



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 2 **U.K.**

STANDARDS

CHAPTER 10 **U.K.**

SUPPLEMENTARY AND GENERAL

Joint working

^{F1}120 Co-operation etc **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 5 para. 47, **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(s), 36; S.I. 2010/807, art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

^{F1}121 Reviews and investigations **E+W**

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Status: Point in time view as at 01/04/2009. This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 10. (See end of Document for details)

Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

F1 122 Joint annual reviews **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

F1 123 Power to assist **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

Arrangements with public authorities

F1 124 Arrangements with Ministers etc: CHAI **U.K.**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

F1 125 Arrangements with Ministers etc: CSCI **U.K.**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

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Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 10. (See end of Document for details)

F1 126 Arrangements with the Isle of Man and Channel Islands: CHAI **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(s), 36; S.I. 2010/807, art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

F1 127 Arrangements with the Isle of Man and Channel Islands: CSCI **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(s), 36; S.I. 2010/807, art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

Reports

F1 128 Reports: CHAI **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(s), 36; S.I. 2010/807, art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

F1 129 Reports: CSCI **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(s), 36; S.I. 2010/807, art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

Relationship with government

F1 130 Duty to have regard to government policy: CHAI **E+W**

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Status: Point in time view as at 01/04/2009. This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 10. (See end of Document for details)

Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

F1 131 Duty to have regard to government policy: CSCI E+W

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

F1 132 Failure in discharge of functions: CHAI E+W

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

F1 133 Failure in discharge of functions: CSCI E+W

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

Inquiries

F1 134 Inquiries: CHAI E+W

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

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^{F1} 135 Inquiries: CSCI **E+W**

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Textual Amendments

- F1** Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, **Sch. 15 Pt. 1**; [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

Information

136 Disclosure of information obtained by CHAI **E+W**

- (1) This section applies to information which—
 - (a) has been obtained by the CHAI on terms or in circumstances requiring it to be held in confidence; and
 - (b) relates to and identifies an individual.
- (2) Subject to section 137, a person is guilty of an offence if he knowingly or recklessly discloses information to which this section applies during the lifetime of the individual to which it relates.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (4) For the purposes of subsection (1)(b), information obtained by the CHAI, or any person authorised by it, is to be regarded as identifying an individual if that individual can be identified—
 - (a) from that information, or
 - (b) from that information and from other information obtained by the CHAI or any person authorised by it.

Commencement Information

- I1** S. 136 in force at 1.4.2004 by [S.I. 2004/759](#), art. 3(1)

137 Section 136: defence **E+W**

- (1) It is a defence for a person charged with an offence under section 136 to prove that at the time of the alleged offence—
 - (a) any of the circumstances in subsection (2) applied in relation to the disclosure in question; or
 - (b) he reasonably believed that they applied.
- (2) The circumstances referred to in subsection (1)(a) are that—

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- (a) the disclosure was made in a form in which the individual to whom it relates is not identified;
 - (b) the disclosure was made with the consent of the individual to whom the information relates;
 - (c) the information disclosed had previously been lawfully disclosed to the public;
 - (d) the disclosure was made under or pursuant to regulations under section 113 (complaints about health care);
 - (e) the disclosure was made in accordance with any enactment or court order;
 - (f) the disclosure was necessary or expedient for the purposes of protecting the welfare of any individual;
 - (g) the disclosure was made to any body or person in circumstances where it was necessary or expedient for the person or body to have the information for the purpose of exercising his or its functions under any enactment.
- (3) It is also a defence for a person charged with an offence under section 136 to prove that the disclosure was made—
- (a) for the purposes of facilitating the exercise of any functions of the CHAI (under any enactment);
 - (b) in connection with the investigation of a criminal offence (whether or not in the United Kingdom);
 - (c) for the purpose of criminal proceedings (whether or not in the United Kingdom).
- (4) For the purposes of subsection (2)(a), information disclosed by a person is not to be regarded as being in a form in which an individual is not identified if the individual can be identified—
- (a) from that information, or
 - (b) from that information and from other information disclosed by the CHAI, by any person authorised by it or by any of its members or employees.

