



# National Health Service Act 2006

## CHAPTER 41

### NATIONAL HEALTH SERVICE ACT 2006

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*Status: Point in time view as at 26/03/2008.*

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- 3 An arrangement under paragraph 2(1)(b) may provide for payments by...
- 4 A local education authority may not make an arrangement under...
- 5 (1) Sub-paragraph (2) applies to— (a) each local education authority,...
- 6 In paragraphs 1 to 5 any expression to which a...
- 7 Any charge made under regulations under this Act in respect...

*Contraceptive services*

- 8 The Secretary of State must arrange, to such extent as...

*Provision of vehicles for disabled persons*

- 9 The Secretary of State may provide vehicles (including wheelchairs) for...
- 10 (1) Sub-paragraphs (2) and (3) apply in respect of—
- 11 Regulations may provide for any incidental or supplementary matter for...

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- 13 (1) The Secretary of State may conduct research, or may...

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- 1 Each Strategic Health Authority is a body corporate.

*Pay and allowances*

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*Membership of Strategic Health Authorities*

- 3 A Strategic Health Authority consists of— (a) a chairman appointed...  
4 Regulations may provide that all or any of the persons...  
5 Regulations must provide that each of the persons who is...  
6 Regulations may provide for a person of a prescribed description...

*Staff*

- 7 (1) A Strategic Health Authority may employ such officers as...  
8 (1) The Secretary of State must, before he makes regulations...

*Miscellaneous*

- 9 Provision may be made by regulations as to—  
10 Regulations made under this Schedule may make provision (including provision...  
11 A Strategic Health Authority may pay subscriptions, of such amounts...  
12 A Strategic Health Authority has power to accept gifts of...  
13 (1) The Secretary of State may by order provide for...  
14 The proceedings of a Strategic Health Authority are not invalidated...  
15 (1) A Strategic Health Authority may— (a) make available at...  
16 (1) Any rights acquired, or liabilities (including liabilities in tort)...  
17 Provision may be made by regulations with respect to the...

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*Status*

- 1 Each Primary Care Trust is a body corporate.  
2 (1) A Primary Care Trust must not be regarded as...

*Membership*

- 3 The members of a Primary Care Trust are—  
4 (1) Regulations may make provision about— (a) the appointment of...  
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6 The validity of any proceedings of a Primary Care Trust,...

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### *Staff*

- 7 (1) A Primary Care Trust may employ such officers as...  
8 (1) The Secretary of State may direct a Primary Care...  
9 In addition to making provision in relation to Strategic Health...  
10 (1) Sub-paragraph (3) applies where the registration of a dental...

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- 11 (1) A Primary Care Trust may pay the chairman and...

### *Trust funds and trustees*

- 12 (1) The Secretary of State may by order provide for...  
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- 16 (1) Any rights acquired, or liabilities (including liabilities in tort)...

### *Powers of Primary Care Trusts to enter into externally financed development agreements*

- 17 (1) The powers of a Primary Care Trust include power...

### *Research*

- 18 (1) A Primary Care Trust may conduct, commission or assist...

### *Training*

- 19 A Primary Care Trust may— (a) make officers available in...

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- 20 (1) As soon as is practicable after the end of...  
21 Provision must be made by regulations requiring Primary Care Trusts...

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- 22 (1) A Primary Care Trust may be authorised to purchase...

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- 23 (1) The Secretary of State may, if a Primary Care...  
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25 (1) Stamp duty is not chargeable in respect of any...  
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26 (1) The Secretary of State may by order transfer to...  
27 (1) The contract of employment of an employee transferred under...  
28 (1) Where an employee will be transferred by an order...

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29 Where a Primary Care Trust is dissolved, an order under...

SCHEDULE 4 — NHS trusts established under section 25

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*Status*

- 1 Each NHS trust is a body corporate.
- 2 (1) An NHS trust must not be regarded as the...

*Board of directors*

- 3 (1) Each NHS trust has a board of directors consisting...

*Regulations*

- 4 (1) The Secretary of State may by regulations make provision...

*Provision to be made by first NHS trust order*

- 5 (1) The first NHS trust order made in relation to...

*Temporary availability of staff etc.*

- 6 (1) An NHS trust order may require a Strategic Health...

*Establishment of NHS trust prior to operational date*

- 7 (1) An NHS trust order may provide for the establishment...

*Transfer of staff to NHS trusts*

- 8 (1) This paragraph applies to any person who, immediately before...

*Transfer of property and liabilities to NHS trusts*

- 9 (1) The Secretary of State may by order transfer, or...

*Trust funds and trustees*

- 10 (1) The Secretary of State may by order provide for...

