



Health and Social Care Act 2001

2001 CHAPTER 15

PART 3

CARE TRUSTS AND PARTNERSHIP ARRANGEMENTS

46 Directed partnership arrangements

- (1) If the relevant authority is of the opinion—
- (a) that a body to which this section applies (“the failing body”) is not exercising any of its functions adequately, and
 - (b) that it would be likely to lead to an improvement in the way in which that function is exercised if it were to be exercised—
 - (i) by another body to which this section applies under delegation arrangements, or
 - (ii) in accordance with pooled fund arrangements made with another such body,
- the relevant authority may direct those bodies to enter into such delegation arrangements or pooled fund arrangements in relation to the exercise of the appropriate function or functions as are specified in the direction.
- (2) In subsection (1) “the appropriate function or functions” means—
- (a) the function of the failing body mentioned in that subsection; and
 - (b) such other function of that body (if any) as the relevant authority considers would, if exercised under or in accordance with the arrangements in question, be likely to contribute to an improvement in the exercise of the function referred to in paragraph (a).
- (3) The bodies to which this section applies are—
- (a) NHS bodies, and
 - (b) local authorities,
- but in subsections (1) and (2) any reference to functions is, in relation to a local authority, a reference only to relevant social services functions of the authority.

Status: Point in time view as at 28/02/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Section 46. (See end of Document for details)

- (4) In this section any reference to an improvement in the way in which any function is exercised includes an improvement in the provision to any individuals of any services to which that function relates.
- (5) In this section—
- “delegation arrangements” means arrangements falling within section 31(2)(b) or (c) of the Health Act 1999, whether or not made in conjunction with any pooled fund arrangements;
 - “health-related functions” and “local authority” have the same meaning as in section 31 of the Health Act 1999;
 - “NHS body” means a [^{F1}Strategic Health Authority,] Health Authority, Primary Care Trust [^{F2}, Local Health Board] or NHS trust;
 - “pooled fund arrangements” means arrangements falling within section 31(2)(a) of the Health Act 1999;
 - “relevant social services functions” means health-related functions which are social services functions within the meaning of the Local Authority Social Services Act 1970 (c. 42).

Textual Amendments

- F1** Words in s. 46(5) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 1(3), 42(3), [Sch. 1 Pt. 2 para. 55\(3\)](#); S.I. 2002/2478, [art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F2** Words in s. 46(5) inserted (10.10.2002 for W. and otherwise prosp.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 6(2), 42(3), [Sch. 5 para. 51](#); S.I. 2002/2532, [art. 2](#), Sch.

Commencement Information

- I1** S. 46 partly in force; s. 46 not in force at Royal Assent see [s. 70\(2\)](#); s. 46 in force for E. at 1.8.2001 by S.I. 2001/2804, [arts. 1\(3\)](#), 2(1)(a) (subject to [art. 2\(2\)](#))

Status:

Point in time view as at 28/02/2006. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2001, Section 46.