

Status: Point in time view as at 01/10/2012.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

Changes to legislation: Health and Social Care Act 2012, Cross Heading: Health Act 2009 (c. 21) 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 5

PART 1: AMENDMENTS OF OTHER ENACTMENTS

Health Act 2009 (c. 21)

173 The Health Act 2009 is amended as follows.

Commencement Information

II Sch. 5 para. 173 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

VALID FROM 01/04/2013

174 In each of the following provisions for “NHS services” substitute “health services”—

- (a) the title to Part 1,
- (b) section 2(3), (4)(a) and (b), (5)(a) and (b) and (7), and
- (c) the definitions of “carers”, “patients” and “staff” in section 3(7).

175 (1) Section 2 (duty to have regard to NHS constitution) is amended as follows.

(2) In subsection (1), for “NHS functions” substitute “health service functions”.

(3) In subsection (2)—

- (a) omit paragraph (a),
- (b) omit paragraph (b), and
- (c) before paragraph (d) insert—
 - “(ca) the National Health Service Commissioning Board;
 - (cb) clinical commissioning groups;
 - (cc) local authorities (within the meaning of section 2B of the National Health Service Act 2006);”.

(4) In subsection (3), for “an “NHS function”” substitute “a “health service function””.

(5) In subsection (4)—

- (a) before paragraph (a) insert—
 - “(za) provides health services under arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under or by virtue of section 3, 3A, 3B or 4 of, or Schedule 1 to, the National Health Service Act 2006,”.
- (b) omit the word “or” at the end of paragraph (a), and

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- (c) after paragraph (b) insert “, or
- (c) provides health services under arrangements made by a local authority for the purposes of its functions under or by virtue of section 2B or 6C(1) of, or Schedule 1 to, that Act.”
- (6) In subsection (5) for “subsection (4)(a) or (b)” substitute “subsection (4)(za), (a), (b) or (c)”.

Commencement Information

- I2** Sch. 5 para. 175(1) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), [art. 2\(2\)](#)
- I3** Sch. 5 para. 175(3)(c) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), [art. 2\(2\)](#)

VALID FROM 01/04/2013

- 176 (1) Section 3 (availability and review of NHS constitution) is amended as follows.
- (2) In subsection (3), omit paragraph (d).
- (3) Omit subsection (8).

VALID FROM 01/04/2013

- 177 (1) Section 8 (duty of providers to publish information) is amended as follows.
- (2) In subsection (1) for “NHS services” (in each place where it occurs) substitute “relevant health services”.
- (3) Omit subsection (2)(a).
- (4) In subsection (3) for paragraphs (a) to (c) substitute—
- “(a) provides health services as mentioned in section 2(4)(za) or (a), or
- (b) in pursuance of a contract, agreement or arrangements as mentioned in section 2(4)(za) or (a), makes arrangements for another person to provide health services.”
- (5) For subsection (6) substitute—
- “(6) In this section—
- “health services” has the same meaning as in Chapter 1;
- “relevant health services” means health services the provision of which is arranged by the National Health Service Commissioning Board or a clinical commissioning group under or by virtue of section 3, 3A, 3B or 4 of, or Schedule 1 to, the National Health Service Act 2006 or under or by virtue of Parts 4 to 7 of that Act.”

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- 178 In section 9 (supplementary provision about the duty to publish information), in subsection (3), for “a Strategic Health Authority” substitute “Monitor”.

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179	In section 36 (disclosure of information by Her Majesty's Revenue and Customs), in subsection (3) after paragraph (a) insert— “(aa) the National Health Service Commissioning Board;”.
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