*Pay and allowances*

- 11 (1) An NHS trust must pay— (a) to the chairman...

*Reports and other information*

- 12 (1) For each accounting year an NHS trust must prepare...
- 13 An NHS trust must furnish to the Secretary of State...

Part 2 — POWERS AND DUTIES

*General*

- 14 (1) An NHS trust may do anything which appears to...

*NHS contracts*

- 15 (1) In addition to carrying out its other functions, an...



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### *Research*

- 16 An NHS trust may undertake and commission research and make...

### *Training*

- 17 An NHS trust may— (a) provide training for persons employed...

### *Joint exercise of functions*

- 18 An NHS trust may enter into arrangements for the carrying...

### *Payment for accommodation or services*

- 19 (1) According to the nature of its functions, an NHS...

### *Additional income*

- 20 (1) For the purpose of making additional income available in...

### *Provision of accommodation and services outside England and Wales*

- 21 An NHS Trust may arrange for the provision of accommodation...

### *Conferral of further powers by order*

- 22 The Secretary of State may by order confer specific powers...

### *Powers of NHS trusts to enter into externally financed development agreements*

- 23 (1) The powers of an NHS trust include power to...

### *Agreements under section 92 or 107*

- 24 An NHS trust may provide services under an agreement made...

### *Staff*

- 25 (1) An NHS trust may employ such staff as it...

### *Pensions, etc.*

- 26 (1) An NHS trust may, for or in respect of...

### *Compulsory acquisition*

- 27 (1) An NHS trust may be authorised to purchase land...

#### Part 3 — DISSOLUTION

- 28 (1) The Secretary of State may by order dissolve an...

- 29 (1) If an NHS trust is dissolved under paragraph 28,...

- 30 (1) If an NHS trust is dissolved under paragraph 28,...

- 31 An NHS trust may not be dissolved or wound up...

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### *Use and development of consecrated land and burial grounds*

- 32 Section 128 of the Town and Country Planning Act 1971...

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*Instruments etc.*

- 33 (1) The fixing of the seal of an NHS trust...

*Interpretation*

- 34 In this Schedule— “provide” includes manage, “operational date” has the...

SCHEDULE 5 — Financial provision about NHS trusts established under section 25

*Originating capital of NHS trusts*

- 1 (1) Each NHS trust has an originating capital of an...

*Financial obligations of NHS trusts*

- 2 (1) Each NHS trust must ensure that its revenue is...

*Borrowing*

- 3 (1) For the purpose of its functions an NHS trust...

*Guarantees of borrowing*

- 4 (1) The Secretary of State may guarantee, in such manner...

*Limits on indebtedness*

- 5 The aggregate of all sums borrowed by NHS trusts which...

*Additional public dividend capital*

- 6 The Secretary of State may, with the consent of the...

*Supplementary payments*

- 7 (1) The Secretary of State may make a payment to...

*Surplus funds*

- 8 If it appears to the Secretary of State that any...

*Investment*

- 9 (1) An NHS trust has power to invest money held...  
10 Any direction under section 8 with respect to—

SCHEDULE 6 — Special Health Authorities established under section 28

*Corporate status*

- 1 Each Special Health Authority is a body corporate.

*Pay and allowances*

- 2 (1) The Secretary of State may pay to—

*Status: Point in time view as at 26/03/2008.*

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### *Staff*

- 3 (1) A Special Health Authority may employ such officers as...
- 4 (1) The Secretary of State must, before he makes regulations...

### *Miscellaneous*

- 5 Provision may be made by regulations as to—
- 6 Regulations made under this Schedule may make provision (including provision...
- 7 A Special Health Authority may pay subscriptions, of such amounts...
- 8 A Special Health Authority has power to accept gifts of...
- 9 (1) The Secretary of State may by order provide for...
- 10 The proceedings of a Special Health Authority are not invalidated...
- 11 (1) A Special Health Authority may— (a) make available at...
- 12 (1) Any rights acquired, or liabilities (including liabilities in tort)...
- 13 Provision may be made by regulations with respect to the...

## SCHEDULE 7 — Constitution of public benefit corporations

### *Requirement for a constitution*

- 1 (1) A public benefit corporation must have a constitution.
- 2 The constitution must name the corporation and, if the corporation...

### *Eligibility for membership*

- 3 (1) The persons who may become or continue as members...

### *Constituencies*

- 4 (1) Members of a public benefit corporation are referred to...
- 5 The constitution must require a minimum number of members of...

### *Becoming a member*

- 6 (1) An individual who is eligible to become a member...

