

Status: Point in time view as at 19/01/2010.

Changes to legislation: Health Act 2009, Schedule 1 is up to date with all changes known to be in force on or before 08 August 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)

SCHEDULES

SCHEDULE 1

Section 13

DIRECT PAYMENTS: MINOR AND CONSEQUENTIAL AMENDMENTS

National Assistance Act 1948 (c. 29)

1 In section 24 of the National Assistance Act 1948 (authority liable for provision of accommodation), after subsection (6A) insert—

“(6B) The reference in subsection (6A)(b) to accommodation provided by a Primary Care Trust includes a reference to accommodation—

- (a) in respect of which direct payments are made under regulations under section 12A(4) of the National Health Service Act 2006, and
- (b) which would be provided under section 117 of the Mental Health Act 1983 apart from the regulations.”

Commencement Information

II Sch. 1 para. 1 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

Health Services and Public Health Act 1968 (c. 46)

2 In section 63(2)(bb) of the Health Services and Public Health Act 1968 (provision of instruction for certain persons), after “pilot scheme” insert “ established under section 134(1) of the National Health Service Act 2006 or under section 92(1) of the National Health Service (Wales) Act 2006 ”.

Commencement Information

I2 Sch. 1 para. 2 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

Mental Health Act 1983 (c. 20)

3 In section 117 of the Mental Health Act 1983 (after-care), after subsection (2B) insert—

“(2C) References in this Act to after-care services provided for a patient under this section include references to services provided for the patient—

- (a) in respect of which direct payments are made under regulations under section 57 of the Health and Social Care Act 2001 or section 12A(4) of the National Health Service Act 2006, and
- (b) which would be provided under this section apart from the regulations.”

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Commencement Information

I3 Sch. 1 para. 3 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 4 In section 2 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (rights of authorised representatives of disabled persons), in subsection (5), after paragraph (a) insert—
- “(aa) in hospital accommodation in respect of the provision of which direct payments are made under section 12A(1) of the National Health Service Act 2006, or”.

Commencement Information

I4 Sch. 1 para. 4 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

- 5 (1) In section 45 of the Health and Social Care (Community Health and Standards) Act 2003 (quality in health care), after subsection (3) insert—
- “(4) In this Chapter references to the provision of health care for a body include in the case of an English NHS body references to the provision of health care in respect of which direct payments are made by that body under section 12A(1), or under regulations under section 12A(4), of the National Health Service Act 2006.”
- (2) This paragraph has effect until the amendments made by paragraphs 37 and 38 of Schedule 5 to the Health and Social Care Act 2008 (c. 14) come fully into force.

Commencement Information

I5 Sch. 1 para. 5 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

National Health Service Act 2006 (c. 41)

- 6 The National Health Service Act 2006 is amended as follows.

Commencement Information

I6 Sch. 1 para. 6 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

- 7 In the following provisions, after “pilot scheme” insert “ established under section 134(1) of this Act ”
- (a) section 80(5)(d);
 - (b) section 80(7)(d);
 - (c) section 173(1)(b);
 - (d) section 234(1)(b).

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I7 Sch. 1 para. 7 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

- 8 In section 134 (pilot schemes for local pharmaceutical services), in subsection (2) for “Act” substitute “ Part ”.

Commencement Information

I8 Sch. 1 para. 8 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

- 9 In section 246(3) (power to amend in relation to exempt information for purposes of overview and scrutiny committees), before “or” at the end of paragraph (a) insert “ or services in respect of which direct payments under section 12A(1), or under regulations under section 12A(4), are made by a relevant body, ”.

Commencement Information

I9 Sch. 1 para. 9 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

- 10 In section 272(6) (instruments not to be made unless laid in draft and approved by resolution of each House), before paragraph (a) insert—
“(za) an order under section 12C(8) or (10),”.

Commencement Information

I10 Sch. 1 para. 10 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

- 11 In section 276 (index of defined expressions) omit the entry for “pilot scheme”.

Commencement Information

I11 Sch. 1 para. 11 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 12 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

Commencement Information

I12 Sch. 1 para. 12 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

- 13 In section 6 (regulated activity providers), after subsection (8B) insert—
“(8C) The Secretary of State does not make arrangements for another to engage in a regulated activity by virtue of anything the Secretary of State does under section 12A or 12D, or regulations under section 12B, of the National Health Service Act 2006 (direct payments for health services).

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(8D) A Primary Care Trust does not make arrangements for another to engage in a regulated activity by virtue of anything the Primary Care Trust does under regulations under section 12A(4) or 12B of the National Health Service Act 2006 (direct payments for after-care services).”

Commencement Information

I13 Sch. 1 para. 13 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

- 14 (1) Section 21 (controlled activity relating to children) is amended as follows.
- (2) In subsection (5)(a), after “the Children Act 1989 (c. 41)” insert “ or section 12A(1), or regulations under section 12A(4), of the National Health Service Act 2006, ”.
- (3) In subsection (8), after paragraph (a) insert—
- “(aa) out of direct payments made under section 12A(1), or under regulations under section 12A(4), of the National Health Service Act 2006, ”.

Commencement Information

I14 Sch. 1 para. 14 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

- 15 (1) Section 59(1) (vulnerable adults) is amended as follows.
- (2) Omit “or” at the end of paragraph (i).
- (3) After paragraph (i) insert—
- “(ia) payments are made to him (or to another on his behalf) under section 12A(1), or under regulations under section 12A(4), of the National Health Service Act 2006, or”.

Commencement Information

I15 Sch. 1 para. 15 in force at 19.1.2010 by S.I. 2010/30, art. 2(b)

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