

**Status:** Point in time view as at 01/10/2012. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Health and Social Care Act 2012, PART 12 is up to date with all changes known to be in force on or before 22 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)

## SCHEDULES

### SCHEDULE 4

#### AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

#### PART 12

#### MISCELLANEOUS

VALID FROM 01/04/2013

128 After section 254 insert—

*“Support functions of the Secretary of State  
Support functions of the Secretary of State*

**254A**) The Secretary of State may, for the purpose of assisting any person exercising functions in relation to the health service or providing services for its purposes—

- (a) provide (or otherwise make available) to the person goods, materials or other facilities;
  - (b) facilitate the recruitment and management of the person's staff;
  - (c) develop or operate information or communication systems;
  - (d) do such other things to facilitate or support the carrying out of the person's functions or other activities as the Secretary of State considers appropriate;
  - (e) arrange for any other person to do anything mentioned in paragraphs (a) to (d) or to assist the Secretary of State in doing any such thing.
- (2) The power conferred by subsection (1)(a) includes power to purchase goods and materials for the purpose of providing them or making them available.
  - (3) The Secretary of State may, in connection with anything done under subsection (1), make available the services of any person employed by the Secretary of State.
  - (4) The powers conferred by this section may be exercised on such terms, including terms as to the making of payments to or by the Secretary of State, as may be agreed.
  - (5) In this section, “the health service” does not include that part of the health service that is provided in pursuance of the public health functions of the Secretary of State or local authorities.”

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- 129 (1) Section 256 (power of Primary Care Trusts to make payments towards expenditure on community services) is amended as follows.
- (2) In subsection (1) for “A Primary Care Trust” substitute “The Board or a clinical commissioning group”.
- (3) In subsection (3)—
- (a) for “A Primary Care Trust” substitute “The Board or a clinical commissioning group”, and
- (b) for “the Primary Care Trust” substitute “the Board or (as the case may be) the clinical commissioning group”.
- (4) After subsection (5) insert—
- “(5A) The Secretary of State may by directions to the Board specify the minimum amount which the Board must spend in a financial year in making payments under—
- (a) this section;
- (b) subsection (1) of this section;
- (c) subsection (3) of this section.
- (5B) The Secretary of State may by directions to the Board specify—
- (a) a body or description of bodies to whom payments under subsection (1) or (3), or under either or both of those subsections, must be made by the Board in a financial year;
- (b) functions or activities, or descriptions of functions or activities, in respect of which such payments must be made by the Board in a financial year;
- (c) the minimum amount which the Board must spend in a financial year in making such payments—
- (i) to a body or description of bodies specified in relation to the year under paragraph (a);
- (ii) in respect of functions or activities, or descriptions of functions or activities, specified in relation to the year under paragraph (b);
- (iii) to a body or description of bodies specified in relation to the year under paragraph (a) in respect of functions or activities or descriptions of functions or activities so specified under paragraph (b).”

**Commencement Information**

- II** Sch. 4 para. 129 partly in force; Sch. 4 para. 129 in force for specified purposes at Royal Assent, see s. 306(1)(d)

VALID FROM 01/04/2013

- 130 In section 257 (payments in respect of voluntary organisations under section 256), in subsection (2) for “the Primary Care Trust” substitute “the Board or the clinical commissioning group”.

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131 (1) Section 258 (university clinical teaching and research) is amended as follows.

(2) In subsection (1)—

- (a) for “The Secretary of State must exercise his functions under this Act” substitute “The functions under this Act of the Secretary of State, the Board and each clinical commissioning group must be exercised”, and
- (b) for “he” substitute “the Secretary of State, the Board or the clinical commissioning group (as the case may be)”.

(3) In subsection (2), in paragraph (a)—

- (a) after “exercisable by” insert “the Board,”,
- (b) after “a” insert “clinical commissioning group,”,
- (c) omit “Strategic Health Authority,”, and
- (d) omit “Primary Care Trust,”.

VALID FROM 01/04/2013

132 (1) Section 259 (sale of medical practices) is amended as follows.

(2) In subsection (4), in paragraph (e), for “section 83(2)(b)” substitute “section 83(2)”.

