



Health and Social Care Act 2012

2012 CHAPTER 7

PART 1

THE HEALTH SERVICE IN ENGLAND

Arrangements for provision of health services

17 Other services etc. provided as part of the health service

- (1) In section 5 of the National Health Service Act 2006 (other services) for “about the Secretary of State and services under this Act” substitute “about the provision of services for the purposes of the health service in England”.
- (2) Schedule 1 to that Act is amended as follows.
- (3) In paragraph 1 (medical inspection of pupils)—
 - (a) for “The Secretary of State” substitute “A local authority”, and
 - (b) for “local authorities” substitute “the local authority”.
- (4) In paragraph 2—
 - (a) in sub-paragraph (1)—
 - (i) for “The Secretary of State” substitute “A local authority”, and
 - (ii) omit “, by arrangement with any local authority,”,
 - (b) in sub-paragraph (2)—
 - (i) for “The Secretary of State” substitute “A local authority”,
 - (ii) after “educational establishment” insert “in its area”, and
 - (iii) for “a local authority” substitute “the local authority”, and
 - (c) omit sub-paragraph (3).
- (5) In paragraph 4—
 - (a) for “A local authority may not make an arrangement” substitute “A local authority may not provide for any medical inspection or treatment”, and

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- (b) for “the arrangement” substitute “the inspection or (as the case may be) treatment”.
- (6) In paragraph 5—
- (a) omit sub-paragraph (1)(a) and the word “and” immediately following it,
 - (b) in sub-paragraph (2)—
 - (i) omit “local authority or”,
 - (ii) for “the Secretary of State” substitute “a local authority”, and
 - (iii) for “him” substitute “it”.
- (7) In paragraph 7A (weighing and measuring of children)—
- (a) for “The Secretary of State” (in each place it occurs) substitute “A local authority”,
 - (b) in sub-paragraph (1) omit “, by arrangement with any local authority,”, and
 - (c) in sub-paragraph (2) —
 - (i) after “any school” insert “in its area”, and
 - (ii) for “a local authority” substitute “the local authority”.
- (8) In paragraph 7B (regulations as to weighing and measuring of children)—
- (a) in sub-paragraph (1)(b) for “by the Secretary of State” substitute “by a local authority”, and
 - (b) in sub-paragraph (1)(d)—
 - (i) for “by the Secretary of State” substitute “by a local authority”, and
 - (ii) after “paragraph 7A” insert “and of any other prescribed information relating to the children concerned”, and
 - (c) in sub-paragraph (2) after “such weighing or measuring” insert “or in relation to information prescribed under sub-paragraph (1)”.
- (9) After paragraph 7B insert—

“Supply of blood and other human tissues

- 7C The Secretary of State must for the purposes of the health service make arrangements for—
- (a) collecting, screening, analysing, processing and supplying blood or other tissues,
 - (b) preparing blood components and reagents, and
 - (c) facilitating tissue and organ transplantation.”

- (10) In paragraph 9 (provision of vehicles for disabled persons)—
- (a) the existing text becomes sub-paragraph (1),
 - (b) in that sub-paragraph—
 - (i) for “The Secretary of State may provide” substitute “A clinical commissioning group may make arrangements for the provision of”, and
 - (ii) for “persons appearing to him to be persons who have a physical impairment” substitute “persons for whom the group has responsibility and who appear to it to have a physical impairment”, and
 - (c) after that sub-paragraph insert—

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“(2) Subsections (1A), (1B) and (1D) of section 3 apply for the purposes of sub-paragraph (1) as they apply for the purposes of that section.”

(11) In paragraph 10—

- (a) in sub-paragraph (1)(a) after “provided” insert “in pursuance of arrangements made”,
- (b) in sub-paragraph (2) —
 - (i) for “The Secretary of State may” substitute “The clinical commissioning group may make arrangements for”,
 - (ii) in paragraph (a) for “adapt” substitute “the adaptation of”,
 - (iii) in paragraph (b) for “maintain and repair” substitute “the maintenance and repair of”,
 - (iv) in paragraph (c) for “take out” substitute “the taking out of”,
 - (v) in that paragraph for “pay” substitute “the payment of”,
 - (vi) in paragraph (d) for “provide” (in each place it occurs) substitute “the provision of”, and
 - (vii) in that paragraph for “execute” substitute “the execution of”,
- (c) in sub-paragraph (3) for “The Secretary of State” substitute “A clinical commissioning group”, and
- (d) in sub-paragraph (5) for “the Secretary of State” substitute “the clinical commissioning group”.

(12) In paragraph 12 (provision of a microbiological service)—

- (a) in sub-paragraph (1)—
 - (i) omit paragraph (a) and the word “and” immediately following it,
 - (ii) in paragraph (b) omit “other”, and
 - (iii) in that paragraph for “that service” substitute “a microbiological service provided under section 2A”, and
- (b) omit sub-paragraph (2).

(13) For paragraph 13 and the cross-heading preceding it substitute—

“Powers in relation to research etc.

- 13 (1) The Secretary of State, the Board or a clinical commissioning group may conduct, commission or assist the conduct of research into—
- (a) any matters relating to the causation, prevention, diagnosis or treatment of illness, and
 - (b) any such other matters connected with any service provided under this Act as the Secretary of State, the Board or the clinical commissioning group (as the case may be) considers appropriate.
- (2) A local authority may conduct, commission or assist the conduct of research for any purpose connected with the exercise of its functions in relation to the health service.
- (3) The Secretary of State, the Board, a clinical commissioning group or a local authority may for any purpose connected with the exercise of its functions in relation to the health service—
- (a) obtain and analyse data or other information;

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- (b) obtain advice from persons with appropriate professional expertise.
- (4) The power under sub-paragraph (1) or (2) to assist any person to conduct research includes power to do so by providing financial assistance or making the services of any person or other resources available.
- (5) In this paragraph, “local authority” has the same meaning as in section 2B.”