

SCHEDULES

SCHEDULE 9

Section 72

REFERENCES TO FUNCTIONS: TREATMENT OF DELEGATION ARRANGEMENTS ETC

Local Government Act 1974

- 1 In section 26 of the Local Government Act 1974 (matters subject to investigation), in subsection (1), for paragraph (d) substitute—
- “(d) an alleged or apparent failure in a service provided by the authority in the exercise of public health functions of the Secretary of State (within the meaning of the National Health Service Act 2006) in pursuance of arrangements made under section 7A, 65Z5 or 75 of the National Health Service Act 2006;”.

Children Act 1989

- 2 In section 105 of the Children Act 1989 (interpretation), for subsection (7B) substitute—
- “(7B) References in this Act to arrangements made by NHS England or an integrated care board under the National Health Service Act 2006 include references to arrangements so made in the exercise of functions of another person by virtue of any provision of that Act.”

National Health Service and Community Care Act 1990

- 3 In section 47 of the National Health Service and Community Care Act 1990 (assessment of needs for community care services), in subsection (3), for paragraph (za) substitute—
- “(za) that there may be a need for the provision of services to that person pursuant to arrangements made under the National Health Service Act 2006 by such integrated care board as may be determined in accordance with regulations (including such arrangements made by it in the exercise of functions of another person by virtue of any provision of that Act),”.

Adoption and Children Act 2002

- 4 In section 4 of the Adoption and Children Act 2002 (assessments etc for adoption support services), in subsection (9), for paragraph (za) substitute—
- “(za) there may be a need for the provision to that person of services that may be provided pursuant to arrangements made by an integrated care board under the National Health Service Act 2006 (including such arrangements made by an integrated care board in the exercise of functions of another person by virtue of any provision of that Act),”.

Status: This is the original version (as it was originally enacted).

Health and Social Care (Community Health and Standards) Act 2003

- 5 In section 113 of the Health and Social Care (Community Health and Standards) Act 2003 (complaints about health care), in subsection (1)—
- (a) at the end of paragraph (a) insert “(including any function that consists of exercising the function of another person)”;
 - (b) in paragraph (c), omit “section 75 of the National Health Service Act 2006 or”;
 - (c) omit paragraph (d).

National Health Service Act 2006

- 6 The National Health Service Act 2006 is amended as follows.
- 7 In section 13Z4 (interpretation of Chapter A1 of Part 2), omit subsections (2) to (4).
- 8 In section 73A (appointment of directors of public health), in subsection (1), after paragraph (c) insert—
- “(ca) the exercise by the authority of any public health functions of the Secretary of State in pursuance of arrangements made with another body by virtue of section 65Z5 or 75.”
- 9 In section 73B (exercise of public health functions of local authorities: further provision), in subsection (2), after paragraph (c) insert—
- “(ca) any public health functions of the Secretary of State exercisable by the authority in pursuance of arrangements made with another body by virtue of section 65Z5 or 75.”
- 10 In section 73C (complaints about exercise of public health functions by local authorities), in subsection (1), after paragraph (c) insert—
- “(ca) anything done by a local authority in the exercise of public health functions of the Secretary of State in pursuance of arrangements made with another body by virtue of section 65Z5 or 75.”
- 11 In section 223K (payments in respect of quality), in subsection (8), for the definition of “relevant services” substitute—
- ““relevant services” means services provided in pursuance of arrangements made by the integrated care board in the exercise of its functions by virtue of this Act;”
- 12 In section 244 (review and scrutiny by local authorities), in subsection (3), in the definition of “relevant health service provider”, for paragraph (a) (but not the “and” at the end) substitute—
- “(a) provides services in pursuance of arrangements made by virtue of this Act.”
- 13 In section 252A (role of NHS England and clinical commissioning groups in respect of emergencies), in subsection (10), for the definition of “service arrangements” substitute—
- ““service arrangements” means arrangements made by virtue of this Act for the provision of services.”
- 14 In section 253 (emergency powers), in subsection (1A), in paragraph (d), for subparagraphs (i) to (iv) substitute “by virtue of this Act”.

Local Government and Public Involvement in Health Act 2007

- 15 After section 116B of the Local Government and Public Involvement in Health Act 2007 insert—

“116C Sections 116 to 116B: references to functions

Section 275A of the National Health Service Act 2006 (references to functions of a person to include delegated functions etc) applies for the purposes of sections 116 to 116B of this Act as it applies for the purposes of that Act.”

Health and Social Care Act 2008

- 16 In section 97 of the Health and Social Care Act 2008 (general interpretation of Part), for subsection (2A) substitute—

“(2A) Any reference in this Part to health care commissioned by NHS England or by an integrated care board is a reference to health care provided by other persons pursuant to arrangements made by NHS England or an integrated care board (including arrangements made by it in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006).”

Health and Social Care Act 2012

- 17 The Health and Social Care Act 2012 is amended as follows.
- 18 In section 197 (participation of NHS England in Health and Wellbeing Board), in the definition of “commissioning functions” in subsection (6), at the end insert “(including any functions of NHS England in arranging for the provision of such services in the exercise of functions of another person)”.
- 19 In section 199 (supply of information to Health and Wellbeing Boards), omit subsection (4).
- 20 In section 234 (quality standards), in subsection (11), for the definition of “NHS services” substitute—
 ““NHS services” means services the provision of which is arranged by NHS England or an integrated care board (including services the provision of which is arranged by it in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006);”.
- 21 In section 237 (advice, guidance, information and recommendations), in subsection (10), for paragraphs (b) and (c) substitute—
 “(b) the exercise by an authority of the functions of any other person by virtue of any provision of that Act.”
- 22 In section 250 (powers to publish information standards), in subsection (7), for the definition of “NHS services”, substitute—
 ““NHS services” means services the provision of which is arranged by NHS England or an integrated care board (including services the provision of which is arranged by it in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006);”.

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

- 23 In section 263 (code of practice on confidential information), after subsection (7) insert—
- “(8) In this section “NHS services” means services the provision of which is arranged by NHS England or an integrated care board (including services the provision of which is arranged by it in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006).”
- 24 In section 274 (powers of Secretary of State or Board to give directions), in subsection (9), at the appropriate place insert—
- ““NHS services” means services the provision of which is arranged by NHS England or an integrated care board (including services the provision of which is arranged by it in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006);”.
- 25 In section 290 (duties to co-operate), in subsection (2), at the end insert “(including any functions that consist of exercising the functions of other persons)”.