Commencement Information

I2 S. 137 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 3\(1\)](#)

^{F1}**138** Information obtained by CHAI: supplementary **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 47](#), [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), [art. 2\(1\)](#), [Sch. 1 paras. 35\(s\), 36](#); [S.I. 2010/807](#), [art. 2\(1\)](#), [Sch. 1 paras. 17, 18 \(with Pt. 3\)](#)

^{F1}**139** Information obtained by CSCI: supplementary **E+W**

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

^{F1}140 Code of practice: CHAI E+W

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

^{F1}141 Code of practice: CSCI E+W

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Textual Amendments

F1 Ss. 120-141 repealed (1.4.2009 except in relation to ss. 136, 137, 6.4.2010 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 47, [Sch. 15 Pt. 1](#); [S.I. 2009/462](#), art. 2(1), Sch. 1 paras. 35(s), 36; [S.I. 2010/807](#), art. 2(1), Sch. 1 paras. 17, 18 (with Pt. 3)

Wales: supplementary

142 Annual reports of Assembly E+W

As soon as possible after the end of each financial year of the Assembly, the Assembly must make and publish a report or reports on—

- (a) what it has found during the year in the course of exercising—
 - (i) its functions under Chapter 4 and 6 of this Part (other than any function of making regulations);
 - (ii) its functions exercisable by virtue of section 5(b) and 8(1) to (3) of the Care Standards Act 2000 (c. 14);
- (b) the way in which the Assembly has during the year exercised those functions.

Commencement Information

I3 S. 142 in force at 1.4.2004 by [S.I. 2004/873](#), [art. 2\(d\)](#)

[^{F2}143 Use by Welsh Ministers of information E+W

- (1) The Welsh Ministers may use any information they obtain, or documents produced to them, in the course of exercising any function of the Welsh Ministers referred to in any

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paragraph of subsection (2) for the purposes of any function of the Welsh Ministers referred to in any other paragraph of that subsection.

- (2) The functions of the Welsh Ministers referred to in subsection (1) are—
 - (a) their functions under Chapter 4 of this Part;
 - (b) their functions under Chapter 6 of this Part;
 - (c) their functions exercisable by virtue of section 5(1)(b) or 8(1) to (3) of the Care Standards Act 2000;
 - (d) their functions under section 80 of the Children Act 1989;
 - (e) their functions under the Mental Health Act 1983 in their capacity as the regulatory authority (within the meaning of that Act);
 - (f) any functions exercisable by them by virtue of paragraph 163(1) of Schedule A1 to the Mental Capacity Act 2005.
- (3) References to functions in subsection (2) do not include functions of making regulations.]

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Textual Amendments

F2 S. 143 substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 48](#); S.I. 2009/462, art. 2(1), Sch. 1 para. 35(t)

F3 144 Inquiries: Wales E+W

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Textual Amendments

F3 S. 144 repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 49, Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(t), 36

F4 145 Co-operation between Assembly and CHAI E+W

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Textual Amendments

F4 S. 145 repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 50, Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(t), 36

F5 145A Duties in connection with the Auditor General for Wales E+W

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Textual Amendments

F5 S. 145A repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\), s. 170\(3\)\(4\), Sch. 5 para. 50, Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(t), 36

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General

146 Offences by bodies corporate **E+W**

- (1) This section applies where any offence under this Part is committed by a body corporate.
- (2) If the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) any director, manager, or secretary of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,
 he (as well as the body corporate) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (3) The reference in subsection (2) to a director, manager or secretary of a body corporate includes a reference—
 - (a) to any other similar officer of the body; and
 - (b) where the body is a local authority or NHS body, to any officer or member of the authority or NHS body.

Commencement Information

I4 S. 146 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 5\(2\)\(a\)](#)

147 Minor and consequential amendments **E+W**

Schedule 9 (which makes minor and consequential amendments relating to this Part) has effect.

Commencement Information

I5 S. 147 in force at 1.1.2004 for specified purposes for E. by [S.I. 2003/3346](#), [art. 3\(b\)](#)

I6 S. 147 in force at 8.1.2004 for specified purposes by [S.I. 2003/3346](#), [art. 5\(b\)](#)

I7 S. 147 in force at 11.3.2004 for specified purposes for E. by [S.I. 2004/759](#), [art. 4\(1\)\(b\)](#)

I8 S. 147 in force at 11.3.2004 for specified purposes by [S.I. 2004/759](#), [art. 5\(1\)\(b\)](#)

I9 S. 147 in force at 1.4.2004 for specified purposes by [S.I. 2004/759](#), [art. 9](#)

I10 S. 147 in force at 1.4.2004 for specified purposes for E. by [S.I. 2004/759](#), [art. 4\(2\)\(b\)](#)

I11 S. 147 in force at 1.4.2004 for specified purposes by [S.I. 2004/759](#), [art. 5\(2\)\(b\)](#)

I12 S. 147 in force at 1.6.2004 for specified purposes by [S.I. 2004/759](#), [art. 8](#)

I13 S. 147 in force at 15.1.2007 for specified purposes for E. by [S.I. 2006/3397](#), [art. 5](#)

148 Interpretation of Part 2 **E+W**

In this Part—

“Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England ^{F6}...;

