 - (b) omit "or Primary Care Trust" in each place it appears, and
 - (c) omit ", trust" in each place it appears.

Commencement Information

- 139 Sch. 5 para. 26 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- In section 32 (regulations for purposes of Part 2 of that Act), in subsection (3), omit ", Primary Care Trusts".

- **I40** Sch. 5 para. 27 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- 28 (1) Section 39 (power of court to request information from hospitals) is amended as follows.
 - (2) In subsection (1)—
 - (a) omit "Primary Care Trust or" in each place it appears,
 - (b) in paragraph (a), after the first "the" insert "clinical commissioning group or",
 - (c) in paragraph (b), at the beginning insert "the National Health Service Commissioning Board or",

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- (d) in that paragraph, after "or any other" insert "clinical commissioning group or",
- (e) after "such information as that" insert "clinical commissioning group or",
- (f) after "Local Health Board or", in each place it appears, insert "the National Health Service Commissioning Board or the", and
- (g) after "order, and that" insert "clinical commissioning group or".
- (3) After subsection (1) insert—
 - "(1ZA) A request under this section to the National Health Service Commissioning Board may relate only to services or facilities the provision of which the Board arranges."
- (4) In consequence of the repeals made by sub-paragraph (2), omit paragraph 46 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002.

Commencement Information

I41 Sch. 5 para. 28 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 29 In section 134 (patients' correspondence), in subsection (3)(e)—
 - (a) at the beginning insert "the National Health Service Commissioning Board, a clinical commissioning group,",
 - (b) omit "Strategic Health Authority,".
 - (c) for ", Special Health Authority" substitute "or Special Health Authority", and
 - (d) omit "or Primary Care Trust".

Commencement Information

142 Sch. 5 para. 29 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 139 (protection for acts done in pursuance of that Act), in subsection (4)
 - (a) after "the Secretary of State or against" insert "the National Health Service Commissioning Board, a clinical commissioning group,",
 - (b) omit "Strategic Health Authority,",
 - (c) for ", Special Health Authority" substitute "or Special Health Authority", and
 - (d) omit "or Primary Care Trust".

- 143 Sch. 5 para. 30 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. paras. 1, 3)
- 31 (1) In section 145 (interpretation), in subsection (1)—
 - (a) in the definition of "the managers", in paragraph (a)—

SCHEDULE 5 – Part 1: amendments of other enactments

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- (i) after "the National Health Service (Wales) Act 2006," (in the second place where it occurs) insert "the Secretary of State where the Secretary is responsible for the administration of the hospital or",
- (ii) omit "Primary Care Trust,", and
- (iii) omit "Strategic Health Authority,",
- (b) in paragraph (bb) of that definition, omit "a Primary Care Trust or",
- (c) omit the definition of "Primary Care Trust", and
- (d) omit the definition of "Strategic Health Authority".
- (2) In consequence of the repeals made by sub-paragraph (1)—
 - (a) omit paragraph 49 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002, and
 - (b) omit paragraph 70(e) and (g) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006.

Commencement Information

I44 Sch. 5 para. 31 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Public Health (Control of Disease) Act 1984 (c. 22)

- In section 13 of the Public Health (Control of Disease) Act 1984 (regulations for control of certain diseases), in subsection (4)(a)—
 - (a) omit "Strategic Health Authorities,", and
 - (b) omit ", Primary Care Trusts".

Commencement Information

I45 Sch. 5 para. 32 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Dentists Act 1984 (c. 24)

The Dentists Act 1984 is amended as follows.

Commencement Information

I46 Sch. 5 para. 33 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 26B (guidance for dentists), in subsection (8) omit paragraph (a).

Commencement Information

I47 Sch. 5 para. 34 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 36M (guidance for dental care professionals), in subsection (8) omit paragraph (a).

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Commencement Information

I48 Sch. 5 para. 35 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 40 (definition of "business of dentistry"), in subsection (2)(aa)—
 - (a) omit "under section 92 of the National Health Service Act 2006 or",
 - (b) after "section 100" insert "of the National Health Service Act 2006 or an agreement under section 107",
 - (c) omit "under section 50 of the National Health Service (Wales) Act 2006 or", and
 - (d) after "section 57" insert "of the National Health Service (Wales) Act 2006 or an agreement under section 64".

Commencement Information

149 Sch. 5 para. 36 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 50D (rules: consultation), in subsection (4) omit paragraph (a).

Commencement Information

I50 Sch. 5 para. 37 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows

Commencement Information

I51 Sch. 5 para. 38 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 2 (rights of authorised representatives of disabled persons)—
 - (a) in subsection (5) in paragraph (a)—
 - (i) after "hospital accommodation" (in the first place it occurs) insert "provided pursuant to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or",
 - (ii) for "the Secretary of State under section (3)(1)(a)" substitute "the Secretary of State under section 2A or 2B", and
 - (iii) omit "by a Primary Care Trust established under that Act,",
 - (b) in subsection (7) in paragraph (a), after "provision of services" insert ", or the arrangement for the provision of services,", and
 - (c) in subsection (9) in the definition of "health authority", in paragraph (a)—
 - (i) after "means" insert "the National Health Service Commissioning Board, a clinical commissioning group or",
 - (ii) omit "a Strategic Health Authority,", and
 - (iii) omit "or a Primary Care Trust".

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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I52 Sch. 5 para. 39 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 40 In section 7 (persons discharged from hospital), in subsection (9)—
 - (a) in the definition of "health authority", in paragraph (a) for "a Primary Care Trust" substitute "a clinical commissioning group", and
 - (b) in the definition of "the managers"—
 - (i) in paragraph (a)(i) for ", an NHS foundation trust or a Primary Care Trust" substitute "or an NHS foundation trust",
 - (ii) in the words following paragraph (a)(iii) after "means the" insert "Secretary of State where the Secretary of State is responsible for the administration of the hospital, or means the",
 - (iii) in those words omit "Strategic Health Authority,", and
 - (iv) omit paragraph (bb).

Commencement Information

I53 Sch. 5 para. 40 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 41 In section 11 (reports to Parliament)—
 - (a) in subsection (1ZA) omit "subsection (1ZB) extends to England and Wales only and", and
 - (b) omit subsection (1ZB).

Commencement Information

154 Sch. 5 para. 41 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 42 In section 16 (interpretation), in subsection (1)—
 - (a) omit the definition of "Primary Care Trust", and
 - (b) omit the definition of "Strategic Health Authority".

Commencement Information

I55 Sch. 5 para. 42 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Dartford-Thurrock Crossing Act 1988 (c. 20)

- In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls), in paragraph (b)—
 - (a) omit "a Strategic Health Authority established under section 13 of the National Health Service Act 2006,",
 - (b) for "that Act" substitute "the National Health Service Act 2006", and
 - (c) omit "a Primary Care Trust established under section 18 of the National Health Service Act 2006,".

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Commencement Information

I56 Sch. 5 para. 43 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Copyright, Designs and Patents Act 1988 (c. 48)

- In section 48 of the Copyright, Designs and Patents Act 1988 (material communicated to the Crown in the course of public business), in subsection (6)—
 - (a) after "the National Health Service and Community Care Act 1990," insert "the National Health Service Commissioning Board, a clinical commissioning group established under section 14D of the National Health Service Act 2006,", and
 - (b) omit "a Primary Care Trust established under section 18 of the National Health Service Act 2006,".

Commencement Information

- I57 Sch. 5 para. 44(a) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- **I58** Sch. 5 para. 44(b) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Health and Medicines Act 1988 (c. 49)

In section 7 of the Health and Medicines Act 1988 (extension of powers for financing health service), in subsection (3)(i) omit the words from the second "the" to "trust, or".

Commencement Information

I59 Sch. 5 para. 45 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Road Traffic Act 1988 (c. 52)

In section 144 of the Road Traffic Act 1988 (exception to requirement for third party insurance), in subsection (2)(da) omit "by a Primary Care Trust established under section 18 of the National Health Service Act 2006".

