



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 5

#### PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

### CHAPTER 2

#### LOCAL GOVERNMENT

#### *Care Trusts*

## 200 Care Trusts

(1) In section 77 of the National Health Service Act 2006 (Care Trusts), in subsection (1)

- (a) in paragraph (a), after “an NHS trust” insert “or a clinical commissioning group or an NHS foundation trust”,
- (b) omit the “and” preceding paragraph (b),
- (c) in paragraph (b), for “the Secretary of State considers” substitute “the body and the local authority concerned consider”,
- (d) in that paragraph, for “a local authority” substitute “the local authority”,
- (e) after paragraph (b), insert “, and
  - (c) the requirements in subsection (1A) are satisfied,”, and
- (f) for “the Secretary of State may” substitute “the body and the local authority may jointly”.

(2) After that subsection insert—

“(1A) The body and the local authority must, before designating the body as a Care Trust under this section—

- (a) publish in the prescribed form and manner—

*Status: Point in time view as at 01/04/2013.*

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- (i) the reasons why they consider that the proposed designation would be likely to have the result mentioned in subsection (1)(b), and
  - (ii) information about the proposed governance arrangements of the Care Trust, and
  - (b) consult on the proposed designation in accordance with regulations.
- (1B) Where a body has been designated as a Care Trust under this section, the body and the local authority must notify prescribed persons of the designation.”
- (3) Omit subsections (2) and (3) of that section.
- (4) In subsection (4) of that section—
- (a) for “The direction is that while the body is designated it” substitute “A body designated as a Care Trust under this section”,
  - (b) for “specified in the direction” substitute “agreed”,
  - (c) for “so specified” substitute “so agreed”, and
  - (d) at the end insert “; and “agreed” means agreed by the body and the local authority”.
- (5) For subsection (5) of that section substitute—
- “(5) Where a body is designated as a Care Trust under this section, the body and the local authority may jointly revoke that designation.
  - (5A) Before revoking a designation as a Care Trust under this section, the body and the local authority must consult on the proposed revocation of the designation in accordance with regulations.
  - (5B) Where the designation of a body as a Care Trust under this section has been revoked, the body and the local authority must notify prescribed persons of the revocation.”
- (6) After subsection (5B) of that section insert—
- “(5C) Regulations under subsection (1A)(b) or (5A) may include provision requiring a body and a local authority to publish prescribed information following a consultation.”
- (7) After subsection (5C) of that section insert—
- “(5D) Where a duty is imposed by or by virtue of this section on a body and a local authority, they may make arrangements for the function to be discharged—
    - (a) by both of them acting jointly,
    - (b) by each of them acting separately, or
    - (c) by one of them acting on behalf of both of them.”
- (8) Omit subsection (6) of that section.
- (9) Omit subsection (7) of that section.
- (10) In subsection (9) of that section—
- (a) omit paragraph (a),
  - (b) omit paragraph (b),
  - (c) omit paragraph (c), and

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- (d) in paragraph (d), for “subsection (3)” substitute “subsection (4)”.
- (11) In subsection (10) of that section, after “NHS trust” insert “or clinical commissioning group or NHS foundation trust”.
- (12) In subsection (12) of that section, in the definition of “NHS functions” after “NHS trust” insert “or clinical commissioning group or NHS foundation trust”.
- (13) Subsections (1)(e) and (2) do not apply in relation to a Primary Care Trust or an NHS trust which has satisfied any requirement in relation to consultation imposed by virtue of subsection (9) of section 77 of the National Health Service Act 2006 before the commencement of those subsections.
- (14) A Primary Care Trust or NHS trust which, after the commencement of subsection (5), has its designation as a Care Trust revoked must notify the Secretary of State of that revocation.
- (15) Despite the repeal of subsection (6) of section 77 of the National Health Service Act 2006 by subsection (8), that subsection continues to have effect so far as it applies to the revocation of designations—
- (a) in relation to Primary Care Trusts, until the commencement of section 34, and
  - (b) in relation to NHS trusts, until the commencement of section 179.

#### **Commencement Information**

- I1** S. 200 partly in force; s. 200 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 200 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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