



# National Health Service Reform and Health Care Professions Act 2002

## 2002 CHAPTER 17

### PART 1

#### NATIONAL HEALTH SERVICE, ETC

##### *Joint working*

#### **23 Joint working with the prison service**

- (1) In exercising their respective functions, NHS bodies (on the one hand) and the prison service (on the other) shall co-operate with one another with a view to improving the way in which those functions are exercised in relation to securing and maintaining the health of prisoners.
- (2) The appropriate authority may by regulations make provision for or in connection with enabling prescribed NHS bodies (on the one hand) and the prison service (on the other) to enter into prescribed arrangements in relation to the exercise of—
  - (a) prescribed functions of the NHS bodies, and
  - (b) prescribed health-related functions of the prison service,if the arrangements are likely to lead to an improvement in the way in which those functions are exercised in relation to securing and maintaining the health of prisoners.
- (3) The arrangements which may be prescribed include arrangements—
  - (a) for or in connection with the establishment and maintenance of a fund—
    - (i) which is made up of contributions by one or more NHS bodies and by the prison service, and
    - (ii) out of which payments may be made towards expenditure incurred in the exercise of both prescribed functions of the NHS body or bodies and prescribed health-related functions of the prison service,

- (b) for or in connection with the exercise by an NHS body on behalf of the prison service of prescribed health-related functions of the prison service in conjunction with the exercise by the NHS body of prescribed functions of theirs,
  - (c) for or in connection with the exercise by the prison service on behalf of an NHS body of prescribed functions of the NHS body in conjunction with the exercise by the prison service of prescribed health-related functions of the prison service,
  - (d) as to the provision of staff, goods, services or accommodation in connection with any arrangements mentioned in paragraph (a), (b) or (c),
  - (e) as to the making of payments by the prison service to an NHS body in connection with any arrangements mentioned in paragraph (b),
  - (f) as to the making of payments by an NHS body to the prison service in connection with any arrangements mentioned in paragraph (c).
- (4) Any arrangements made by virtue of this section do not affect the liability of NHS bodies, or of the prison service, for the exercise of any of their functions.
- (5) In this section—
- “appropriate authority” means—
    - (a) the Secretary of State, in relation to England, and
    - (b) the National Assembly for Wales, in relation to Wales,
  - “NHS bodies” means Strategic Health Authorities, Primary Care Trusts, NHS trusts, Special Health Authorities, Health Authorities and Local Health Boards,
  - “prison service” means the Minister of the Crown exercising functions in relation to prisons (within the meaning of the Prison Act 1952 (c. 52)),
  - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26).

## 24 Health and well-being strategies in Wales

- (1) It is the duty of —
- (a) each local authority in Wales, and
  - (b) each Local Health Board any part of whose area lies within the area of the local authority,
- jointly to formulate and implement a strategy for the health and well-being of members of the public in the local authority’s area (a “health and well-being strategy”).
- (2) The local authority and the Local Health Board (or Boards) responsible for a health and well-being strategy are referred to below as the “responsible bodies”.
- (3) The responsible bodies are to have regard to their strategy in the exercise of their functions.
- (4) Each strategy is to be formulated in relation to a period of time to be specified in regulations to be made by the National Assembly for Wales.
- (5) The National Assembly for Wales may by regulations make further provision about health and well-being strategies.
- (6) The regulations may, in particular, make provision as to—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the imposition of a duty on the responsible bodies to co-operate in formulating their strategy with prescribed persons or descriptions of person (including, for example, NHS trusts, Community Health Councils, voluntary bodies, and local businesses),
  - (b) steps which the responsible bodies must take before formulating the strategy,
  - (c) matters which the strategy must address,
  - (d) publication of the strategy,
  - (e) monitoring and review by the responsible bodies of the strategy and its implementation,
  - (f) the production of information and reports by the responsible bodies in relation to the strategy,
  - (g) the avoidance of duplication in the preparation of health and well-being strategies and other prescribed strategies or plans provided for under any other enactment.
- (7) The National Assembly for Wales may—
- (a) give directions to local authorities in Wales, Local Health Boards and NHS trusts in connection with health and well-being strategies,
  - (b) issue guidance to responsible bodies in connection with them.
- (8) The power to give directions in subsection (7)(a) is without prejudice to any other power to give directions to the bodies mentioned there.
- (9) In this section—
- (a) “local authority” means county council or county borough council,
  - (b) “prescribed” means prescribed in regulations made by the National Assembly for Wales,

and references to NHS trusts are to be construed as references to NHS trusts all or most of whose hospitals, establishments and facilities are situated in Wales.