Commencement Information

I60 Sch. 5 para. 46 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Children Act 1989 (c. 41)

The Children Act 1989 is amended as follows.

Commencement Information

I61 Sch. 5 para. 47 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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- In section 21 (provision of accommodation for children in police protection etc), in subsection (3)—
 - (a) for "Secretary of State," substitute "Secretary of State or",
 - (b) omit "or a Primary Care Trust" (in each place where it occurs), and
 - (c) after "arrangements made by" insert "the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or".

Commencement Information

I62 Sch. 5 para. 48 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 24 (persons qualifying for advice and assistance), in subsection (2)—
 - (a) in paragraph (d), in sub-paragraph (i) omit "or Primary Care Trust", and
 - (b) in that paragraph, in sub-paragraph (ii) after "provided" insert "pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or".

Commencement Information

163 Sch. 5 para. 49 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. paras. 1, 4)

F150

Textual Amendments

- F1 Sch. 5 para. 50 omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 286
- In section 27 (co-operation between authorities), in subsection (3)—
 - (a) after paragraph (c) insert—
 - "(ca) the National Health Service Commissioning Board;", and"
 - (b) in paragraph (d)—
 - (i) after "any" insert "clinical commissioning group,", and
 - (ii) omit ", Primary Care Trust".

Commencement Information

I64 Sch. 5 para. 51 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 29 (recoupment of cost of providing services), in subsection (8) in paragraph (c)—
 - (a) for "Secretary of State," substitute "Secretary of State or",
 - (b) omit "or a Primary Care Trust" (in both places where it occurs),
 - (c) after "arrangements made by" insert "the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 or by", and
 - (d) omit "a Strategic Health Authority,".

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Commencement Information

I65 Sch. 5 para. 52 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 47 (local authority's duty to investigate), in subsection (11)—
 - (a) after paragraph (c) insert—
 - "(ca) the National Health Service Commissioning Board;", and"
 - (b) in paragraph (d)—
 - (i) after "any" insert "clinical commissioning group,", and
 - (ii) omit ", Primary Care Trust".

Commencement Information

166 Sch. 5 para. 53 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 80 (inspection of children's homes)—
 - (a) in subsection (1), in paragraph (d)
 - (i) omit ", Primary Care Trust", and
 - (ii) after "NHS foundation trust" insert "or pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006",
 - (b) in subsection (5), in paragraph (e) omit "Primary Care Trust,", and
 - (c) after that paragraph insert—
 - "(ea) person providing accommodation for a child pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006;".

Commencement Information

167 Sch. 5 para. 54 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 85 (children accommodated by health authorities)—
 - (a) in subsection (1) omit "Primary Care Trust,", and
 - (b) after subsection (2) insert—
 - "(2ZA) Where a child is provided with accommodation—
 - (a) by a body which is not mentioned in subsection (1), and
 - (b) pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006,

subsections (1) and (2) apply in relation to the Secretary of State, the Board or (as the case may be) the clinical commissioning group as if it were the accommodating authority."

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Commencement Information

I68 Sch. 5 para. 55 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. paras. 1, 4)

- 56 (1) Section 105 (interpretation) is amended as follows.
 - (2) In subsection (1)—
 - (a) before the definition of "community home" insert—

""clinical commissioning group" means a body established under section 14D of the National Health Service Act 2006;",

- (b) omit the definition of "Primary Care Trust", and
- (c) omit the definition of "Strategic Health Authority".
- (3) After subsection (7) insert—
 - "(7A) References in this Act to a hospital or accommodation made available or provided pursuant to arrangements made by the Secretary of State under the National Health Service Act 2006 are references to a hospital or accommodation made available or provided pursuant to arrangements so made in the exercise of the public health functions of the Secretary of State (within the meaning of that Act).
 - (7B) References in this Act to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006 include references to arrangements so made by virtue of section 7A of that Act."

Commencement Information

I69 Sch. 5 para. 56 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Local Government and Housing Act 1989 (c. 42)

- In section 2 of the Local Government and Housing Act 1989 (politically restricted posts), in subsection (6), after paragraph (za) insert—
 - "(zb) the director of public health appointed under section 73A(1) of the National Health Service Act 2006;".

Commencement Information

170 Sch. 5 para. 57 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

National Health Service and Community Care Act 1990 (c. 19)

The National Health Service and Community Care Act 1990 is amended as follows.

Commencement Information

I71 Sch. 5 para. 58 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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- In section 47 (assessment of needs for community care services), in subsection (3)
 - (a) before paragraph (a) insert—
 - "(za) that there may be a need for the provision to that person, pursuant to arrangements made under the National Health Service Act 2006 by such clinical commissioning group as may be determined in accordance with regulations, of any services (including services that may be provided pursuant to such arrangements by virtue of section 7A of that Act),",
 - (b) in paragraph (a), omit "Primary Care Trust or",
 - (c) in that paragraph omit "the National Health Service Act 2006 or",
 - (d) in the text following paragraph (b), omit "Primary Care Trust," (in both places where it occurs), and
 - (e) in that text, before "Health Authority" (in both places it occurs) insert "clinical commissioning group,".

Commencement Information

172 Sch. 5 para. 59 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 49 (transfer of staff to local authorities), in subsection (4)(b)—
 - (a) omit "Strategic Health Authority,", and
 - (b) omit "Primary Care Trust,".

Commencement Information

173 Sch. 5 para. 60 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 60 (removal of crown immunities), in subsection (7)—
 - (a) in paragraph (a) omit the words from "a Strategic" to "2006 or", and
 - (b) in paragraph (aa) for "that Act" substitute "the National Health Service Act 2006".

Commencement Information

174 Sch. 5 para. 61 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Access to Health Records Act 1990 (c. 23)

The Access to Health Records Act 1990 is amended as follows.

Commencement Information

175 Sch. 5 para. 62 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 1, in subsection (2) (meaning of "holder" in relation to a health record)—
 - (a) in paragraph (a)—
 - (i) for "a Primary Care Trust or" substitute "the National Health Service Commissioning Board or a", and

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- (ii) omit "Trust or", and
- (b) in paragraph (aa)—
 - (i) for "a Primary Care Trust, Strategic Health Authority or" substitute "the National Health Service Commissioning Board or a", and
 - (ii) omit "Trust, Authority or".

Commencement Information

176 Sch. 5 para. 63 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. paras. 1, 5)

- In section 11 (interpretation)—
 - (a) in the definition of "health service body", in paragraph (a)—
 - (i) omit "Strategic Health Authority,",
 - (ii) for ", Local" substitute "or Local", and
 - (iii) omit "or Primary Care Trust",
 - (b) omit the definition of "Primary Care Trust", and
 - (c) omit the definition of "Strategic Health Authority".

Commencement Information

I77 Sch. 5 para. 64 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

London Local Authorities Act 1991 (c. xiii)

In section 4 of the London Local Authorities Act 1991 (interpretation) in the definition of "establishment for special treatment", in paragraph (d) for "by a Primary Care Trust established under section 18 of the National Health Service Act 2006" substitute "by any person in pursuance of arrangements made by the National Health Service Commissioning Board or by a clinical commissioning group under the National Health Service Act 2006 (including by virtue of section 7A of that Act)".

Commencement Information

178 Sch. 5 para. 65 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

- In section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992 (health service practitioners)—
 - (a) in subsection (1), in paragraph (a) for "a Primary Care Trust" substitute "the National Health Service Commissioning Board",
 - (b) in that paragraph, after "or" (in the first place it occurs) insert "a",
 - (c) in the words after paragraph (b) in that subsection, omit "authority or",
 - (d) in subsection (2), in paragraph (a) for "a Primary Care Trust, Strategic Health Authority or" substitute "the National Health Service Commissioning Board or a",

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- (e) in paragraph (b) of that subsection, for "a Primary Care Trust or" substitute "the National Health Service Commissioning Board or a",
- (f) in that paragraph, for "entered into by him with a Primary Care Trust" substitute "entered into by him with the National Health Service Commissioning Board", and
- (g) in the words after that paragraph, omit "Trust, Authority or."

