



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 1

#### THE HEALTH SERVICE IN ENGLAND

##### *Arrangements for provision of health services*

### **13 Duties of clinical commissioning groups as to commissioning certain health services**

(1) Section 3 of the National Health Service Act 2006 is amended as follows.

(2) In subsection (1)—

(a) for the words from the beginning to “reasonable requirements” substitute “A clinical commissioning group must arrange for the provision of the following to such extent as it considers necessary to meet the reasonable requirements of the persons for whom it has responsibility”, and

(b) in each of paragraphs (d) and (e) for the words “as he considers” substitute “as the group considers”.

(3) After that subsection insert—

“(1A) For the purposes of this section, a clinical commissioning group has responsibility for—

(a) persons who are provided with primary medical services by a member of the group, and

(b) persons who usually reside in the group’s area and are not provided with primary medical services by a member of any clinical commissioning group.

(1B) Regulations may provide that for the purposes of this section a clinical commissioning group also has responsibility (whether generally or in relation to a prescribed service or facility) for persons who—

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*Status: This is the original version (as it was originally enacted).*

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- (a) were provided with primary medical services by a person who is or was a member of the group, or
  - (b) have a prescribed connection with the group's area.
- (1C) The power conferred by subsection (1B)(b) must be exercised so as to provide that, in relation to the provision of services or facilities for emergency care, a clinical commissioning group has responsibility for every person present in its area.
- (1D) Regulations may provide that subsection (1A) does not apply—
  - (a) in relation to persons of a prescribed description (which may include a description framed by reference to the primary medical services with which the persons are provided);
  - (b) in prescribed circumstances.
- (1E) The duty in subsection (1) does not apply in relation to a service or facility if the Board has a duty to arrange for its provision.”
- (4) After subsection (1E) insert—
  - “(1F) In exercising its functions under this section and section 3A, a clinical commissioning group must act consistently with—
    - (a) the discharge by the Secretary of State and the Board of their duty under section 1(1) (duty to promote a comprehensive health service), and
    - (b) the objectives and requirements for the time being specified in the mandate published under section 13A.”
- (5) Omit subsections (2) and (3).
- (6) For the heading to section 3 substitute “Duties of clinical commissioning groups as to commissioning certain health services”.
- (7) For the cross-heading preceding section 3 substitute “Arrangements for the provision of certain health services”.
- (8) In section 272 of that Act (orders, regulations, rules and directions), in subsection (6) before paragraph (za) insert—
  - “(zza) regulations under section 3(1D),”.