
STATUTORY INSTRUMENTS

2024 No. 232

**The East Midlands Combined
County Authority Regulations 2024**

PART 7

Health functions

Public health functions

22.—(1) Section 2B(1) of the 2006 Act (functions of local authorities and Secretary of State as to improvement of public health)(1) applies to the Combined County Authority as it applies to the constituent councils.

(2) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

Duty to have regard to documents and guidance

23. Subsection (1) of section 73B of the 2006 Act (exercise of public health functions of local authorities: further provision)(2) applies to the Combined County Authority as it applies to the constituent councils in the exercise of the functions mentioned in subsection (2) of that section.

Application of section 75 of the 2006 Act

24.—(1) Save as provided by section 75(7G) to (7J)(3), section 75 of the 2006 Act (arrangements between NHS bodies and local authorities), and regulations made under that section before the coming into force of these Regulations, apply to the Combined County Authority in the exercise of its public health functions as those provisions apply to the constituent councils.

(2) But where the Combined County Authority enters into prescribed arrangements by virtue of section 75(7I) and (7J) of the 2006 Act, and is thus treated as an NHS body in relation to those prescribed arrangements, it may not enter into those same prescribed arrangements in relation to the exercise of its public health functions, unless, and to the extent that, it is permitted to do so by regulations made under section 75(1) of the 2006 Act.

(3) In this regulation—

- (a) “NHS body” is to be construed in accordance with sections 75(8) and 275 of the 2006 Act (4);

(1) Section 2B was inserted by section 12 of the Health and Social Care Act 2012 (c. 7).
(2) Section 73B was inserted by section 31 of the Health and Social Care Act 2012 (c. 7) and amended by paragraph 9 of Schedule 9 to the Health and Care Act 2022 (c. 31).
(3) Section 75(7A) to (7F) were inserted by paragraph 6 of Schedule 4 to the Cities and Local Government Devolution Act 2016 (c. 1) and subsection (7B) was amended by section 71(3) of the Health and Care Act 2022. Section 75(7G) to (7J) were inserted by paragraph 168 of Schedule 4 to the Levelling-up and Regeneration Act 2023.
(4) The definition of “NHS body” in section 275 was inserted by paragraph 138 of Schedule 4 to the Health and Social Care Act 2012 and amended by paragraph 11(b) of Schedule 1 and paragraph 132(d) of Schedule 4 to the Health and Care Act 2022.

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- (b) “prescribed arrangements” is to be construed in accordance with section 75 of the 2006 Act;
- (c) “public health functions” means functions exercisable by virtue of regulation 22 of these Regulations.

Duty to have regard to NHS Constitution

25.—(1) Section 2(1) of the Health Act 2009 (duty to have regard to NHS Constitution)⁽⁵⁾ applies to the Combined County Authority in the exercise of any health service function as it applies to the constituent councils in the exercise of any health service function.

(2) In paragraph (1), “health service function” has the meaning given by section 2(3) of the Health Act 2009⁽⁶⁾.

⁽⁵⁾ 2009 c. 21. Section 2(1) was amended by paragraph 175(2) of Schedule 5 to the Health and Social Care Act 2012.

⁽⁶⁾ Section 2(3) was amended by paragraphs 174(b) and 175(4) of Schedule 5 to the Health and Social Care Act 2012.