Commencement Information

179 Sch. 5 para. 66 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Health Service Commissioners Act 1993 (c. 46)

The Health Service Commissioners Act 1993 is amended as follows.

Commencement Information

- **180** Sch. 5 para. 67 in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)
- **181** Sch. 5 para. 67 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- In section 2 (health service bodies subject to investigation), in subsection (1)—
 - (a) omit paragraph (a),
 - (b) omit paragraph (da), and
 - (c) after paragraph (db) insert—
 - "(dc) the National Health Service Commissioning Board,
 - (dd) clinical commissioning groups."

Commencement Information

- **I82** Sch. 5 para. 68(a)(b) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 6-9)
- **I83** Sch. 5 para. 68(c) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- In section 2A (health service providers subject to investigation), in subsection (1)(a) for "a Primary Care Trust" substitute "the National Health Service Commissioning Board".

Commencement Information

184 Sch. 5 para. 69 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 6-9)

- 70 (1) Section 14 (reports etc. by the Commissioner) is amended as follows.
 - (2) In subsection (1)—
 - (a) at the end of paragraph (c) insert "and", and
 - (b) omit paragraph (e) and the preceding "and".
 - (3) In subsection (2A)—
 - (a) at the end of paragraph (d) insert "and", and
 - (b) omit paragraph (f) and the preceding "and".

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- (4) In subsection (2C)—
 - (a) at the end of paragraph (d) insert "and", and
 - (b) omit paragraph (f) and the preceding "and".
- (5) Omit subsection (2E)(e).
- (6) In subsection (2G)—
 - (a) at the end of paragraph (c) insert "and", and
 - (b) omit paragraph (e) and the preceding "and".

Commencement Information

185 Sch. 5 para. 70 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 6-9)

Health Authorities Act 1995 (c. 17)

- In Schedule 2 to the Health Authorities Act 1995 (property, rights and liabilities), in paragraph 2—
 - (a) in sub-paragraphs (1), (2), (6) and (7) omit "Primary Care Trust,", and
 - (b) in sub-paragraphs (1), (2), (6) and (7) omit "Strategic Health Authority,".

Commencement Information

186 Sch. 5 para. 71 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Employment Rights Act 1996 (c. 18)

72 The Employment Rights Act 1996 is amended as follows.

Commencement Information

187 Sch. 5 para. 72 in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)

188 Sch. 5 para. 72 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 73 In section 43K (extension of meaning of "worker" etc for Part 4A)—
 - (a) in subsection (1)(ba) for "a Primary Care Trust" (in each place where it occurs) substitute "the National Health Service Commissioning Board",
 - (b) in subsection (1)(c)(i) for "a Primary Care Trust" substitute "the National Health Service Commissioning Board", and
 - (c) in subsection (2)(aa) for "the Primary Care Trust or" substitute "the National Health Service Commissioning Board, or the".

Commencement Information

89 Sch. 5 para. 73 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 50 (right to time off for public duties), in subsection (8)—

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- (a) before paragraph (a) insert—
 - "(za) the National Health Service Commissioning Board,
 - (zb) a clinical commissioning group established under section 14D of the National Health Service Act 2006," and"
- (b) in paragraph (b)—
 - (i) omit "a Strategic Health Authority established under section 13 of the National Health Service Act 2006,", and
 - (ii) omit "or a Primary Care Trust established under section 18 of the National Health Service Act 2006,".

Commencement Information

- **190** Sch. 5 para. 74(a) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- **191** Sch. 5 para. 74(b) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- 75 In section 218 (change of employer), in subsection (10)—
 - (a) before paragraph (a) insert—
 - "(za) the National Health Service Commissioning Board,
 - (zb) a clinical commissioning group established under section 14D of the National Health Service Act 2006,"
 - (b) omit paragraph (a),
 - (c) in paragraph (b) for "that Act" substitute "the National Health Service Act 2006".
 - (d) omit paragraph (bb), and
 - (e) in paragraph (c) for "that Act" substitute "the National Health Service Act 2006".

Commencement Information

- **192** Sch. 5 para. 75(a) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- **193** Sch. 5 para. 75(b)-(e) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- In section 3 of the Housing Grants, Construction and Regeneration Act 1996, in subsection (2)(f) (persons ineligible for grants)—
 - (a) at the beginning insert "the National Health Service Commissioning Board, a clinical commissioning group,",
 - (b) omit "a Strategic Health Authority,", and
 - (c) omit ", Primary Care Trust".

- **194** Sch. 5 para. 76(a) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)
- **195** Sch. 5 para. 76(b)(c) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Education Act 1996 (c. 56)

77 The Education Act 1996 is amended as follows.

Commencement Information

196 Sch. 5 para. 77 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 78 (1) Section 322 (duty of certain bodies to help local authorities) is amended as follows.
 - (2) In subsection (1)—
 - (a) after "another local authority," insert "the National Health Service Commissioning Board, a clinical commissioning group or",
 - (b) omit "or a Primary Care Trust", and
 - (c) for "the board, authority or trust" substitute "that body".
 - (3) In subsection (2), for "An authority, a board or a trust" substitute "A body".
 - (4) In subsection (3), in paragraph (a)—
 - (a) after "request is made of" insert "the National Health Service Commissioning Board, a clinical commissioning group or",
 - (b) omit "or Primary Care Trust", and
 - (c) for "that board or trust" substitute "that body".
 - (5) In subsection (4)—
 - (a) for "an authority, a board" substitute "a local authority, the National Health Service Commissioning Board, a clinical commissioning group or a Local Health Board", and
 - (b) omit "or a trust".

Commencement Information

197 Sch. 5 para. 78 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 79 (1) Section 332 (duty of certain NHS bodies to notify parent) is amended as follows.
 - (2) In subsection (1)—
 - (a) after "where" insert "a clinical commissioning group," and
 - (b) omit "a Primary Care Trust,".
 - (3) In subsection (2) for "trust" (in each place where it occurs) substitute "other body".
 - (4) In subsection (3) for "trust" substitute "other body".

Commencement Information

198 Sch. 5 para. 79 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 579 (general interpretation), in subsection (1) in the definition of "school buildings" in paragraph (c) for the words from "for enabling" to "functions" substitute "for the carrying out of functions".

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Commencement Information

199 Sch. 5 para. 80 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Audit Commission Act 1998 (c. 18)

- In section 33 of the Audit Commission Act 1998, in subsection (8) (bodies not subject to certain Commission studies)—
 - (a) omit paragraph (a), and
 - (b) omit paragraph (b).

Commencement Information

I100 Sch. 5 para. 81 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Data Protection Act 1998 (c. 29)

- 82 In section 69 of the Data Protection Act 1998 (meaning of "health professional")—
 - (a) in subsection (1), in paragraph (k) for "such a body" substitute "a health service body",
 - (b) in subsection (3), omit paragraph (a),
 - (c) in that subsection, before paragraph (b) insert—
 - "(aa) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
 - (ab) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, that Act,", and
 - (d) in that subsection, omit paragraph (bb).

Commencement Information

I101 Sch. 5 para. 82 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Crime and Disorder Act 1998 (c. 37)

The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I102 Sch. 5 para. 83 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 5 (authorities responsible for crime and disorder strategies), in subsection (1)(e) for "Primary Care Trust" substitute "clinical commissioning group".

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Commencement Information

I103 Sch. 5 para. 84 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

85 In section 38 (local provision of youth justice services), in subsection (2)(b)—

- (a) after "local probation board" insert ", clinical commissioning group or", and
- (b) omit ", Strategic Health Authority,", and
- (c) omit "or Primary Care Trust".

