



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 1

#### PROMOTION AND PROVISION OF THE HEALTH SERVICE IN ENGLAND

#### *[<sup>F1</sup>Provision of particular services][<sup>F1</sup>Arrangements for the provision of certain health services]*

#### Textual Amendments

- F1** S. 3 cross-heading substituted (27.3.2012 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. **13(7)**, 306(1)(d)(4)

- 3** [<sup>F2</sup>Secretary of State's duty as to provision of certain services][<sup>F2</sup>Duties of clinical commissioning groups as to commissioning certain health services]
- (1) [<sup>F3</sup>A clinical commissioning group must arrange for the provision of the following to such extent as it considers necessary to meet the reasonable requirements of the persons for whom it has responsibility] —
- (a) hospital accommodation,
  - (b) other accommodation for the purpose of any service provided under this Act,
  - (c) medical, dental, ophthalmic, nursing and ambulance services,
  - (d) such other services or facilities for the care of pregnant women, women who are breastfeeding and young children [<sup>F4</sup>as the group considers] are appropriate as part of the health service,
  - (e) such other services or facilities for the prevention of illness, the care of persons suffering from illness and the after-care of persons who have suffered from illness [<sup>F4</sup>as the group considers] are appropriate as part of the health service,
  - (f) such other services or facilities as are required for the diagnosis and treatment of illness.

*Status: Point in time view as at 01/02/2013.*

*Changes to legislation: National Health Service Act 2006, Cross Heading: Provision of particular services. Arrangements for the provision of certain health services is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [<sup>F5</sup>(1A) For the purposes of this section, a clinical commissioning group has responsibility for—
- (a) persons who are provided with primary medical services by a member of the group, and
  - (b) persons who usually reside in the group's area and are not provided with primary medical services by a member of any clinical commissioning group.
- (1B) Regulations may provide that for the purposes of this section a clinical commissioning group also has responsibility (whether generally or in relation to a prescribed service or facility) for persons who—
- (a) were provided with primary medical services by a person who is or was a member of the group, or
  - (b) have a prescribed connection with the group's area.
- (1C) The power conferred by subsection (1B)(b) must be exercised so as to provide that, in relation to the provision of services or facilities for emergency care, a clinical commissioning group has responsibility for every person present in its area.
- (1D) Regulations may provide that subsection (1A) does not apply—
- (a) in relation to persons of a prescribed description (which may include a description framed by reference to the primary medical services with which the persons are provided);
  - (b) in prescribed circumstances.
- (1E) The duty in subsection (1) does not apply in relation to a service or facility if the Board has a duty to arrange for its provision.]
- [<sup>F6</sup>(1F) In exercising its functions under this section and section 3A, a clinical commissioning group must act consistently with—
- (a) the discharge by the Secretary of State and the Board of their duty under section 1(1) (duty to promote a comprehensive health service), and
  - (b) the objectives and requirements for the time being specified in the mandate published under section 13A.]
- (2) [<sup>F7</sup>For the purposes of the duty in subsection (1), services provided under—
- (a) section 83(2) (primary medical services), section 99(2) (primary dental services) or section 115(4) (primary ophthalmic services), or
  - (b) a general medical services contract, a general dental services contract or a general ophthalmic services contract,
- must be regarded as provided by the Secretary of State.]
- (3) [<sup>F7</sup>This section does not affect Chapter 1 of Part 7 (pharmaceutical services).]

#### Textual Amendments

- F2** S. 3 heading substituted (27.3.2012 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 13\(6\)](#), 306(1)(d)(4)
- F3** Words in s. 3(1) substituted (1.2.2013 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 13\(2\)\(a\)](#), 306(4); [S.I. 2012/2657](#), [art. 2\(4\)](#)
- F4** Words in s. 3(1)(d)(e) substituted (1.2.2013 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 13\(2\)\(b\)](#), 306(4); [S.I. 2012/2657](#), [art. 2\(4\)](#)

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- F5** S. 3(1A)-(1E) inserted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\), ss. 13\(3\), 306\(1\)\(d\)\(4\); S.I. 2012/2657, art. 2\(4\)](#)
- F6** S. 3(1F) inserted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\), ss. 13\(4\), 306\(1\)\(d\)\(4\); S.I. 2012/2657, art. 2\(4\)](#)
- F7** S. 3(2)(3) omitted (27.3.2012 for specified purposes, 1.2.2013 for specified purposes) by virtue of [Health and Social Care Act 2012 \(c. 7\), ss. 13\(5\), 306\(1\)\(d\)\(4\); S.I. 2012/2657, art. 2\(4\)](#)

### [<sup>F8</sup>3A Power of clinical commissioning groups to commission certain health services

- (1) Each clinical commissioning group may arrange for the provision of such services or facilities as it considers appropriate for the purposes of the health service that relate to securing improvement—
- (a) in the physical and mental health of the persons for whom it has responsibility, or
  - (b) in the prevention, diagnosis and treatment of illness in those persons.
- (2) A clinical commissioning group may not arrange for the provision of a service or facility under subsection (1) if the Board has a duty to arrange for its provision by virtue of section 3B or 4.
- (3) Subsections (1A), (1B) and (1D) of section 3 apply for the purposes of this section as they apply for the purposes of that section.]