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“cross-border SHA” means a Special Health Authority not performing functions only or mainly in respect of England or only or mainly in respect of Wales;

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“English local authority social service” means—

- (a) a service which is provided, in any place, by a local authority in England in the exercise of any of its social services functions;
- (b) a service which is provided, in any place, by another person pursuant to arrangements made by a local authority in England in the exercise of its social services functions;
- (c) a service which—
 - (i) is provided, in any place, by a local authority in England, or by another person pursuant to arrangements made by a local authority in England, under section 2(1)(b) of the Local Government Act 2000 (c. 22); and
 - (ii) is similar in nature to a service which could be provided by the authority in the exercise of any of its social services functions [F9but does not include anything which may be inspected by Her Majesty's Chief Inspector of Education, Children's Services and Skills under Chapter 4 of Part 8 of the Education and Inspections Act 2006].

“English NHS body” means—

- (a) a Primary Care Trust;
- (b) a Strategic Health Authority;
- (c) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England;
- (d) an NHS foundation trust;
- (e) a Special Health Authority performing functions only or mainly in respect of England;

F10
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“health care” has the meaning given by section 45(2);

“local authority” has the same meaning as in the Local Authority Social Services Act 1970 (c. 42) (see section 1 of that Act);

F11
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“NHS body” means—

- (a) an English NHS body;
- (b) a Welsh NHS body;
- (c) a cross-border SHA;

“NHS trust” has the same meaning as in [F12the 2006 Act];

“personal records” includes medical records;

“prescribed” means prescribed by regulations made by—

- (a) the Secretary of State;
- (b) in the case of sections 63, 75 and 101, the Assembly;

“regulator” means the Independent Regulator of NHS Foundation Trusts;

“social services functions” has the same meaning as in the Local Authority Social Services Act 1970; [F13but (in relation to a local authority in England) does not include—

(a) functions within section 135(1)(d) or (e) of the Education and Inspections Act 2006, or

(b) functions prescribed by regulations under section 135(1)(f) of that Act.]

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“Welsh local authority social service ” means—

- (a) a service provided, in any place, by a local authority in Wales in the exercise of any of its social services functions;
- (b) a service provided, in any place, by another person pursuant to arrangements made by a local authority in Wales in the exercise of its social services functions;
- (c) a service which—
 - (i) is provided, in any place, by a local authority in Wales, or by another person pursuant to arrangements made by a local authority in Wales, under section 2(1)(b) of the Local Government Act 2000 (c. 22); and
 - (ii) is similar in nature to a service which could be provided by the authority in the exercise of any of its social services functions;

“ Welsh NHS body ” means—

- (a) a Local Health Board;
- (b) an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales;
- (c) a Special Health Authority performing functions only or mainly in respect of Wales.

Textual Amendments

- F6** Words in s. 148 repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 9 para. 1\(2\)\(v\)](#), [Sch. 18 Pt. 9](#); S.I. 2008/172, art. 4(a)(n)(i)
- F7** Words in s. 148 repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 51\(a\)](#), [Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), [Sch. 1 paras. 35\(t\), 36](#)
- F8** Words in s. 148 repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 51\(b\)](#), [Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), [Sch. 1 paras. 35\(t\), 36](#)
- F9** Words in s. 148 added (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 93\(2\)](#); S.I. 2007/935, art. 5(gg)
- F10** Words in s. 148 repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 51\(c\)](#), [Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), [Sch. 1 paras. 35\(t\), 36](#)
- F11** Words in s. 148 repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 51\(d\)](#), [Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), [Sch. 1 paras. 35\(t\), 36](#)
- F12** Words in s. 148 substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 246](#) (with [Sch. 3 Pt. 1](#))
- F13** Words in s. 148 added (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 93\(3\)](#); S.I. 2007/935, art. 5(gg)

Commencement Information

- I14** S. 148 partly in force; s. 148 in force at Royal Assent for certain purposes, see [s. 199\(1\)\(4\)](#)
- I15** S. 148 in force at 1.1.2004 by [S.I. 2003/3346](#), [art. 4](#)

PROSPECTIVE

149 References to the provision of health care **E+W**

- (1) For the purposes of this Part, a person provides health care for another person if he provides it—

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Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 10. (See end of Document for details)

- (a) at the direction of the other person;
 - (b) in accordance with, or by virtue of, an agreement or arrangements made by the other person (whether or not with the person providing the health care); or
 - (c) otherwise on behalf of the other person.
- (2) References in this section to the provision of health care include references to its provision jointly with another person.

Status:

Point in time view as at 01/04/2009. This version of this chapter contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Chapter 10.