Commencement Information

I104 Sch. 5 para. 85 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

86 In section 39 (Youth Offending Teams), in subsection (3)(b)—

- (a) after "local probation board" insert ", clinical commissioning group or",
- (b) omit ", Strategic Health Authority,", and
- (c) omit "or Primary Care Trust".

Commencement Information

I105 Sch. 5 para. 86 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 87 In that section, in subsection (5)(d)—
 - (a) after "nominated by" insert "a clinical commissioning group or", and
 - (b) omit "a Primary Care Trust or".

Commencement Information

I106 Sch. 5 para. 87 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 41 (the Youth Justice Board), in subsection (10)—
 - (a) after "provider of probation services," insert "a clinical commissioning group,",
 - (b) for ", a Strategic Health Authority," substitute "and", and
 - (c) omit "and a Primary Care Trust".

Commencement Information

I107 Sch. 5 para. 88 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 89 In section 42 (supplementary provisions), in subsection (3)—
 - (a) after "provider of probation services," insert "a clinical commissioning group,",
 - (b) for ", a Strategic Health Authority," substitute "or", and
 - (c) omit "or a Primary Care Trust".

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I108 Sch. 5 para. 89 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 115, in subsection (2) (disclosure of information to relevant authorities)
 - (a) omit paragraph (ea),
 - (b) after paragraph (f) insert—
 - "(fa) the National Health Service Commissioning Board;
 - (fb) a clinical commissioning group;", and
 - (c) omit paragraph (g).

Commencement Information

I109 Sch. 5 para. 90 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Health Act 1999 (c. 8)

The Health Act 1999 is amended as follows.

Commencement Information

I110 Sch. 5 para. 91 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 92 In section 61 (English and Scottish border provisions)—
 - (a) in subsection (2)—
 - (i) after "Secretary of State" insert ", the National Health Service Commissioning Board",
 - (ii) after "any" insert "clinical commissioning group",
 - (iii) omit "Strategic Health Authority", and
 - (iv) omit "or Primary Care Trust", and
 - (b) in subsection (5)—
 - (i) after "any" insert "clinical commissioning group", and
 - (ii) omit "Primary Care Trust".

Commencement Information

III1 Sch. 5 para. 92 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 93 In Schedule 4 (amendments relating to Primary Care Trusts)—
 - (a) omit paragraphs 1, 74, and 86, and the cross-heading preceding each paragraph, and
 - (b) omit paragraphs 3(c), 82 and 85(2).

Commencement Information

I112 Sch. 5 para. 93 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Greater London Authority Act 1999 (c. 29)

- In section 309E of the Greater London Authority Act 1999, in subsection (5) (bodies to be included among relevant bodies for purposes of Mayor of London's health inequalities strategy)—
 - (a) omit paragraph (f),
 - (b) omit paragraph (g), and
 - (c) before paragraph (h) insert—
 - "(ga) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
 - (gb) the National Health Service Commissioning Board,
 - (gc) any clinical commissioning group (established under section 14D of the National Health Service Act 2006) for an area wholly or partly in Greater London,".

Commencement Information

I113 Sch. 5 para. 94 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Care Standards Act 2000 (c. 14)

- In section 121 of the Care Standards Act 2000 (interpretation), in subsection (1) in the definition of "National Health Service body"—
 - (a) omit "a Strategic Health Authority,", and
 - (b) omit ", a Primary Care Trust".

Commencement Information

I114 Sch. 5 para. 95 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Government Resources and Accounts Act 2000 (c. 20)

- 96 (1) Section 14 of the Government Resources and Accounts Act 2000 (summarised accounts) is amended as follows.
 - (2) In subsection (1) omit "paragraph 7 of Schedule 15 to the National Health Service Act 2006 or".
 - (3) Omit subsection (3).
 - (4) In subsection (4) for "that subsection" substitute "subsection (1)".

Commencement Information

I115 Sch. 5 para. 96 in force at 1.10.2012 by S.I. 2012/1831, art. 2(2) (with art. 11(2))

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Local Government Act 2000 (c. 22)

- In section 21C of the Local Government Act 2000 (reports and recommendations of overview and scrutiny committees: duties of certain bodies), in subsection (6)—
 - (a) before paragraph (b) insert—
 - "(aa) the National Health Service Commissioning Board,
 - (ab) a clinical commissioning group, or", and
 - (b) omit paragraph (c) and the preceding "or".

Commencement Information

I116 Sch. 5 para. 97 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Regulation of Investigatory Powers Act 2000 (c. 23)

F²98

Textual Amendments

F2 Sch. 5 para. 98 repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), Sch. 10 Pt. 8 (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

>Freedom of Information Act 2000 (c. 36)

- In Part 3 of Schedule 1 to the Freedom of Information Act 2000 (NHS in England and Wales)—
 - (a) omit paragraph 36A,
 - (b) before paragraph 38 insert—
 - "37A The National Health Service Commissioning Board.
 - A clinical commissioning group established under section 14D of the National Health Service Act 2006.", and
 - (c) omit paragraph 39.

Commencement Information

I117 Sch. 5 para. 99(a)(c) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

I118 Sch. 5 para. 99(b) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

International Development Act 2002 (c. 1)

- In Schedule 1 to the International Development Act 2002 (statutory bodies with powers under section 9 of that Act)—
 - (a) before the entry for a Health Board insert— "the National Health Service Commissioning Board a clinical commissioning group",
 - (b) omit the entry for a Primary Care Trust, and
 - (c) omit the entry for a Strategic Health Authority.

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I119 Sch. 5 para. 100(a) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

I120 Sch. 5 para. 100(b)(c) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

The National Health Service Reform and Health Care Professions Act 2002 is amended as follows.

Commencement Information

I121 Sch. 5 para. 101 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Omit Schedule 1 (English health authorities: change of name to Strategic Health Authorities).

Commencement Information

I122 Sch. 5 para. 102 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Omit Schedule 2 (consequential amendments concerning the reallocation of functions to Primary Care Trusts).

Commencement Information

I123 Sch. 5 para. 103 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Adoption and Children Act 2002 (c. 38)

The Adoption and Children Act 2002 is amended as follows.

Commencement Information

I124 Sch. 5 para. 104 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 4 (assessments etc for adoption support services), in subsection (9)—
 - (a) before paragraph (a) insert—
 - "(za) there may be a need for the provision to that person of services that may be provided pursuant to arrangements made by a clinical commissioning group under the National Health Service Act 2006 (including by virtue of section 7A of that Act),",
 - (b) in paragraph (a) omit "a Primary Care Trust", and
 - (c) in the text following paragraph (b)—
 - (i) after "notify that" insert "clinical commissioning group,", and
 - (ii) omit "Primary Care Trust,".

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I125 Sch. 5 para. 105 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 8 (bodies which cannot be adoption support agencies), in subsection (2)

- (a) before paragraph (d) insert—
 - "(ca) the National Health Service Commissioning Board,", and"
- (b) in paragraph (d)—
 - (i) omit ", Primary Care Trust", and
 - (ii) before "(in Wales," insert ", clinical commissioning group".

Commencement Information

I126 Sch. 5 para. 106 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Nationality, Immigration and Asylum Act 2002 (c. 41)

In section 133(4) of the Nationality, Immigration and Asylum Act 2002 (power of medical inspector to disclose information to health service bodies), in paragraph (a)

- (a) omit sub-paragraph (i),
- (b) before sub-paragraph (ii) insert—
 - "(ia) the National Health Service Commissioning Board.
 - (ib) a clinical commissioning group established under section 14D of the National Health Service Act 2006,
 - (ic) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, the National Health Service Act 2006,", and
- (c) omit sub-paragraph (iii).

Commencement Information

I127 Sch. 5 para. 107 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Community Care (Delayed Discharges etc.) Act 2003 (c. 5)

The Community Care (Delayed Discharges etc.) Act 2003 is amended as follows.

Commencement Information

I128 Sch. 5 para. 108 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

In section 1 (meaning of "NHS body" and "qualifying hospital patient") in subsection (1), in the definition of "NHS body" in paragraph (b) omit "a Primary Care Trust (in England) or".

