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**Changes to legislation:** Health and Social Care Act 2012, Paragraph 39 is up to date with all changes known to be in force on or before 05 May 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

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## SCHEDULES

### SCHEDULE 5

#### PART 1: AMENDMENTS OF OTHER ENACTMENTS

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

- 39 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”.

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#### **Commencement Information**

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

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**Changes and effects yet to be applied to :**

- 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\(5\)](#)