### *Board of Governors*

- 7 (1) A public benefit corporation has a board of governors....
- 8 (1) The following may not become or continue as members...
- 9 (1) More than half of the members of the board...
- 10 (1) An elected member of the board of governors may...
- 11 The corporation may pay travelling and other expenses to members...
- 12 The constitution must provide for the chairman of the corporation...
- 13 (1) The constitution must provide for meetings of the board...
- 14 (1) The constitution must make provision as to—

### *Directors*

- 15 (1) A public benefit corporation has a board of directors....
- 16 (1) The board consists of— (a) executive directors, one of...
- 17 (1) It is for the board of governors at a...
- 18 (1) It is for the board of governors at a...

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*Initial directors of former NHS trusts*

- 19 (1) This paragraph applies, where the application for authorisation is...

*Register of members etc*

- 20 (1) A public benefit corporation must have—  
21 The constitution must make provision for dealing with conflicts of...  
22 (1) A public benefit corporation must make the following documents...

*Auditor*

- 23 (1) A public benefit corporation must have an auditor.

*Accounts*

- 24 (1) A public benefit corporation must keep accounts in such...  
25 (1) A public benefit corporation must prepare in respect of...

*Annual reports and forward plans*

- 26 (1) A public benefit corporation must prepare annual reports and...  
27 (1) A public benefit corporation must give information to the...

*Meeting of board of governors to consider annual accounts and reports*

- 28 The following documents must be presented to the board of...

*Instruments etc*

- 29 (1) The constitution must make provision for the authentication of...

SCHEDULE 8 — Independent Regulator of NHS foundation Trusts

*Membership*

- 1 (1) The regulator consists of a number of members (but...

*Tenure of office*

- 2 (1) A person holds and vacates office as a member...

*Remuneration and pensions*

- 3 (1) The regulator must pay to the chairman—

*Staff*

- 4 The regulator may, after consulting the Minister for the Civil...

*Superannuation*

- 5 (1) Sub-paragraph (2) applies where— (a) a person is an...

*Procedure*

- 6 (1) The regulator may regulate its own procedure and make...

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### *Delegation of functions*

7 Anything which the regulator is authorised or required to do...

#### *General powers*

8 (1) The regulator may do anything which appears to it...

#### *Specific powers*

9 (1) The regulator may with the consent of the Secretary...

#### *Finance*

10 The Secretary of State may make contributions towards the regulator's...

#### *Reports and other information*

11 (1) As soon as possible after the end of each...

12 (1) The regulator must keep accounts in such form as...

13 The regulator must respond in writing to any recommendation which  
—...

#### *Seal and evidence*

14 The application of the regulator's seal must be authenticated by...

15 A document purporting to be duly executed under the regulator's...

#### *General*

16 (1) The regulator must not be regarded as the servant...

#### *SCHEDULE 9 — NHS foundation trusts: transfer of staff*

1 An order under section 54(4) may provide for the transfer...

2 The contract of employment of an employee transferred under such...

3 Where an employee is so transferred— (a) all the rights,...

4 But if the employee informs the trust or the proposed...

5 This Schedule does not affect any right of an employee...

6 In this Schedule, “date of transfer” means the date decided...

#### *SCHEDULE 10 — Audit of accounts of NHS foundation trusts*

##### *General duty*

1 In auditing the accounts of any NHS foundation trust an...

##### *Right to documents and information*

2 (1) An auditor of an NHS foundation trust has a...

##### *Reports*

3 In auditing the accounts of an NHS foundation trust, the...

4 (1) When an auditor of an NHS foundation trust has...

5 (1) Any report under paragraph 3 must be sent by...

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### *Referral to regulator*

6 If the auditor of an NHS foundation trust has reason...

#### *Audit of accounts of directors or officers*

7 (1) Where a director or officer of an NHS foundation...

#### *Restriction on disclosure of information*

8 (1) No information relating to an NHS foundation trust or...

## SCHEDULE 11 — Pilot schemes

### *How pilot schemes may be initiated*

1 (1) A pilot scheme may be made—

#### *Preliminary steps to be taken*

2 (1) Before making a pilot scheme, the Primary Care Trust...

#### *Approval*

3 (1) If proposals for a pilot scheme are submitted under...

#### *Preliminary approval*

4 (1) This paragraph applies if a Primary Care Trust proposes...

#### *Effect of proposals on existing services*

5 (1) Proposals for a pilot scheme submitted under paragraph 2,...

#### *Guidance*

6 The Secretary of State may issue guidance about the criteria...

#### *Making a scheme*

7 (1) If the Secretary of State approves proposals for a...

