



Health and Social Care Act 2012

2012 CHAPTER 7

PART 6

PRIMARY CARE SERVICES

204 Arrangements under section 107 of the National Health Service Act 2006

- (1) Section 108 of the National Health Service Act 2006 (persons with whom section 107 arrangements may be made) is amended as follows.
- (2) In subsection (1)—
 - (a) before “make an agreement” insert “, subject to such conditions as may be prescribed,”,
 - (b) in each of paragraphs (b) and (c), omit “who meets the prescribed conditions”,
 - (c) for paragraph (f) substitute—
 - “(f) a dental corporation,”, and
 - (d) after paragraph (f) insert—
 - “(fa) a company limited by shares where the conditions in subsection (1A) are satisfied,
 - (fb) a limited liability partnership where subsection (1B) or (1C) applies.”.
- (3) After subsection (1) insert—
 - “(1A) The conditions referred to in subsection (1)(fa) are that—
 - (a) every person who owns a share in the company owns it both legally and beneficially, and
 - (b) it is not possible for two or more members of the company who are not persons who fall within subsection (1)(a) to (e) to hold the majority of the voting rights conferred by shares in the company on any matter on which members have such rights.”
- (4) After subsection (1A) insert—

Status: This is the original version (as it was originally enacted).

“(1B) This subsection applies if a member of the partnership who falls within subsection (1)(a) to (e) has the power to secure that the partnership’s affairs are conducted in accordance with that member’s wishes.

(1C) This subsection applies if, in any combination of members of the partnership who, acting together, have the power (or who, if they were to act together, would have the power) to secure that the partnership’s affairs are conducted in accordance with their wishes, at least one of them falls within subsection (1) (a) to (e).”

(5) Omit subsection (2).

(6) In subsection (3)—

(a) at the appropriate place insert—

““dental corporation”” means a body corporate which is carrying on the business of dentistry in accordance with the Dentists Act 1984,” and

(b) omit the definition of “qualifying body”.