Commencement Information

I129 Sch. 5 para. 109 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 9 (dispute resolution)—
 - (a) in subsection (1) omit "by Strategic Health Authorities in England and",
 - (b) at the end of that subsection insert "in relation to Wales",
 - (c) in subsection (2) omit
 - (i) "Strategic Health Authority or", and
 - (ii) "Authority or",
 - (d) in subsection (3)—
 - (i) for "the appropriate Minister considers" substitute "the Welsh Ministers consider",
 - (ii) omit "a Strategic Health Authority or", and
 - (iii) omit "Authority or", and
 - (e) in subsection (4)(a) omit "Strategic Health Authority or".

Commencement Information

1130 Sch. 5 para. 110 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Licensing Act 2003 (c. 17)

The Licensing Act 2003 is amended as follows.

Commencement Information

I131 Sch. 5 para. 111 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 5(3) (statement of licensing policy)—
 - (a) in paragraph (ba) omit "Primary Care Trust or", and
 - (b) after that paragraph insert—
 - "(bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,".

Commencement Information

I132 Sch. 5 para. 112 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 13(4) (authorised persons, interested parties and responsible authorities)
 - (a) in paragraph (ba) omit "Primary Care Trust or", and

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- (b) after that paragraph insert—
 - "(bb) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated,".

Commencement Information

I133 Sch. 5 para. 113 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 16 (applicant for premises licence), in subsection (3), in the definition of "health service body" omit paragraph (b).

Commencement Information

I134 Sch. 5 para. 114 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 69(4) (authorised persons, interested parties and responsible authorities)
 - (a) in paragraph (ba) omit "Primary Care Trust or", and
 - (b) after that paragraph insert—
 - "(bb) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated,".

Commencement Information

I135 Sch. 5 para. 115 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 172B(4) (procedural requirements for early morning alcohol restriction order)—
 - (a) in paragraph (d) omit "Primary Care Trust or", and
 - (b) after that paragraph insert—
 - "(da) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the area specified in the order,".

Commencement Information

I136 Sch. 5 para. 116 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Sexual Offences Act 2003 (c. 42)

- In section 42 of the Sexual Offences Act 2003 (care workers: interpretation) in subsection (5), in the definition of "National Health Service body"—
 - (a) after paragraph (b) insert—

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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- "(ba) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
- (bb) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B, or 13 of Schedule 1 to, the National Health Service Act 2006,", and
- (b) omit paragraph (c).

Commencement Information

I137 Sch. 5 para. 117 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.

Commencement Information

I138 Sch. 5 para. 118 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 71 (reporting to Secretary of State and regulator)—
 - (a) in subsection (2), after "special measures" insert "or request another person to take special measures", and
 - (b) omit subsections (3) and (4).

Commencement Information

I139 Sch. 5 para. 119 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 113 (complaints about health care), in subsection (1), after paragraph (c) insert—
 - "(d) anything done by the National Health Service Commissioning Board or a clinical commissioning group in pursuance of arrangements made under section 7A of the National Health Service Act 2006."

Commencement Information

I140 Sch. 5 para. 120 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 148 (interpretation of Part 2), in the definition of "English NHS body"—
 - (a) omit paragraph (a),
 - (b) omit paragraph (b), and
 - (c) before paragraph (d) insert—
 - "(ca) the National Health Service Commissioning Board;
 - (cb) a clinical commissioning group;".

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Commencement Information

I141 Sch. 5 para. 121 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 160 (provision of information)—
 - (a) in subsection (1), after paragraph (g) insert—
 - "(h) if the injured person received NHS treatment pursuant to arrangements made by a clinical commissioning group under section 3 or 3A of the National Health Service Act 2006, the clinical commissioning group.", and
 - (b) in subsection (4), in the definition of "responsible body" omit paragraph (a) (ii) and the word "or preceding it.'.

Commencement Information

I142 Sch. 5 para. 122 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 165 (power to apply provisions about recovery of charges to non-NHS hospitals), in subsection (3)(b)—
 - (a) omit sub-paragraph (i), and
 - (b) before sub-paragraph (ii) insert—
 - "(ia) the National Health Service Commissioning Board,
 - (ib) a clinical commissioning group,".

Commencement Information

I143 Sch. 5 para. 123 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Criminal Justice Act 2003 (c. 44)

- In section 325 of the Criminal Justice Act 2003 (arrangements for assessing etc risks posed by certain offenders)—
 - (a) after subsection (6)(b) insert—
 - "(ba) the National Health Service Commissioning Board,",
 - (b) after subsection (6)(d) insert—
 - "(da) every local authority (in its capacity as a person exercising functions for the purposes of the health service) any part of whose area falls within the relevant area,",
 - (c) in subsection (6)(f) omit "or Strategic Health Authority", and
 - (d) in subsection (6)(g)—
 - (i) after "every" insert "clinical commissioning group or", and
 - (ii) omit "Primary Care Trust or".

Commencement Information

I144 Sch. 5 para. 124 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Carers (Equal Opportunities) Act 2004 (c. 15)

- 125 (1) Section 3 of the Carers (Equal Opportunities) Act 2004 (co-operation between authorities) is amended as follows.
 - (2) In subsection (2)(b) after "by" (in the second place it occurs) insert "or in pursuance of arrangements made by".
 - (3) In subsection (3) after "provide" insert "or arrange for the provision of".
 - (4) In subsection (5)—
 - (a) omit the "and" at the end of paragraph (c) and insert—
 - "(ca) the Secretary of State, in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
 - the National Health Service Commissioning Board, and". and
 - (b) in paragraph (d)—
 - (i) after "any" insert "clinical commissioning group,", and
 - (ii) omit "Primary Care Trust,".

Commencement Information

I145 Sch. 5 para. 125 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 126 In section 9 of the Domestic Violence, Crime and Victims Act 2004 (establishment and conduct of domestic homicide reviews), in the list in subsection (4)(a)
 - after the entry for local probation boards insert—

"the National Health Service Commissioning Board;

clinical commissioning groups established under section 14D of the National Health Service Act 2006;",

- omit the entry for Strategic Health Authorities, and (b)
- omit the entry for Primary Care Trusts.

Commencement Information

I146 Sch. 5 para. 126 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Children Act 2004 (c. 31)

127 The Children Act 2004 is amended as follows.

Commencement Information

1147 Sch. 5 para. 127 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

128 In section 10 (co-operation to improve wellbeing), in subsection (4)—

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- (a) after paragraph (d) insert—
 - "(da) the National Health Service Commissioning Board;",
- (b) after paragraph (da) (as inserted by paragraph (a) above) insert—
 - "(db) any clinical commissioning group for an area any part of which falls within the area of the authority;", and
- (c) omit paragraph (e).

Commencement Information

I148 Sch. 5 para. 128 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 11 (arrangements to safeguard and promote welfare), in subsection (1)—
 - (a) after paragraph (b) insert—
 - "(ba) the National Health Service Commissioning Board;"
 - (b) after paragraph (ba) (as inserted by paragraph (a) above) insert—
 "(bb) a clinical commissioning group;",
 - (c) omit paragraph (c), and
 - (d) omit paragraph (e).

Commencement Information

I149 Sch. 5 para. 129 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 12A (establishment of children's trust boards), after subsection (7) at the end insert "otherwise than by virtue of section 10(4)(da) or (db)".

Commencement Information

I150 Sch. 5 para. 130 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 13 (establishment of Local Safeguarding Children Boards), in subsection (3)—
 - (a) after paragraph (d) insert—
 - "(da) the National Health Service Commissioning Board;",
 - (b) after paragraph (da) (as inserted by paragraph (a) above) insert—
 - "(db) any clinical commissioning group for an area any part of which falls within the area of the authority;", and
 - (c) omit paragraph (e).