## SCHEDULE 12 — LPS schemes

### *Provision of local pharmaceutical services*

1 (1) Primary Care Trusts may establish LPS schemes.

#### *Designation of priority neighbourhoods or premises*

2 (1) The Secretary of State may make regulations allowing a...

#### *Regulations*

3 (1) The Secretary of State may make regulations with respect...

## SCHEDULE 13 — The Family Health Services Appeal Authority

*Status: Point in time view as at 26/03/2008.*

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### *Constitution*

- 1 The Family Health Services Appeal Authority (“the FHSAA”) consists of—...
- 2 The number of the other members must be determined by...
- 3 A person appointed as the President must have a 10...
- 4 The qualifications which the other members must have in order...
- 5 Each person appointed under paragraph 1— (a) must hold and...
- 6 (1) The other members must include at least one—

### *Procedure*

- 7 The procedure of the FHSAA is as it determines, subject...
- 8 The functions of the FHSAA must be exercised by panels...
- 9 Subject to paragraph 10, at least one member of each...
- 10 (1) In the case of a panel constituted for the...
- 11 Where a panel has more than one member—
- 12 The FHSAA must— (a) give notice of a panel's decision...
- 13 The following decisions fall within this paragraph—
- 14 The FHSAA may publish a decision not falling within paragraph...
- 15 The Lord Chancellor may make rules as to—
- 16 The Lord Chancellor must make rules— (a) giving each party...
- 17 Rules under this Schedule may, in particular, make provision—
- 18 No person may be required by virtue of any such...

### *Miscellaneous*

- 19 (1) The President must, in respect of each period of...
- 20 The President must arrange such training for himself and the...

### *Interpretation*

- 21 In this Schedule— “practitioner” means the person whose case is...

*Interpretation: Provisions under the National Health Service (Wales) Act 2006 (c. 42)*

- 22 In this Schedule— (a) references to section 91 include references...

SCHEDULE 14 — Further provision about the expenditure of Primary Care Trusts

### *Pharmaceutical services expenditure*

- 1 (1) In sections 228 to 230 and this Schedule, “pharmaceutical...

### *Main expenditure*

- 2 (1) In section 228 “main expenditure”, in relation to a...
- 3 (1) For each financial year, the Secretary of State must...

### *Interpretation*

- 4 (1) In this Schedule— “designated” means designated in writing by...

SCHEDULE 15 — Accounts and audit

*Status: Point in time view as at 26/03/2008.*

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### *NHS bodies*

- 1 (1) The following are NHS bodies for the purposes of...

#### *Accounts to be kept by NHS bodies*

- 2 (1) Each NHS body must keep proper accounts and proper...

#### *Preparation of annual accounts*

- 3 (1) Each NHS body must prepare in respect of each...

#### *Auditing of accounts of certain NHS bodies*

- 4 (1) This paragraph applies to any NHS body that is...

#### *Transmission of annual accounts*

- 5 (1) Each NHS body that is neither a Special Health...

#### *Auditing of certain Special Health Authority accounts by Comptroller and Auditor General*

- 6 (1) This paragraph applies where an NHS body that is...

#### *Summarised accounts of NHS bodies other than Special Health Authorities*

- 7 (1) This paragraph applies in relation to NHS bodies that...

#### *Exceptions for accounts of charitable trusts*

- 8 (1) For the purposes of this paragraph a “relevant charitable...

#### *Exceptions for accounts of non-charitable trusts*

- 9 (1) For the purposes of this paragraph a “relevant non-charitable...

### SCHEDULE 16 — The Commission for Patient and Public Involvement in Health

#### *Status*

- 1 The Commission for Patient and Public Involvement in Health (“the...

#### *Powers*

- 2 (1) Subject to any directions given by the Secretary of...

#### *Membership*

- 3 The Commission consists of a chairman appointed by the Secretary...

#### *Appointment, procedure etc*

- 4 (1) The Secretary of State may by regulations make provision...  
5 The regulations may include provision applying, or corresponding to, any...

#### *Remuneration and allowances*

- 6 (1) The Commission may pay to its chairman and to...



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*Staff*

7 (1) There is a Chief Executive of the Commission who...

*Delegation of functions*

8 The Commission may arrange for the discharge of any of...

*Assistance*

9 (1) The Commission may arrange for such persons as it...

*Payments and loans to the Commission*

10 (1) The Secretary of State may make payments to the...

*Accounts and audit*

11 (1) The Commission must keep accounts in such form as...

*Reports and other information*

12 (1) The Commission must— (a) prepare a report in relation...

