



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 5

#### MISCELLANEOUS

##### *Amendments relating to National Health Service*

#### **139 Duty of Primary Care Trusts**

After section 23 of the National Health Service Act 2006 (c. 41) insert—

##### **“23A Arrangements for improving quality of health care**

- (1) Each Primary Care Trust must make arrangements to secure continuous improvement in the quality of health care provided by it and by other persons pursuant to arrangements made by it.
- (2) In discharging its duty under subsection (1) a Primary Care Trust must have regard to the standards set out in statements under section 45 of the Health and Social Care Act 2008.
- (3) “Health care” means—
  - (a) services provided to individuals for or in connection with the prevention, diagnosis or treatment of illness, and
  - (b) the promotion and protection of public health.”

#### **140 Pharmaceutical services**

Schedule 12 (which contains amendments of the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 (c. 42) relating to expenditure in connection with the provision of pharmaceutical services) has effect.

**141 Remuneration for persons providing pharmaceutical services**

(1) In section 164 of the National Health Service Act 2006 (remuneration for persons providing pharmaceutical services)—

(a) after subsection (4) insert—

“(4A) An instrument of appointment—

- (a) must be contained in regulations if it provides for the appointment of a Primary Care Trust or other person as a determining authority in relation to the remuneration to be paid to persons who provide services under section 126, and
- (b) if paragraph (a) does not apply, may be contained in regulations.”, and

(b) in subsection (5), omit paragraph (b) and the word “and” immediately preceding it.

(2) In section 88 of the National Health Service (Wales) Act 2006 (c. 42) (remuneration for persons providing pharmaceutical services)—

(a) after subsection (4) insert—

“(4A) An instrument of appointment—

- (a) must be contained in regulations if it provides for the appointment of a Local Health Board or other person as a determining authority in relation to the remuneration to be paid to persons who provide services under section 80, and
- (b) if paragraph (a) does not apply, may be contained in regulations.”, and

(b) in subsection (5), omit paragraph (b) and the word “and” immediately preceding it.

**142 Indemnity schemes in connection with provision of health services**

(1) Section 71 of the National Health Service Act 2006 (c. 41) (schemes for meeting losses and liabilities of health service bodies) is amended as follows.

(2) In subsection (1), after “the bodies” (in each place) insert “or other persons”.

(3) In subsection (2)—

(a) after “The bodies” insert “and other persons”,

(b) after paragraph (g) insert—

“(h) the Secretary of State, and

- (i) a body or other person (other than a body or other person within any of paragraphs (a) to (h)) providing, or arranging the provision of, health services whose provision is the subject of arrangements with a body or other person within any of paragraphs (a) to (h),” and

(c) after “bodies which” insert “, or other persons who,”.

(4) After subsection (2) insert—

“(2A) In subsection (1)(b) “functions”—

- (a) in relation to the Secretary of State, means the Secretary of State’s functions in connection with the health service;

- (b) in relation to a body or other person within paragraph (i) of subsection (2), means the body's or person's functions of providing, or arranging the provision of, health services whose provision is the subject of arrangements with a body or other person within any of paragraphs (a) to (h) of that subsection."
- (5) In subsection (3)—
  - (a) in paragraph (b), after "body which" insert ", or other person who," and
  - (b) in paragraph (c), after "Secretary of State" insert "(whether or not a participator in the scheme and, if a participator, whether or not required to make payments as a participator)".
- (6) For subsection (5) substitute—
  - "(5) The Secretary of State may make a direction under subsection (4) in respect of a body only if the body is within any of paragraphs (a) to (d), (f) and (g) of subsection (2)."
- (7) After subsection (8) insert—
  - "(9) In subsection (2)(i), the reference to a person providing health services does not include a person providing health services under a contract of employment.
- (10) In this section "health services" means services provided as part of the health service."