Commencement Information

I151 Sch. 5 para. 131 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Civil Contingencies Act 2004 (c. 36)

- 132 (1) Schedule 1 to the Civil Contingencies Act 2004 (lists of Category 1 and 2 responders) is amended as follows.
 - (2) In Part 1 (which contains the general list of Category 1 responders)—

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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) after the cross-heading "Health" insert—
 - "4A The National Health Service Commissioning Board.", and
- (b) omit paragraph 7.
- (3) In Part 3 (which contains the general list of Category 2 responders)—
 - (a) after the cross-heading "Health" insert—
 - "29ZA A clinical commissioning group established under section 14D of the National Health Service Act 2006.", and
 - (b) omit paragraph 29A.

Commencement Information

I152 Sch. 5 para. 132 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Mental Capacity Act 2005 (c. 9)

The Mental Capacity Act 2005 is amended as follows.

Commencement Information

1153 Sch. 5 para. 133 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 35 (appointment of independent mental capacity advocates)—
 - (a) in subsection (1), for "appropriate authority" substitute "responsible authority",
 - (b) in subsection (4), for "appropriate authority" substitute "responsible authority", and
 - (c) after subsection (6) insert—
 - "(6A) In subsections (1) and (4), "the responsible authority" means—
 - (a) in relation to the provision of the services of independent mental capacity advocates in the area of a local authority in England, that local authority, and
 - (b) in relation to the provision of the services of independent mental capacity advocates in Wales, the Welsh Ministers.
 - (6B) In subsection (6A)(a), "local authority" has the meaning given in section 64(1) except that it does not include the council of a county or county borough in Wales."

Commencement Information

I154 Sch. 5 para. 134 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 64 (interpretation), in subsection (1) in the definition of "local authority", after "except in" insert "section 35(6A)(a) and".

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Commencement Information

I155 Sch. 5 para. 135 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 136 (1) Schedule A1 (hospital and care home residents: deprivation of liberty) is amended as follows.
 - (2) In paragraph 176 (meaning of "managing authority"), in sub-paragraph (1)—
 - (a) in paragraph (a) omit "Primary Care Trust,",
 - (b) in that paragraph omit "Strategic Health Authority,",
 - (c) after that paragraph insert—
 - "(aa) in relation to England, if the hospital falls within paragraph (a)(i) or (ii) and no Special Health Authority has responsibility for its administration, the Secretary of State;", and
 - (d) in paragraph (b) omit "Primary Care Trust,".
 - (3) In paragraph 180 (supervisory bodies: hospitals in England)—
 - (a) for sub-paragraph (2) substitute—
 - "(2) If the relevant person is ordinarily resident in the area of a local authority in England, the supervisory body are that local authority.",
 - (b) in sub-paragraph (3), after "If" insert "the relevant person is not ordinarily resident in England and",
 - (c) in sub-paragraph (4), for "the Primary Care Trust" substitute "the local authority",
 - (d) after sub-paragraph (4) insert—
 - "(4A) Local authority" means—
 - (a) the council of a county;
 - (b) the council of a district for which there is no county council;
 - (c) the council of a London borough;
 - (d) the Common Council of the City of London;
 - (e) the Council of the Isles of Scilly.", and
 - (e) in sub-paragraph (5), for "Primary Care Trusts" substitute "local authorities".
 - (4) In paragraph 181 (supervisory bodies: hospitals in Wales), for sub-paragraph (3) substitute—
 - "(3) But if the relevant person is ordinarily resident in the area of a local authority in England, the supervisory body are that local authority.
 - (4) "Local authority" means—
 - (a) the council of a county;
 - (b) the council of a district for which there is no county council;
 - (c) the council of a London borough;
 - (d) the Common Council of the City of London;
 - (e) the Council of the Isles of Scilly."

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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Before paragraph 183 insert the following heading— "Supervisory bodies: determination of place of ordinary residence".
- (6) In that paragraph—
 - (a) in sub-paragraph (1), for "paragraph" substitute "paragraphs 180, 181 and", and
 - (b) in sub-paragraph (2), after "by virtue of sub-paragraph (1)" insert "to any determination of where a person is ordinarily resident for the purposes of paragraph 182".

Commencement Information

I156 Sch. 5 para. 136 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Childcare Act 2006 (c. 21)

- In section 4 of the Childcare Act 2006 (duty of local authority and relevant partners to work together), in subsection (1)—
 - (a) before paragraph (a) insert—
 - "(za) the National Health Service Commissioning Board;", and"
 - (b) in paragraph (a)—
 - (i) at the beginning insert "a clinical commissioning group",
 - (ii) omit "a Strategic Health Authority", and
 - (iii) omit "or Primary Care Trust".

Commencement Information

I157 Sch. 5 para. 137 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Emergency Workers (Obstruction) Act 2006 (c. 39)

- In section 1 of the Emergency Workers (Obstruction) Act 2006 (obstructing emergency workers)—
 - (a) in subsection (5), in paragraph (a)—
 - (i) after "Wales," insert "the Secretary of State in the exercise of public health functions, a local authority in the exercise of public health functions, the National Health Service Commissioning Board, a clinical commissioning group,", and
 - (ii) omit ", Primary Care Trust", and
 - (b) after that subsection insert—
 - "(6) In subsection (5)(a) above "public health functions"—
 - (a) in relation to the Secretary of State, has the same meaning as in section 1H(5)(a) of the National Health Service Act 2006;
 - (b) in relation to a local authority, has the same meaning as in section 1H(5)(b) of that Act."

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I158 Sch. 5 para. 138 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

National Health Service (Consequential Provisions) Act 2006 (c. 43)

- In Schedule 1 to the National Health Service (Consequential Provisions) Act 2006—
 - (a) omit paragraphs 2(b), 30 (and the cross-heading preceding it), 47(b), 54(b), 90(e), 112(a), 125(c), 141(a), 170(b), 179(b)(iv), 180(c), 211(d), 228(a), 233(c), 234(c), 271(c) and 294 (which make amendments relating to Primary Care Trusts), and
 - (b) omit paragraphs 90(g), 125(e), 131(c)(i), 179(b)(i), 180(a)(i), 211(a), 228(c), 233(a), 234(a) and 271(e) (which make amendments relating to Strategic Health Authorities).

Commencement Information

I159 Sch. 5 para. 139 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

NHS Redress Act 2006 (c. 44)

The NHS Redress Act 2006 is amended as follows.

Commencement Information

I160 Sch. 5 para. 140 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 1, in subsection (3)—
 - (a) after paragraph (a) insert—
 - "(aa) the National Health Service Commissioning Board,
 - (ab) a clinical commissioning group,",
 - (b) omit paragraph (b),
 - (c) omit paragraph (c), and
 - (d) in paragraph (d) for "(b) or (c)" substitute "(aa) or (ab)".

Commencement Information

I161 Sch. 5 para. 141 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 18 (interpretation), in subsection (1) omit the definition of "designated Strategic Health Authority".

Commencement Information

I162 Sch. 5 para. 142 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

SCHEDULE 5 - Part 1: amendments of other enactments

Document Generated: 2024-06-24

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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Safeguarding Vulnerable Groups Act 2006 (c. 47)

143 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

Commencement Information

I163 Sch. 5 para. 143 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 144 In section 6 (regulated activity providers)
 - omit subsection (8D), and
 - before subsection (9) insert— (b)
 - "(8E) The National Health Service Commissioning Board or a clinical commissioning group does not make arrangements for another to engage in a regulated activity by virtue of anything the Board or the clinical commissioning group does under section 12A or 12D, or regulations under section 12A or 12B, of the National Health Service Act 2006 (direct payments for health services)."

Commencement Information

I164 Sch. 5 para. 144 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 145 In section 17 (NHS employment) in subsection (3)
 - before paragraph (a) insert—
 - "(za) the National Health Service Commissioning Board;
 - a clinical commissioning group;",
 - omit paragraph (b), and (b)
 - omit paragraph (f). (c)

Commencement Information

I165 Sch. 5 para. 145 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

146 In section 22 (controlled activity relating to vulnerable adults), in subsection (6) in the definition of "hospital services" omit paragraph (d).

