



National Health Service Act 2006

2006 CHAPTER 41

PART 12

PUBLIC INVOLVEMENT AND SCRUTINY

CHAPTER 3

[^{F1}REVIEW AND SCRUTINY BY LOCAL AUTHORITIES]

244 [^{F1}Review and scrutiny by local authorities]

- (1) This section applies to any local authority, except that it applies to the council of a district only where the district is comprised in an area for which there is no county council.
- (2) Regulations may, in relation to ^{F2}... an authority to which this section applies, make provision—
 - (a) as to matters relating to the health service in the authority's area which [^{F3}the authority] may review and scrutinise,
 - (b) as to matters relating to the health service in the authority's area on which [^{F3}the authority] may make reports and recommendations to [^{F4}relevant NHS bodies or relevant health service providers], [^{F5}or the Secretary of State],
 - (c) as to matters on which [^{F4}relevant NHS bodies or relevant health service providers] must consult [^{F3}the authority] in accordance with the regulations ^{F6}... ,
 - (d) as to information which [^{F4}relevant NHS bodies or relevant health service providers] must provide to [^{F3}the authority],
 - (e) as to information which may not be disclosed by a [^{F7}relevant NHS body or relevant health service provider] to [^{F3}the authority],
 - (f) requiring [^{F8}any member or employee of a relevant NHS body, or a relevant health service provider or member or employee of a relevant health service provider,] to attend before [^{F3}the authority] to answer questions.

Changes to legislation: National Health Service Act 2006, Section 244 is up to date with all changes known to be in force on or before 14 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

[^{F9}(2ZA) If (by virtue of subsection (2)(c)) regulations make provision as to matters on which relevant NHS bodies or relevant health service providers must consult the authority, the regulations may also make provision—

- (a) as to circumstances in which the authority may refer any of those matters to the Secretary of State ^{F10}... or [^{F11}NHS England];
- (b) conferring powers on the Secretary of State to give directions to [^{F11}NHS England] in relation to a matter referred to the Secretary of State by virtue of regulations under paragraph (a);
- (c) conferring powers on [^{F11}NHS England] to give directions to [^{F12}an integrated care board] in relation to a matter so referred;
- (d) conferring powers on [^{F11}NHS England] to give directions to [^{F13}an integrated care board] in relation to a matter referred to [^{F11}NHS England] by virtue of regulations under paragraph (a);
- (e) conferring powers on the Secretary of State to give directions to [^{F11}NHS England] as to the exercise of its powers by virtue of regulations under paragraph (c) or (d).

(2ZB) The powers that may be conferred under any of paragraphs (b) to (d) of subsection (2ZA) include powers to require the person to whom the direction is given—

- (a) to consult (or consult further) with the authority on the matter in question;
- (b) to determine the matter in a particular way;
- (c) to take, or not to take, any other steps in relation to the matter.

(2ZC) If (by virtue of subsection (2ZA)(a)) regulations make provision for an authority to refer a matter to the Secretary of State ^{F14}... or [^{F11}NHS England], the regulations may also provide for any provision of section 101 of the Local Government Act 1972—

- (a) not to apply in relation to the discharge by the authority of that function, or
- (b) to apply in relation to its discharge with such modifications as may be prescribed.

(2ZD) Any functions conferred on a local authority by regulations under this section are not to be the responsibility of an executive of the authority under executive arrangements (within the meaning of Part 1A of the Local Government Act 2000).

(2ZE) Regulations under this section may authorise a local authority to arrange for its functions under the regulations to be discharged by an overview and scrutiny committee of the authority.]

[^{F15}(2A) In subsection (2)(d) and (e), references to information are to information relating to matters relating to the health service in the authority's area.]

[^{F16}(3) For the purposes of subsections (2) and (2ZA)—

“relevant NHS body”, in relation to an authority to which this section applies, means an NHS body, other than a Special Health Authority, which is prescribed for those purposes in relation to the authority;

“relevant health service provider”, in relation to an authority to which this section applies, means a body or person which—

- (a) [^{F17}provides services in pursuance of arrangements made by virtue of this Act,] and
- (b) is prescribed, or is of a description prescribed, for those purposes in relation to the authority.]

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[^{F18}(3A) In subsection (2)(f) “member”—

- [^{F19}(a) in relation to an integrated care board, includes a person who is not a member of the board but is a member of a committee or sub-committee of it;]
- (b) in relation to a relevant health service provider which is a body corporate, includes a person who is not a member of the body but is a director of it;
- (c) in relation to an NHS trust, means a director of the trust;
- (d) in relation to an NHS foundation trust, means a director or governor of the trust.

^{F20}(3B)]

(4) “The health service” includes services provided in pursuance of arrangements under regulations under section 75 in relation to the exercise of health-related functions of a local authority.

[^{F21}(5) In [^{F22}this section and section 245] references to an overview and scrutiny committee include references to—

- (a) an overview and scrutiny committee of a local authority operating executive arrangements under Part 1A of the Local Government Act 2000 (executive arrangements in England), and
- (b) an overview and scrutiny committee appointed by a local authority under section 9JA of that Act (appointment of overview and scrutiny committees by committee system local authorities).]

Textual Amendments

- F1** S. 244 heading substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(7)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in s. 244(2) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(2)(a)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** Words in s. 244(2) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(2)(b)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 244(2) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(2)(c)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in s. 244(2)(b) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 5 para. 25(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** Words in s. 244(2)(c) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(2)(e)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 244(2) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(2)(d)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 244(2)(f) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(2)(f)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** S. 244(2ZA)-(2ZE) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 190(3)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Changes to legislation: National Health Service Act 2006, Section 244 is up to date with all changes known to be in force on or before 14 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

- F10** Words in s. 244(2ZA)(a) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 25(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F12** Words in s. 244(2ZA)(c) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 122(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F13** Words in s. 244(2ZA)(d) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 122(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F14** Words in s. 244(2ZC) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 25(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F15** S. 244(2A) inserted (1.4.2009) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 121(4), 245(5)**; S.I. 2008/3110, art. 4(c)
- F16** S. 244(3) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 190(4), 306(1)(d)(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** Words in s. 244(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 9 para. 12**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F18** S. 244(3A)(3B) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 190(5), 306(1)(d)(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F19** S. 244(3A)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 122(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F20** S. 244(3B) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 122(4)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F21** S. 244(5) inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 74**; S.I. 2012/1008, art. 4(b)
- F22** Words in s. 244(5) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 190(6), 306(1)(d)(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Modifications etc. (not altering text)

- C1** S. 244 modified (temp.) (11.7.2012) by The Health and Social Care Act 2012 (Commencement No.2 and Transitional, Savings and Transitory Provisions) Order 2012 (S.I. 2012/1831), **art. 13(3)-(5)**

Changes to legislation:

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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):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)