



Health and Social Care Act 2012

2012 CHAPTER 7

PART 6

PRIMARY CARE SERVICES

204 Arrangements under section 107 of the National Health Service Act 2006

- (1) Section 108 of the National Health Service Act 2006 (persons with whom section 107 arrangements may be made) is amended as follows.
- (2) In subsection (1)—
- (a) before “make an agreement” insert “, subject to such conditions as may be prescribed,”,
 - (b) in each of paragraphs (b) and (c), omit “who meets the prescribed conditions”,
 - (c) for paragraph (f) substitute—
 - “(f) a dental corporation,”, and
 - (d) after paragraph (f) insert—
 - “(fa) a company limited by shares where the conditions in subsection (1A) are satisfied,
 - (fb) a limited liability partnership where subsection (1B) or (1C) applies.”.
- (3) After subsection (1) insert—
- “(1A) The conditions referred to in subsection (1)(fa) are that—
- (a) every person who owns a share in the company owns it both legally and beneficially, and
 - (b) it is not possible for two or more members of the company who are not persons who fall within subsection (1)(a) to (e) to hold the majority of the voting rights conferred by shares in the company on any matter on which members have such rights.”
- (4) After subsection (1A) insert—

Changes to legislation: Health and Social Care Act 2012, Section 204 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes

“(1B) This subsection applies if a member of the partnership who falls within subsection (1)(a) to (e) has the power to secure that the partnership's affairs are conducted in accordance with that member's wishes.

(1C) This subsection applies if, in any combination of members of the partnership who, acting together, have the power (or who, if they were to act together, would have the power) to secure that the partnership's affairs are conducted in accordance with their wishes, at least one of them falls within subsection (1) (a) to (e).”

(5) Omit subsection (2).

(6) In subsection (3)—

(a) at the appropriate place insert—

““dental corporation”” means a body corporate which is carrying on the business of dentistry in accordance with the Dentists Act 1984,”
and

(b) omit the definition of “qualifying body”.

Commencement Information

I1 S. 204 partly in force; s. 204 in force for specified purposes at Royal Assent, see s. 306(1)(d)

I2 S. 204 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)