(3) After that subsection insert—

“(4A) The reference in subsection (4)(e) to arrangements under section 83(2) of this Act includes a reference to arrangements made under section 83(2)(b) of this Act before the commencement of paragraph 30 of Schedule 4 to the Health and Social Care Act 2012 (sub-paragraph (2) of which replaces section 83(2)).”

(4) In subsection (5), in the definition of “relevant area”—

- (a) after ““relevant area”” insert “—
- (a)”, and
- (b) at the end insert “;
- (b) in relation to the Board, in a case where a person has at any time provided or performed services by arrangement or contract with the Board, means the prescribed area (at the prescribed time).”

VALID FROM 01/04/2013

133 Omit section 268 (persons displaced by health service development), and the cross-heading which precedes it.

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134 In section 271 (territorial limit of exercise of functions), in the words in brackets in subsection (3)(a), after “directions to” insert “certain”.

VALID FROM 01/04/2013

135 After section 271 insert—

**“271A Services to be treated as services of the Crown for certain purposes**

- (1) Services to which this section applies are to be treated as services of the Crown for the purposes of—
- (a) Schedule 1 to the Registered Designs Act 1949 (provisions as to the use of registered designs for the services of the Crown etc.), and
  - (b) sections 55 to 59 of the Patents Act 1977 (use of patented inventions for the services of the Crown).
- (2) This section applies to services provided in pursuance of—
- (a) the functions of the Board or a clinical commissioning group under section 3, 3A, 3B or 4 or Schedule 1, or
  - (b) the public health functions of a local authority.”

VALID FROM 01/04/2013

136 (1) Section 272 (orders, regulations, rules and directions) is amended as follows.

- (2) In subsection (3)—
- (a) omit paragraph (b), and
  - (b) omit paragraph (d).
- (3) In subsection (5)—
- (a) omit “a PCT order, or”, and
  - (b) before paragraph (a) insert—  
“za) section 14A(1),”.

137 (1) Section 273 (further provision about orders and directions) is amended as follows.

- (2) In subsection (3) for “by a Strategic Health Authority” substitute “by the Board”.
- (3) In subsection (4)(c)(ii)—
- (a) after “8,” insert “13Z1,”, and
  - (b) omit “15,”.

**Commencement Information**

**I2** Sch. 4 para. 137 in force at 1.10.2012 by [S.I. 2012/1831](#), [art. 2\(2\)](#) (with [art. 12](#))

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- 138 (1) Section 275 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) before the definition of “dental practitioner” insert—
- ““the Board” means the National Health Service Commissioning Board,
- “clinical commissioning group” means a body established under section 14D of this Act,”
- (b) in the definition of “health service hospital” omit “a Primary Care Trust,” and
- (c) after the definition of “modifications” insert—
- ““NHS body” means—
- (a) the Board,
- (b) a clinical commissioning group,
- (c) a Special Health Authority,
- (d) an NHS trust,
- (e) an NHS foundation trust, and
- (f) a Local Health Board.”
- (3) In subsection (3)—
- (a) omit “or 15”,
- (b) omit “Strategic Health Authority,” (in both places where it occurs), and
- (c) omit “Primary Care Trust or” (in both places where it occurs).
- (4) Until the commencement of section 33, the definition of “NHS body” in section 275 of the National Health Service Act 2006 has effect as if it included a reference to a Strategic Health Authority.
- (5) Until the commencement of section 34, the definition of “NHS body” in section 275 of the National Health Service Act 2006 has effect as if it included a reference to a Primary Care Trust.

#### Commencement Information

**I3** Sch. 4 para. 138(2)(a)(c)(4)(5) in force at 1.10.2012 by [S.I. 2012/1831](#), [art. 2\(2\)](#) (with [art. 13](#))

- 139 (1) Section 276 (index of defined expressions) is amended as follows.
- (2) Omit the entry relating to “NHS body”.
- (3) After the entry for “LPS scheme” insert—

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“NHS constitution section 1B(2)”

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- (4) Omit the entry relating to “PCT order”.
- (5) After the entry relating to “provider, in relation to an NHS contract” insert—

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“public health functions of the Secretary of State section 1H(5)(a)

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public health functions of local section 1H(5)(b)”.  
authorities

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**Commencement Information**

- I4** Sch. 4 para. 139(1) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**  
**I5** Sch. 4 para. 139(2) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)**

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