



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 5

#### PUBLIC INVOLVEMENT AND LOCAL GOVERNMENT

### CHAPTER 2

#### LOCAL GOVERNMENT

#### *Scrutiny functions of local authorities*

#### **191 Amendments consequential on section 190**

- (1) Section 245 of the National Health Service Act 2006 (joint overview and scrutiny committees) is amended in accordance with subsections (2) to (4).
- (2) In subsection (1) for the words from “relevant functions” to the end of the subsection substitute ““relevant functions” means functions under regulations under section 244(2) to (2ZC).”
- (3) In subsection (2)(c), in each of sub-paragraphs (i) and (ii), for “relevant functions of the committee” substitute “relevant functions exercisable by the committee”.
- (4) After subsection (4) insert—

“(4A) The regulations may provide that, where a relevant function in relation to a local authority is exercisable by a joint overview and scrutiny committee by virtue of arrangements under regulations under subsection (2)(a), the local authority may not discharge the function.”
- (5) Omit subsections (5) and (9).
- (6) Section 246 of that Act (exempt information) is amended in accordance with subsections (7) to (9).

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*Status: This is the original version (as it was originally enacted).*

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- (7) In subsection (1) for the words from “a meeting of” to the end of the subsection substitute “a meeting of a local authority or a committee of a local authority which is an item relating to functions of the authority under regulations under section 244(2) to (2ZC).”
- (8) In subsection (5) for “overview and scrutiny committees” substitute “local authorities”.
- (9) In the heading to section 246 for “Overview and scrutiny committees” substitute “Business relating to functions of local authorities by virtue of section 244”.
- (10) Section 247 of that Act (application to the City of London) is amended in accordance with subsections (11) to (13).
- (11) For subsection (1) substitute—
- “(1) This section applies to a committee of the Common Council appointed to exercise functions that the Council has under regulations under section 244(2) to (2ZC).”
- (12) In subsection (2)—
- (a) for the words from the beginning to “apply” substitute “Section 245(2)(b) and (c) applies”, and
- (b) omit the words from “and as if” to the end of the subsection.
- (13) In subsection (4)—
- (a) for “subsections (2) to (3A)” substitute “subsections (3) and (3A)”, and
- (b) for the words from “in the case of the committee” to the end of the subsection substitute “in the case of a committee to which this section applies, references to functions under regulations under section 244(2) to (2ZC) which are exercisable by the committee.”
- (14) Omit section 247A (application to local authorities without overview and scrutiny committees).
- (15) In consequence of the amendments made by subsections (2), (7), (11), (13)(a) and (14), paragraphs 75(2), 76, 77(2) and (5)(a) and 78 of Schedule 3 to the Localism Act 2011 are omitted.