



Health and Care Act 2022

2022 CHAPTER 31

PART 1

HEALTH SERVICE IN ENGLAND: INTEGRATION, COLLABORATION AND OTHER CHANGES

Joint working and delegation of functions

71 Joint working and delegation arrangements

- (1) The National Health Service Act 2006 is amended as follows.
- (2) After section [65Z4](#) (inserted by section 14 of this Act) insert—

“Joint working arrangements and delegation

65Z5 Joint working and delegation arrangements

- (1) A relevant body may arrange for any functions exercisable by it to be exercised by or jointly with any one or more of the following—
 - (a) a relevant body;
 - (b) a local authority (within the meaning of section 2B);
 - (c) a combined authority.
- (2) In this section “relevant body” means—
 - (a) NHS England,
 - (b) an integrated care board,
 - (c) an NHS trust established under section 25,
 - (d) an NHS foundation trust, or
 - (e) such other body as may be prescribed.
- (3) Regulations may—

Changes to legislation: *There are currently no known outstanding effects for the Health and Care Act 2022, Cross Heading: Joint working and delegation of functions. (See end of Document for details)*

- (a) provide that the power in subsection (1) does not apply, or applies only to a prescribed extent, in relation to prescribed functions;
 - (b) impose conditions on the exercise of the power.
- (4) Arrangements under this section may be made on such terms as may be agreed between the parties, including—
- (a) terms as to payment;
 - (b) terms prohibiting or restricting a body from making delegation arrangements in relation to a function that is exercisable by it by virtue of arrangements under this section.
- (5) In subsection (4)(b) “delegation arrangements” means arrangements made by a body for the exercise of a function by someone else.
- (6) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by a body of any function by virtue of this section are enforceable by or against that body (and no other person).

65Z6 Joint committees and pooled funds

- (1) This section applies where a function is exercisable jointly (by virtue of section 65Z5 or otherwise) by a relevant body and any one or more of the following—
- (a) a relevant body;
 - (b) a local authority (within the meaning of section 2B);
 - (c) a combined authority.
- (2) The bodies by whom the function is exercisable jointly may—
- (a) arrange for the function to be exercised by a joint committee of theirs;
 - (b) arrange for one or more of the bodies, or a joint committee of the bodies, to establish and maintain a pooled fund.
- (3) A pooled fund is a fund—
- (a) which is made up of payments received in accordance with the arrangements from relevant bodies that are party to the arrangements, and
 - (b) out of which payments may be made in accordance with the arrangements towards expenditure incurred in the exercise of functions in relation to which the arrangements are made.
- (4) Arrangements under this section may be made on such terms as may be agreed between the parties, including terms as to payment.
- (5) In this section “relevant body” has the meaning given by section 65Z5(2).

65Z7 Joint working and delegation: guidance by NHS England

- (1) NHS England may publish guidance for relevant bodies about the exercise of their powers under sections 65Z5 and 65Z6.
- (2) A relevant body must have regard to any guidance published under this section.
- (3) In this section “relevant body” has the meaning given by section 65Z5(2).”

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Cross Heading: Joint working and delegation of functions. (See end of Document for details)

- (3) In section 75(7B)—
- (a) at the end of paragraph (a) insert “or”;
 - (b) for paragraphs (b) and (c) substitute—
“(b) section 65Z5 (joint working and delegation arrangements).”
- (4) In consequence of subsection (2), omit sections 13Z to 13ZB and the italic heading before those sections.

Commencement Information

- I1** S. 71 not in force at Royal Assent, see [s. 186\(6\)](#)
I2 S. 71 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

72 References to functions: treatment of delegation arrangements etc

- (1) After section 275 of the National Health Service Act 2006 insert—

“275A References to functions: delegation etc

- (1) A reference in this Act to the functions of a person includes functions of others that are exercisable by the person by virtue of any provision of any enactment (unless the context otherwise requires).
- (2) Regulations may create exceptions to subsection (1).”
- (2) Schedule 9 contains—
- (a) amendments that are consequential on this section and other provisions of this Part, and
 - (b) other related amendments.

Commencement Information

- I3** S. 72 not in force at Royal Assent, see [s. 186\(6\)](#)
I4 S. 72 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Changes to legislation:

There are currently no known outstanding effects for the Health and Care Act 2022, Cross
Heading: Joint working and delegation of functions.