Commencement Information

147

I166 Sch. 5 para. 146 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

PROSPECTIVE

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- In section 6 of the Corporate Manslaughter and Corporate Homicide Act 2007 (emergencies), in subsection (7) in the definition of "relevant NHS body"—
 - (a) before paragraph (a) insert—

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- "(za) the National Health Service Commissioning Board;", and"
- (b) in paragraph (a)—
 - (i) at the beginning insert "a clinical commissioning group,"
 - (ii) omit "a Strategic Health Authority,", and
 - (iii) omit "Primary Care Trust,".

Commencement Information

I167 Sch. 5 para. 147(a)(b)(i) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

1168 Sch. 5 para. 147(b)(ii)(iii) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Local Government and Public Involvement in Health Act 2007 (c. 28)

The Local Government and Public Involvement in Health Act 2007 is amended as follows.

Commencement Information

I169 Sch. 5 para. 148 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 149 (1) Section 222 (arrangements relating to local care services) is amended as follows.
 - (2) In subsection (3)—
 - (a) after paragraph (c) insert "or
 - (ca) a clinical commissioning group.",
 - (b) omit paragraph (d), and
 - (c) omit paragraph (e) and the preceding "or".
 - (3) After that subsection insert—
 - "(3A) The arrangements must not be made with the National Health Service Commissioning Board."

Commencement Information

I170 Sch. 5 para. 149 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 224 (duties of services-providers to respond to local involvement networks)—
 - (a) for "services-provider", in each place it appears, substitute "responsible person",
 - (b) in subsection (2), before paragraph (a) insert—
 - "(za) the National Health Service Commissioning Board;
 - (zb) a clinical commissioning group;",
 - (c) in that subsection, omit paragraph (c), and
 - (d) in the title, for "services-providers" substitute "responsible persons".

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I171 Sch. 5 para. 150 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 225 (duties of services-providers to allow entry by local involvement networks), in subsection (7), omit paragraph (c).

Commencement Information

1172 Sch. 5 para. 151 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 227 (annual reports), in subsection (4)(b)—
 - (a) omit "each Primary Care Trust,",
 - (b) omit "and",
 - (c) omit "each Strategic Health Authority,", and
 - (d) omit the words from "any" to the end.

Commencement Information

I173 Sch. 5 para. 152 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Criminal Justice and Immigration Act 2008 (c. 4)

In section 119 of the Criminal Justice and Immigration Act 2008 (offence of causing nuisance or disturbance on NHS premises), in subsection (4) in the definition of "relevant English NHS body", omit paragraph (b).

Commencement Information

I174 Sch. 5 para. 153 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Health and Social Care Act 2008 (c. 14)

The Health and Social Care Act 2008 is amended as follows.

Commencement Information

1175 Sch. 5 para. 154 in force at 1.4.2013 for specified purposes by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 30 (urgent procedure for cancellation), in subsection (3)—
 - (a) before paragraph (a) insert—
 - "(za) in any case where regulations so provide, to the National Health Service Commissioning Board,",
 - (b) in paragraph (a)—
 - (i) at the beginning insert "in any case where regulations so provide,",
 - (ii) after "such" insert "clinical commissioning group", and
 - (iii) omit "Primary Care Trust", and
 - (c) omit paragraph (b).

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I176 Sch. 5 para. 155 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 39 (bodies required to be notified of certain matters), in subsection (1)—
 - (a) before paragraph (a) insert—
 - "(za) in any case where regulations so provide, to the National Health Service Commissioning Board,",
 - (b) in paragraph (a)—
 - (i) at the beginning insert "in any case where regulations so provide,",
 - (ii) after "such" insert "clinical commissioning group", and
 - (iii) omit "Primary Care Trust", and
 - (c) omit paragraph (b).

Commencement Information

I177 Sch. 5 para. 156 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

^{F3}157

Textual Amendments

- F3 Sch. 5 para. 157 omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), ss. 91(9)(f), 127(1); S.I. 2014/1714, art. 4
- In section 48 (special reviews and investigations)—
 - (a) in subsection (2) after paragraph (b) (and before the "or" immediately following it) insert—
 - "(ba) the exercise of the functions of the National Health Service Commissioning Board or a clinical commissioning group in arranging for the provision of NHS care under the National Health Service Act 2006,", and
 - (b) in subsection (8) omit paragraph (a) and the word "or" immediately following it.

Commencement Information

I178 Sch. 5 para. 158 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

^{F4}159

Textual Amendments

F4 Sch. 5 para. 159 omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), **ss. 91(9)(f)**, 127(1); S.I. 2014/1714, art. 4

In section 54 (studies as to economy, efficiency etc)—

(a) omit subsection (2)(b), and

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(b) in subsection (5) after "reference to" insert "the National Health Service Commissioning Board, a clinical commissioning group or".

Commencement Information

I179 Sch. 5 para. 160 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 59 (additional functions) at the end insert—
 - "(3) The references in subsection (1) to English NHS bodies do not include references to the National Health Service Commissioning Board or clinical commissioning groups."

Commencement Information

I180 Sch. 5 para. 161 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 64 (power to require documents and information), in subsection (2)(b)—
 - (a) after "commissioned by" insert "—
 - (i) the National Health Service Commissioning Board,
 - (ii) a clinical commissioning group, or

(iii)",

and

(b) omit "a Primary Care Trust".

Commencement Information

1181 Sch. 5 para. 162 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

	PROSPECTIVE
F5163	
Textu	al Amendments
F5	Sch. 5 para. 163 omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), ss. 91(9)(f), 127(1); S.I.
	2014/1714, art. 4

	PROSPECTIVE
^{F6} 164	

Textual Amendments

F6 Sch. 5 para. 164 omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), **ss. 91(9)(f)**, 127(1); S.I. 2014/1714, art. 4

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

In section 81 (publication of programme of reviews etc), in subsection (2) after paragraph (a) and before the "and" immediately following it insert—

"(aa) the National Health Service Commissioning Board,".

Commencement Information

I182 Sch. 5 para. 165 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 166 (1) Section 97 (general interpretation of Part 1) is amended as follows.
 - (2) In subsection (1) in the definition of "English NHS body"—
 - (a) omit paragraph (a),
 - (b) omit paragraph (b), and
 - (c) before paragraph (d) insert—
 - "(ca) the National Health Service Commissioning Board,
 - (cb) a clinical commissioning group,".
 - (3) In that subsection in the definition of "English NHS provider" omit paragraph (a).
 - (4) In that subsection in the definition of "NHS care"—
 - (a) after "health care" insert "—
 - (a) commissioned by the National Health Service Commissioning Board or by a clinical commissioning group (whether from an English NHS provider or not), or

(b)", and

- (b) omit from "provided by" to the end.
- (5) After subsection (2) insert—
 - "(2A) Any reference in this Part to health care commissioned by the National Health Service Commissioning Board or by a clinical commissioning group is a reference to health care provided by other persons pursuant to arrangements made by the Board or a clinical commissioning group under the National Health Service Act 2006 (including arrangements so made by virtue of section 7A of that Act)."
- (6) Omit subsection (3).

Commencement Information

I183 Sch. 5 para. 166 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 153 (directions to certain NHS bodies) in subsection (1)—
 - (a) omit paragraph (a), and
 - (b) omit paragraph (b).

Commencement Information

I184 Sch. 5 para. 167 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Education and Skills Act 2008 (c. 25)

The Education and Skills Act 2008 is amended as follows.

Commencement Information

I185 Sch. 5 para. 168 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 16 (supply of information by public bodies), in subsection (2)—
 - (a) omit paragraph (c),
 - (b) omit paragraph (d), and
 - (c) before paragraph (e) insert—
 - "(da) a clinical commissioning group,".

