



Health and Care Act 2022

2022 CHAPTER 31

PART 6

MISCELLANEOUS

Social care: regulation and financial assistance

167 Provision of social care services: financial assistance

- (1) The Health and Social Care Act 2008 is amended as follows.
- (2) In section 149 (power of Secretary of State to give financial assistance in relation to provision of health or social care services)—
 - (a) in subsection (1)(a) and (b), omit “or of social care services”;
 - (b) after subsection (1) insert—

“(1A) The Secretary of State may give financial assistance to bodies which are engaged in—

 - (a) the provision in England of social care services, or
 - (b) the provision to other persons of services that are connected with the provision in England by those other persons of social care services.

(1B) Assistance may be given to a body under subsection (1A) for the purposes of the provision of social care services only if those services are provided in England.”
- (3) In section 151 (forms of assistance under section 149), in subsection (2)(d), after “149(1)” insert “or (1A)”.
- (4) For section 153 substitute—

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 167. (See end of Document for details)

“153 Directions to certain NHS bodies

- (1) The Secretary of State may direct the following to exercise any functions of the Secretary of State in relation to financial assistance under section 149(1)—
 - (a) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in England, or
 - (b) a Special Health Authority performing functions only or mainly in respect of England.
 - (2) The Secretary of State may direct any Special Health Authority to exercise any functions of the Secretary of State in relation to financial assistance under section 149(1A).
 - (3) The Secretary of State may direct the following to exercise any functions of the Secretary of State in relation to financial assistance under section 149(2) so far as those functions relate to the establishment of bodies which are to be wholly or mainly engaged in the provision of health services or services connected to health services—
 - (a) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in England, or
 - (b) a Special Health Authority performing functions only or mainly in respect of England.
 - (4) The Secretary of State may direct any Special Health Authority to exercise any functions of the Secretary of State in relation to financial assistance under section 149(2) so far as they are not functions to which subsection (3) above applies.
 - (5) The Secretary of State may give directions to a body about the exercise of any functions that it is directed to exercise under any of subsections (1) to (4).”
- (5) In section 154 (arrangements with other third parties)—
- (a) in subsection (1)(a), after “section 149” insert “(1)”;
 - (b) after subsection (1) insert—

“(1A) The Secretary of State may make arrangements for—

 - (a) financial assistance under section 149(1A) to be given, or
 - (b) other functions relating to such assistance to be exercised, by a person other than a Special Health Authority (as to Special Health Authorities, see section 153(2)).”;
 - (c) in subsections (2), (3), (4) and (5) after “subsection (1)” insert “or (1A)”.
- (6) In section 155 (power to form company), after “section 154(1)” insert “or (1A)”.

Commencement Information

- I1** S. 167 not in force at Royal Assent, see [s. 186\(6\)](#)
- I2** S. 167 in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Changes to legislation:

There are currently no known outstanding effects for the Health and Care Act 2022, Section 167.