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STATUTORY INSTRUMENTS

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**2003 No. 629**

**NATIONAL HEALTH SERVICE, ENGLAND  
LOCAL GOVERNMENT, ENGLAND**

**The NHS Bodies and Local Authorities Partnership  
Arrangements (Amendment) (England) Regulations 2003**

<i>Made</i>	- - - -	<i>10th March 2003</i>
<i>Laid before Parliament</i>		<i>11th March 2003</i>
<i>Coming into force</i>	- -	<i>1st April 2003</i>

The Secretary of State for Health in exercise of the powers conferred upon him by section 126(4) of the National Health Service Act 1977<sup>(1)</sup>, and section 31 of the Health Act 1999<sup>(2)</sup> and of all powers enabling him in that behalf hereby makes the following Regulations:

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the NHS Bodies and Local Authorities Partnership Arrangements (Amendment) (England) Regulations 2003 and shall come into force on 1st April 2003.

(2) In these Regulations—

“the principal Regulations” means the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000<sup>(3)</sup>.

(3) These Regulations apply to England only.

**Amendment of regulation 2 of the principal Regulations**

2.—(1) Regulation 2(1) of the principal Regulations shall be amended as follows.

(2) After the definition of “the Act” insert the following definition—

““the 1948 Act” means the National Assistance Act 1948;”<sup>(4)</sup>.

(3) After the definition of “the 1977 Act” insert the following definition—

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(1) 1977 c. 49; see also section 62(4) of the Health Act 1999 (1999 c. 8).

(2) 1999 c. 8.

(3) S.I.2000/617, as amended by S.I. 2001/2237 and S.I. 2002/2469.

(4) 1948, c. 10.

““the 1983 Act” means the Health and Social Services and Social Security Adjudications Act 1983;”(5).

#### **Amendment of regulation 3 of the principal Regulations**

3. At the end of regulation 3(2) of the principal Regulations, after “City of London”, insert  
“, and  
(f) the Council of the Isles of Scilly.”.

#### **Amendment of regulation 4 of the principal Regulations**

- 4.—(1) Regulation 4 of the principal Regulations shall be amended as follows.
  - (2) At the beginning of paragraph (2), insert “Subject to paragraph (2A),”.
  - (3) After paragraph (2), insert the following paragraph—

“(2A) Paragraph (2) does not apply where the partnership arrangements have been consulted upon pursuant to regulation 4 of the Care Trusts (Applications and Consultation) Regulations 2001 (consultation before an application for Care Trust designation may be made).(6)

#### **Amendment of regulation 6 of the principal Regulations**

- 5.—(1) In regulation 6(a) of the principal Regulations—
  - (a) in sub-paragraph (i), at the beginning, insert “subject to sub-paragraph (k),” and for “the National Assistance Act 1948”, substitute “the 1948 Act”,
  - (b) after sub-paragraph (iv), insert the following sub-paragraph—

“(iva) subject to sub-paragraph (1), section 17 of the 1983 Act;”.
- (2) At the end of regulation 6, add the following paragraphs—
  - “(k) where partners enter into arrangements under regulation 7(1) or 8(1) in respect of the provision of accommodation under sections 21 or 26 of the 1948 Act, the function of charging for that accommodation under section 22, 23(2) or 26 of that Act, or
  - (l) where partners enter into arrangements under regulation 7(1) or 8(1) in respect of the provision of a service under any enactment mentioned in section 17(2)(a) to (c) of the 1983 Act, the function of charging for that service under that section.”.

#### **Amendment of regulation 8 of the principal Regulations**

6. In regulation 8 of the principal Regulations, at the end of paragraph (2), add the following sub-paragraph—
  - “(h) in the case of the exercise of functions mentioned in regulation 6(k) or (l), the arrangements in place for determining the services in respect of which a user may be charged and for informing users about such charges.”

#### **Amendment of regulation 9 of the principal Regulations**

7. In regulation 9 of the principal Regulations, at the end of paragraph (3), add the following sub-paragraph—

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(5) 1983 c. 41.

(6) S.I. 2001/3788; see also section 45 of the Health and Social Care Act 2001 (c. 15).

“(h) in the case of the exercise of functions mentioned in regulation 6(k) or (l), the arrangements in place for determining the services in respect of which a user may be charged and for informing users about such charges.”

Signed by authority of the Secretary of State for Health

10th March 2003

*Jacqui Smith*  
Minister of State,  
Department of Health

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2001 (“the principal Regulations”).

The principal Regulations make provision for certain NHS bodies and local authorities to enter into specified arrangements (partnership arrangements) in relation to specified functions.

Regulation 3 adds the Council of the Isles of Scilly to the list of local authorities who can enter into partnership arrangements.

Regulation 4 disapplies the consultation requirement in regulation 2 of the principal Regulations in respect of partnership arrangements entered into where those arrangements have been consulted upon in connection with an application for Care Trust designation pursuant to section 45 of the Health and Social Care Act 2001.

Regulation 5 makes amendments to regulation 6 of the principal Regulations. The amendments relate to charging for community care services. In particular it adds section 17 of the Health and Social Services and Social Security Adjudications Act 1983 to the list of functions which, generally, cannot be the subject of partnership arrangements. It also adds sub-paragraphs (k) and (l) to regulation 6 of the principal Regulations which enable the specified functions to be part of partnership arrangements provided the function to which the charging function relates also forms part of those partnership arrangements.

Regulations 6 and 7 make amendments to regulations 8 and 9 of the principal Regulations so that, where the partnership arrangements include charging functions, the partnership agreement must specify what arrangements are in place for determining the services in respect of which a user may be charged and for informing those users about such charges.