*Application of seal and evidence*

13 The application of the seal of the Commission must be...

14 A document purporting to be duly executed under the seal...

SCHEDULE 17 — Exempt information relating to health services

Part 1 — DESCRIPTIONS OF EXEMPT INFORMATION

- 1 Information relating to a particular employee, former employee or applicant...
- 2 Information relating to any particular occupier or former occupier of,...
- 3 Information relating to any particular applicant for, or recipient or...
- 4 Information relating to any particular applicant for, or recipient or...
- 5 The amount of any expenditure proposed to be incurred by...
- 6 Any terms proposed or to be proposed by or to...
- 7 The identity of a relevant body (as well as of...
- 8 Information relating to any consultations or negotiations, or contemplated consultations...
- 9 Any instructions to counsel and any opinion of counsel (whether...
- 10 Information relating to a particular person who was included in...
- 11 Information relating to a particular person who is, or was...
- 12 Information relating to a particular person who—
- 13 (1) Information relating to a particular person who—
- 14 Information relating to any particular employee, former employee, or applicant...
- 15 Information relating to the physical or mental health of a...

Part 2 — QUALIFICATIONS

- 16 Information relating to a person of a description specified in...
- 17 Information falling within paragraph 5 of Part 1 is exempt...
- 18 Information falling within paragraph 6 of Part 1 is exempt...
- 19 Information falling within paragraph 8 of Part 1 is exempt...

Part 3 — INTERPRETATION

- 20 In this Schedule— “disposal”, in relation to property, includes the...

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## SCHEDULE 18 — Section 75 arrangements: transfer of staff

### *Application of Schedule*

- 1 This Schedule applies where, under any arrangements under regulations under...

### *Orders transferring staff*

- 2 (1) The Secretary of State may by order transfer to...

### *Effect of order on contracts of employment*

- 3 (1) The contract of employment of an employee transferred by...

### *Effect of order on pension rights*

- 4 (1) An order under paragraph 2 may provide that, in...

### *Divided employments*

- 5 (1) Where an employee will be transferred by an order...

## SCHEDULE 19 — Further provision about standing advisory committees

- 1 Regulations may make provision with respect to—
- 2 The Secretary of State must appoint a secretary to each...
- 3 Each standing advisory committee may appoint such sub-committees as it...
- 4 Any such sub-committee may include persons who are not members...
- 5 Each standing advisory committee must elect one of the members...
- 6 Each standing advisory committee has power to regulate its own...
- 7 The proceedings of a standing advisory committee are not invalidated...
- 8 The Secretary of State may make such payments in respect...
- 9 The Secretary of State may pay to the members of...
- 10 Payments under this Schedule are subject to such conditions as...

## SCHEDULE 20 — Further provision about local social services authorities

### *Care of mothers and young children*

- 1 A local social services authority may, with the Secretary of...

### *Prevention, care and after-care*

- 2 (1) A local social services authority may, with the Secretary...

### *Home help and laundry facilities*

- 3 (1) Each local social services authority— (a) must provide or...

### *Research*

- 4 (1) A local social services authority may conduct or assist...

## SCHEDULE 21 — Prohibition of sale of medical practices

*Status: Point in time view as at 26/03/2008.*

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*Prohibition, and certificate of the Secretary of State*

- 1 (1) Any person who sells or buys the goodwill of...

*Certain transactions deemed sale of goodwill*

- 2 (1) For the purposes of section 259 and paragraph 1,...

*Consideration*

- 3 (1) In determining for the purposes of section 259 and...

*Carried-over goodwill*

- 4 The fact that a person's medical practice was previously carried...

*Interpretation*

- 5 In section 259 and this Schedule, unless the context otherwise...

SCHEDULE 22 — Control of maximum prices for medical supplies

*Orders and directions*

- 1 (1) An order under section 260 may make such provision...

*Notices, authorisations and proof of documents*

- 2 (1) A notice to be served on any person for...

*Territorial extent*

- 3 (1) Provisions in or having effect under section 260 or...

*False documents and false statements*

- 4 (1) A person must not, with intent to deceive—

*Restrictions on disclosing information*

- 5 No person who obtains any information by virtue of section...  
6 Paragraph 5 does not apply if— (a) the person who...

*Offences by corporations*

- 7 (1) Where an offence under section 260 or this Schedule...

*Penalties*

- 8 (1) A person who contravenes or fails to comply with—...

*Production of documents*

- 9 (1) For the purposes of— (a) securing compliance with any...  
10 (1) A justice of the peace may issue a warrant...

*Penalties for offences: transitional modification for England and Wales*

- 11 (1) In relation to an offence committed in England and...

**Status:**

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**Changes to legislation:**

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