Commencement Information

I186 Sch. 5 para. 169 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In section 77 (supply of information by public bodies), in subsection (2)—
 - (a) omit paragraph (c),
 - (b) omit paragraph (d), and
 - (c) before paragraph (e) insert—
 - "(da) a clinical commissioning group,".

Commencement Information

I187 Sch. 5 para. 170 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Autism Act 2009 (c. 15)

- In section 4 of the Autism Act 2009 (interpretation), in subsection (1), in the definition of "NHS body"—
 - (a) omit paragraph (a),
 - (b) omit paragraph (b), and
 - (c) before paragraph (d) insert—
 - "(ca) the National Health Service Commissioning Board;
 - (cb) a clinical commissioning group;".

Commencement Information

F7172

I188 Sch. 5 para. 171 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F7 Sch. 5 para. 172 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), ss. 102(2)(c), 115(3)(k)

Health Act 2009 (c. 21)

173 The Health Act 2009 is amended as follows.

Commencement Information

- I189 Sch. 5 para. 173 in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)
- **1190** Sch. 5 para. 173 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- In each of the following provisions for "NHS services" substitute "health services"—
 - (a) the title to Part 1.
 - (b) section 2(3), (4)(a) and (b), (5)(a) and (b) and (7), and
 - (c) the definitions of "carers", "patients" and "staff" in section 3(7).

Commencement Information

I191 Sch. 5 para. 174 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 175 (1) Section 2 (duty to have regard to NHS constitution) is amended as follows.
 - (2) In subsection (1), for "NHS functions" substitute "health service functions".
 - (3) In subsection (2)—
 - (a) omit paragraph (a),
 - (b) omit paragraph (b), and
 - (c) before paragraph (d) insert—
 - "(ca) the National Health Service Commissioning Board;
 - (cb) clinical commissioning groups;
 - (cc) local authorities (within the meaning of section 2B of the National Health Service Act 2006);".
 - (4) In subsection (3), for "an "NHS function" substitute "a "health service function".
 - (5) In subsection (4)—
 - (a) before paragraph (a) insert—
 - "(za) provides health services under arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under or by virtue of section 3, 3A, 3B or 4 of, or Schedule 1 to, the National Health Service Act 2006,"
 - (b) omit the word "or" at the end of paragraph (a), and
 - (c) after paragraph (b) insert ", or

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- (c) provides health services under arrangements made by a local authority for the purposes of its functions under or by virtue of section 2B or 6C(1) of, or Schedule 1 to, that Act."
- (6) In subsection (5) for "subsection (4)(a) or (b)" substitute "subsection (4)(za), (a), (b) or (c)".

Commencement Information

- I192 Sch. 5 para. 175(1) in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)
- 1193 Sch. 5 para. 175(1)(3)(c) in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- 1194 Sch. 5 para. 175(2)(3)(a)(b)(4)-(6) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)
- 1195 Sch. 5 para. 175(3)(c) in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)
- 176 (1) Section 3 (availability and review of NHS constitution) is amended as follows.
 - (2) In subsection (3), omit paragraph (d).
 - (3) Omit subsection (8).

Commencement Information

I196 Sch. 5 para. 176 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 177 (1) Section 8 (duty of providers to publish information) is amended as follows.
 - (2) In subsection (1) for "NHS services" (in each place where it occurs) substitute "relevant health services".
 - (3) Omit subsection (2)(a).
 - (4) In subsection (3) for paragraphs (a) to (c) substitute—
 - "(a) provides health services as mentioned in section 2(4)(za) or (a), or
 - (b) in pursuance of a contract, agreement or arrangements as mentioned in section 2(4)(za) or (a), makes arrangements for another person to provide health services,".
 - (5) For subsection (6) substitute—
 - "(6) In this section—

"health services" has the same meaning as in Chapter 1;

"relevant health services" means health services the provision of which is arranged by the National Health Service Commissioning Board or a clinical commissioning group under or by virtue of section 3, 3A, 3B or 4 of, or Schedule 1 to, the National Health Service Act 2006 or under or by virtue of Parts 4 to 7 of that Act."

Commencement Information

I197 Sch. 5 para. 177 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 9 (supplementary provision about the duty to publish information), in subsection (3), for "a Strategic Health Authority" substitute "Monitor".

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I198 Sch. 5 para. 178 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

In section 36 (disclosure of information by Her Majesty's Revenue and Customs), in subsection (3) after paragraph (a) insert—

"(aa) the National Health Service Commissioning Board;".

Commencement Information

I199 Sch. 5 para. 179 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Equality Act 2010 (c. 15)

The Equality Act 2010 is amended as follows.

Commencement Information

I200 Sch. 5 para. 180 in force at 1.10.2012 for specified purposes by S.I. 2012/1831, art. 2(2)

I201 Sch. 5 para. 180 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

- In section 1 (public sector duty regarding socio-economic inequalities), in subsection (3)—
 - (a) omit paragraph (h), and
 - (b) omit paragraph (i).

Commencement Information

1202 Sch. 5 para. 181 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- In Part 1 of Schedule 19 (bodies subject to public sector equality duty), in the group of entries that includes entries for bodies whose functions relate to the health service—
 - (a) at the beginning insert—

"The National Health Service Commissioning Board.

A clinical commissioning group established under section 14D of the National Health Service Act 2006.",

- (b) in the entry for an NHS trust, for "that Act" substitute "the National Health Service Act 2006",
- (c) omit the entry for a Primary Care Trust, and
- (d) omit the entry for a Strategic Health Authority.

Commencement Information

I203 Sch. 5 para. 182(a) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

1204 Sch. 5 para. 182(b)-(d) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Child Poverty Act 2010 (c. 9)

- In section 20 of the Child Poverty Act 2010 (partner authorities), in subsection (2)—
 - (a) after paragraph (e) insert—
 - "(ea) a clinical commissioning group;",
 - (b) omit paragraph (f), and
 - (c) omit paragraph (g).

Commencement Information

I205 Sch. 5 para. 183 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Charities Act 2011 (c. 25)

- In section 149 of the Charities Act 2011 (audit or examination of English NHS charity accounts), in subsection (7)—
 - (a) omit paragraph (a),
 - (b) omit paragraph (b),
 - (c) before paragraph (c) insert—
 - "(ba) the National Health Service Commissioning Board,
 - (bb) a clinical commissioning group,
 - (bc) trustees for the National Health Service Commissioning Board appointed in pursuance of paragraph 11 of Schedule A1 to the National Health Service Act 2006, or
 - (bd) trustees for a clinical commissioning group appointed in pursuance of paragraph 15 of Schedule 1A to that Act,", and
 - (d) omit paragraph (f).

Commencement Information

1206 Sch. 5 para. 184(a)(b)(d) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. paras. 1, 6) **1207** Sch. 5 para. 184(c) in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

Health and Social Care Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to:

- Sch. 5 para. 78 omitted by 2018 anaw 2 Sch. 1 para. 6(q)
- Sch. 5 para. 79 omitted by 2018 anaw 2 Sch. 1 para. 6(q)
- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by
 S.I. 2012/2657 art. 15

Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by 2022 c. 31 s. 96
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by S.I. 2019/1245 reg. 28 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by 2013 c. 24 Sch. 14 para. 21
- s. 106(3A)(3B) inserted by 2013 c. 24 Sch. 14 para. 22
- s. 250(2)-(2B) substituted for s. 250(2) by 2022 c. 31 s. 95(2)(a)
- s. 250(6)-(6D) substituted for s. 250(6) by 2022 c. 31 s. 95(2)(d)
- s. 251251ZA substituted for s. 251 by 2022 c. 31 s. 95(3)
- s. 251C(6A) inserted by 2022 c. 31 s. 95(4)(a)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by 2022 c. 31 s. 98(b)
- s. 259(1)(aa) words substituted by S.I. 2023/98 Sch. para. 17(11)(a)(iii) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by 2022 c. 31 s. 98(h)
- s. 304(5)(ja) inserted by 2022 c. 31 s. 95(5)