



# Health Act 1999

## 1999 CHAPTER 8

### PART I

#### THE NATIONAL HEALTH SERVICE

##### *Quality etc*

#### **20 Functions of the Commission.**

- (1) The Commission has the following functions—
- (a) the function of providing advice or information with respect to arrangements by Primary Care Trusts or NHS trusts for the purpose of monitoring and improving the quality of health care for which they have responsibility,
  - (b) the function of conducting reviews of, and making reports on, arrangements by Primary Care Trusts or NHS trusts for the purpose of monitoring and improving the quality of health care for which they have responsibility,
  - (c) the function of carrying out investigations into, and making reports on, the management, provision or quality of health care for which [<sup>F1</sup>Strategic Health Authorities,] Health Authorities, Primary Care Trusts or NHS trusts have responsibility,
  - (d) the function of conducting reviews of, and making reports on, the management, provision or quality of, or access to or availability of, particular types of health care for which NHS bodies or service providers have responsibility, and
  - (e) such functions as may be prescribed relating to the management, provision or quality of, or access to or availability of, health care for which prescribed NHS bodies or prescribed service providers have responsibility.
- (2) The Secretary of State may by regulations make provision—
- (a) as to the times at which, the cases in which, the manner in which, the persons in relation to which or the matters with respect to which any functions of the Commission are to be exercised,

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*Status: Point in time view as at 10/10/2002. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Section 20. (See end of Document for details)*

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- (b) as to the matters to be considered or taken into account in connection with the exercise of any functions of the Commission,
  - (c) as to the persons to whom any advice, information or reports are to be given or made,
  - (d) as to the publication of reports and summaries of reports,
  - (e) as to the recovery from prescribed persons of amounts in respect of the expenditure incurred by the Commission in the exercise of any of its functions, and
  - (f) for or in connection with the exercise of functions of the Commission in conjunction with the exercise of statutory functions of other persons.
- (3) The Secretary of State may give directions with respect to the exercise of any functions of the Commission.
- (4) The Commission must comply with any directions under this section.
- (5) For the purposes of this section a person has responsibility for health care—
- (a) if he provides or is to provide that care to individuals, or
  - (b) if another person provides or is to provide that care to individuals—
    - (i) at his direction,
    - (ii) on his behalf, or
    - (iii) in accordance with an agreement or arrangements made by him with that other person.
- (6) References in subsection (5) to the provision of care include references to the provision of care jointly with another person.
- (7) In this section—
- “health care” has the meaning given by section 18(4),
  - “NHS body” means a [<sup>F2</sup>Strategic Health Authority,] Health Authority, Special Health Authority, Primary Care Trust or NHS trust,
  - “prescribed” means prescribed by regulations made by the Secretary of State,
  - “service provider” means a person who provides services—
    - (a) in accordance with arrangements under section 28C of the 1977 Act, or
    - (b) under Part II of that Act,
  - “statutory function” means a function conferred by or under any enactment.
- [<sup>F3</sup>(8) If a Local Health Board has responsibility for any health care—
- (a) paragraphs (a), (b) and (c) of subsection (1) are to be read as if they included a reference to that Local Health Board as well as to the bodies which are mentioned there, and
  - (b) the definition of “NHS body” in subsection (7) is to be read as if it included a reference to that Local Health Board.]

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#### **Textual Amendments**

- F1** Words in s. 20(1)(c) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), s. 1(3), [Sch. 1 para. 49\(a\)](#); S.I. 2002/2478, [art. 3\(1\)\(c\)](#) (subject to [arts. 2\(2\)](#), [3\(3\)](#) and with transitional provisions in [art. 4](#))

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- F2** Words in s. 20(7) in the definition of "NHS body" inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 1(3), **Sch. 1 para. 49(b)**; S.I. 2002/2478, **art. 3(1)(c)** (subject to arts. 2(2), 3(3) and with transitional provisions in art. 4)
- F3** S. 20(8) inserted (10.10.2002 for W., otherwise 1.3.2007) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 44**; S.I. 2002/2532, art. 2, **Sch.**; S.I. 2006/1407, **art. 1(1)**, 2, Sch. 1 Pt. 2 para. 12

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**Modifications etc. (not altering text)**

- C1** S. 20(1): functions modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2** (as inserted (30.6.1999) by 1999 c. 8, **ss. 66(4)(6)**, 67(4))

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**Commencement Information**

- I1** S. 20 partly in force; s. 20 not in force at Royal Assent see s. 67(1); s. 20 in force for certain purposes at 1.11.1999 by S.I. 1999/2793, art. 2(1)(b), **Sch. 2**; s. 20 in force insofar as not already in force (E.) at 4.1.2000 by S.I. 1999/2793, **art. 2(2)**

**Status:**

Point in time view as at 10/10/2002. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Health Act 1999, Section 20.