



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 5

#### PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

### CHAPTER 1

#### PUBLIC INVOLVEMENT

##### *Local Healthwatch organisations*

#### **184 Local arrangements: power to make further provision**

- (1) Section 223 of the Local Government and Public Involvement in Health Act 2007 (power to make further provision about local authority arrangements) is amended as follows.
- (2) In subsection (1), for “require prescribed provision to be included in local involvement network arrangements” substitute “include prescribed provision”.
- (3) After that subsection insert—

“(1A) The Secretary of State may make regulations which provide that local authority arrangements must require Local Healthwatch arrangements to include prescribed provision.”
- (4) In subsection (2)—
  - (a) for “must require local involvement network arrangements to include” substitute “must include or (as the case may be) must require Local Healthwatch arrangements to include”,
  - (b) in paragraphs (a), (c) and (d), for “a local involvement network” substitute “a Local Healthwatch organisation or a Local Healthwatch contractor”, and
  - (c) after paragraph (d) insert “;

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*Status: This is the original version (as it was originally enacted).*

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- (e) prescribed provision relating to the activities which a Local Healthwatch contractor may not carry on on a Local Healthwatch organisation's behalf;
- (f) prescribed provision relating to the obtaining by a Local Healthwatch organisation of a licence under section 45D of the Health and Social Care Act 2008 and the grant by the organisation to a Local Healthwatch contractor of a sub-licence;
- (g) prescribed provision relating to the use by a Local Healthwatch organisation or a Local Healthwatch contractor of the trade mark to which a licence under that section relates;
- (h) prescribed provision relating to the infringement of the trade mark to which a licence under that section relates;
- (i) prescribed provision relating to the imposition of a requirement on a Local Healthwatch organisation to act with a view to securing that its Local Healthwatch contractors (taken together) are representative of—
  - (i) people who live in the local authority's area,
  - (ii) people to whom care services are being or may be provided in that area, and
  - (iii) people from that area to whom care services are being provided in any place."

(5) After subsection (2) insert—

“(2A) The provision which may be prescribed in relation to a Local Healthwatch contractor includes provision that relates to the contractor—

- (a) only in so far as it assists the Local Healthwatch organisation in the carrying-on of activities specified in section 221(2);
- (b) only in so far as it carries on such activities on the organisation's behalf.

(2B) Regulations under this section may make provision which applies to all descriptions of Local Healthwatch contractor, which applies to all those descriptions subject to specified exceptions or which applies only to such of those descriptions as are prescribed.”

(6) In subsection (3)—

- (a) before the definition of “a local involvement network” insert—  
 ““care services” has the meaning given by section 221;”,
- (b) omit the definition of “a local involvement network”,
- (c) for the definition of “local involvement network arrangements” substitute—  
 ““Local Healthwatch arrangements” has the meaning given by section 222;”,
- (d) after that definition insert—  
 ““Local Healthwatch contractor”, in relation to a Local Healthwatch organisation, means a person with whom the organisation makes Local Healthwatch arrangements;”, and
- (e) after the definition of “prescribed provision” insert “; trade mark”, and “use” and “infringement” in relation to a trade mark, each have the same meaning as in the Trade Marks Act 1994.”