#### Textual Amendments

- F8** S. 3A inserted (1.2.2013 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\), ss. 14, 306\(4\); S.I. 2012/2657, art. 2\(4\)](#)

### [<sup>F9</sup>3B Secretary of State's power to require Board to commission services

- (1) Regulations may require the Board to arrange, to such extent as it considers necessary to meet all reasonable requirements, for the provision as part of the health service of—
- (a) dental services of a prescribed description;
  - (b) services or facilities for members of the armed forces or their families;
  - (c) services or facilities for persons who are detained in a prison or in other accommodation of a prescribed description;
  - (d) such other services or facilities as may be prescribed.
- (2) A service or facility may be prescribed under subsection (1)(d) only if the Secretary of State considers that it would be appropriate for the Board (rather than clinical commissioning groups) to arrange for its provision as part of the health service.
- (3) In deciding whether it would be so appropriate, the Secretary of State must have regard to—
- (a) the number of individuals who require the provision of the service or facility;
  - (b) the cost of providing the service or facility;
  - (c) the number of persons able to provide the service or facility;
  - (d) the financial implications for clinical commissioning groups if they were required to arrange for the provision of the service or facility.

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- (4) Before deciding whether to make regulations under this section, the Secretary of State must—
- (a) obtain advice appropriate for that purpose, and
  - (b) consult the Board.
- (5) The reference in subsection (1)(b) to members of the armed forces is a reference to persons who are members of—
- (a) the regular forces within the meaning of the Armed Forces Act 2006, or
  - (b) the reserve forces within the meaning of that Act.]

#### Textual Amendments

- F9** S. 3B inserted (27.3.2012 for specified purposes, 1.2.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 15**, 306(1)(d)(4); S.I. 2012/2657, art. 2(4)

## 4 High security psychiatric services

- (1) [<sup>F10</sup>The Secretary of State's duty under section 1 includes a duty to provide][<sup>F10</sup>The Board must arrange for the provision of] hospital accommodation and services for persons who—
- (a) are liable to be detained under the Mental Health Act 1983 (c. 20), and
  - (b) in the opinion of the Secretary of State require treatment under conditions of high security on account of their dangerous, violent or criminal propensities.
- (2) The hospital accommodation and services mentioned in subsection (1) are referred to in this section and paragraph 15 of Schedule 4 (NHS trusts) as “high security psychiatric services”.
- (3) High security psychiatric services may be provided [<sup>F11</sup>—
- (a)] only at hospital premises at which services are provided only for the persons mentioned in subsection (1)[<sup>F12</sup>, and
  - (b) only by a person approved by the Secretary of State for the purposes of this subsection.]
- [<sup>F13</sup>(3A) The Secretary of State may—
- (a) give directions to a person who provides high security psychiatric services about the provision by that person of those services;
  - (b) give directions to the Board about the exercise of its functions in relation to high security psychiatric services.]
- (4) “Hospital premises” means—
- (a) a hospital, or
  - (b) any part of a hospital which is treated as a separate unit.

#### Textual Amendments

- F10** Words in s. 4(1) substituted (27.3.2012 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 16(2)**, 306(1)(d)(4)
- F11** Words in s. 4(3) inserted (27.3.2012 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 16(3)(a)**, 306(1)(d)(4)

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| <p><b>F12</b> S. 4(3)(b) and preceding word inserted (27.3.2012 for specified purposes) by <a href="#">Health and Social Care Act 2012 (c. 7)</a>, <b>ss. 16(3)(b)</b>, <a href="#">306(1)(d)(4)</a></p> <p><b>F13</b> S. 4(3A) inserted (27.3.2012 for specified purposes) by <a href="#">Health and Social Care Act 2012 (c. 7)</a>, <b>ss. 16(4)</b>, <a href="#">306(1)(d)(4)</a></p> |
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## 5 Other services

Schedule 1 makes further provision about the Secretary of State and services under this Act.

**Status:**

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**Changes to legislation:**

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