

Status: Point in time view as at 01/04/2013.

Changes to legislation: National Health Service Act 2006, Cross Heading: Board's functions in relation to clinical commissioning groups is up to date with all changes known to be in force on or before 02 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)



National Health Service Act 2006

2006 CHAPTER 41

PART 2

HEALTH SERVICE BODIES

[^{F1}CHAPTER A2

CLINICAL COMMISSIONING GROUPS

[^{F1}[^{F2}Board's functions in relation to clinical commissioning groups

Textual Amendments

- F1** Pt. 2 Ch. A2 inserted (27.3.2012 for specified purposes, 1.10.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), ss. 25\(1\), 306\(1\)\(d\)\(4\)](#) (with [Sch. 6 paras. 7-13](#)); [S.I. 2012/1831, art. 2\(2\)](#) (with [art. 5](#)); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))
- F2** Ss. 14P-14Z24 inserted (27.3.2012 for specified purposes, 1.10.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), ss. 26, 306\(1\)\(d\)\(4\)](#); [S.I. 2012/1831, art. 2\(2\)](#) (with [art. 6](#)); [S.I. 2012/2657, art. 2\(4\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))

14Z7 Responsibility for payments to providers

- (1) The Board may publish a document specifying—
- circumstances in which a clinical commissioning group is liable to make a payment to a person in respect of services provided by that person in pursuance of arrangements made by another clinical commissioning group in the discharge of its commissioning functions, and
 - how the amount of any such payment is to be determined.
- (2) A clinical commissioning group is required to make payments in accordance with any document published under subsection (1).

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- (3) Where a clinical commissioning group is required to make a payment by virtue of subsection (2), no other clinical commissioning group is liable to make it.
- (4) Accordingly, any obligation of another clinical commissioning group to make the payment ceases to have effect.
- (5) Any sums payable by virtue of subsection (2) may be recovered summarily as a civil debt (but this does not affect any other method of recovery).
- (6) The Board may publish guidance for clinical commissioning groups for the purpose of assisting them in understanding and applying any document published under subsection (1).
- (7) In this section and section 14Z8, “commissioning functions” means the functions of clinical commissioning groups in arranging for the provision of services as part of the health service.

Modifications etc. (not altering text)

C1 S. 14Z7(7) modified (1.10.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 6 para. 11\(2\)\(n\)](#); S.I. 2012/1831, art. 2(2)

14Z8 Guidance on commissioning by the Board

- (1) The Board must publish guidance for clinical commissioning groups on the discharge of their commissioning functions.
- (2) Each clinical commissioning group must have regard to guidance under this section.
- (3) The Board must consult the Healthwatch England committee of the Care Quality Commission—
 - (a) before it first publishes guidance under this section, and
 - (b) before it publishes any revised guidance containing changes that are, in the opinion of the Board, significant.

14Z9 Exercise of functions by the Board

- (1) The Board may, at the request of a clinical commissioning group, exercise on behalf of the group—
 - (a) any of its functions under section 3 or 3A which are specified in the request, and
 - (b) any other functions of the group which are related to the exercise of those functions.
- (2) Regulations may provide that the power in subsection (1) does not apply in relation to functions of a prescribed description.
- (3) Arrangements under this section may be on such terms and conditions (including terms as to payment) as may be agreed between the Board and the clinical commissioning group.
- (4) Arrangements made under this section do not affect the liability of a clinical commissioning group for the exercise of any of its functions.

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14Z10 Power of Board to provide assistance or support

- (1) The Board may provide assistance or support to a clinical commissioning group.
- (2) The assistance that may be provided includes—
 - (a) financial assistance, and
 - (b) making the services of the Board's employees or any other resources of the Board available to the clinical commissioning group.
- (3) Assistance or support provided under this section may be provided on such terms and conditions, including terms as to payment, as the Board considers appropriate.
- (4) The Board may, in particular, impose restrictions on the use of any financial or other assistance or support provided under this section.
- (5) A clinical commissioning group must comply with any restrictions imposed under subsection (4).]]

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