



# National Health Service Act 2006

## CHAPTER 41

### NATIONAL HEALTH SERVICE ACT 2006

#### PART 1

##### PROMOTION AND PROVISION OF THE HEALTH SERVICE IN ENGLAND

###### *The Secretary of State and the health service in England*

- 1 Secretary of State's duty to promote comprehensive health service
- 1G Secretary of State's duty as to reporting on and reviewing treatment of providers

###### *Role of the Board in the health service in England*

- 1H The National Health Service Commissioning Board and its general functions

###### *Role of clinical commissioning groups in the health service in England*

- 1I Clinical commissioning groups and their general functions

###### *General power*

- 2 General power

###### *Arrangements for the provision of certain health services*

- 3 Duties of clinical commissioning groups as to commissioning certain health services
- 3B Secretary of State's power to require Board to commission services
- 4 High security psychiatric services
- 5 Other services

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Provision of services otherwise than in England*

- 6 Performance of functions outside England
- 6A Reimbursement of cost of services provided in another EEA state
- 6B Prior authorisation for the purposes of section 6A

*Regulations as to the exercise of functions*

- 6C Regulations as to the exercise by local authorities of certain public health functions
- 6D Regulations relating to EU obligations
- 6E Regulations as to the exercise of functions by the Board or clinical commissioning groups

*Functions of Special Health Authorities*

- 7 Functions of Special Health Authorities

*Exercise of Secretary of State's public health functions*

- 7A Exercise of Secretary of State's public health functions
- 8 Secretary of State's directions to health service bodies

*NHS contracts*

- 9 NHS contracts
- 10 Provision for bodies in Northern Ireland
- 11 Arrangements to be treated as NHS contracts

*Provision of services otherwise than by the Secretary of State*

- 12 Secretary of State's arrangements with other bodies

*Direct payments for health care*

- 12A Direct payments for health care
- 12B Regulations about direct payments
- 12C Direct payments pilot schemes
- 12D Arrangements with other bodies relating to direct payments

*Miscellaneous*

- 12E Secretary of State's duty as respects variation in provision of health services

**PART 2**

**HEALTH SERVICE BODIES**

**CHAPTER A1**

**THE NATIONAL HEALTH SERVICE COMMISSIONING BOARD**

*Secretary of State's mandate to the Board*

- 13A Mandate to Board
- 13B The mandate: supplemental provision

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *General duties of the Board*

- 13C Duty to promote NHS Constitution
- 13D Duty as to effectiveness, efficiency etc.
- 13E Duty as to improvement in quality of services
- 13F Duty as to promoting autonomy
- 13G Duty as to reducing inequalities
- 13H Duty to promote involvement of each patient
  - 13I Duty as to patient choice
  - 13J Duty to obtain appropriate advice
- 13K Duty to promote innovation
- 13L Duty in respect of research
- 13M Duty as to promoting education and training
- 13N Duty as to promoting integration
- 13O Duty to have regard to impact on services in certain areas
- 13P Duty as respects variation in provision of health services

### *Public involvement*

- 13Q Public involvement and consultation by the Board

### *Functions in relation to information*

- 13R Information on safety of services provided by the health service
- 13S Guidance in relation to processing of information

### *Business plan and report*

- 13T Business plan
- 13U Annual report

### *Additional powers*

- 13V Establishment of pooled funds
- 13W Board's power to generate income, etc.
- 13X Power to make grants etc.
- 13Y Board's incidental powers: further provision

### *Exercise of functions of Board*

- 13Z Exercise of functions

### *Power to confer additional functions*

- 13Z1 Power to confer additional functions on the Board

### *Intervention powers*

- 13Z2 Failure by the Board to discharge any of its functions

### *Disclosure of information*

- 13Z3 Permitted disclosures of information

### *Interpretation*

- 13Z4 Interpretation

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

## CHAPTER A2

### CLINICAL COMMISSIONING GROUPS

#### *Establishment of clinical commissioning groups*

- 14A General duties of Board in relation to clinical commissioning groups
- 14B Applications for the establishment of clinical commissioning groups
- 14C Determination of applications
- 14D Effect of grant of application

#### *Variation of constitution*

- 14E Applications for variation of constitution
- 14F Variation of constitution otherwise than on application

#### *Mergers, dissolution etc.*

- 14G Mergers
- 14H Dissolution

#### *Supplemental provision about applications, variation, mergers etc.*

- 14I Transfers in connection with variation, merger, dissolution etc.
- 14J Publication of constitution of clinical commissioning groups
- 14K Guidance about the establishment of clinical commissioning groups etc.

#### *Governing bodies of clinical commissioning groups*

- 14L Governing bodies of clinical commissioning groups
- 14M Audit and remuneration committees of governing bodies
- 14N Regulations as to governing bodies of clinical commissioning groups

#### *Conflicts of interest*

- 14O Registers of interests and management of conflicts of interest

#### *General duties of clinical commissioning groups*

- 14P Duty to promote NHS Constitution
- 14Q Duty as to effectiveness, efficiency etc.
- 14R Duty as to improvement in quality of services
- 14S Duty in relation to quality of primary medical services
- 14T Duties as to reducing inequalities
- 14U Duty to promote involvement of each patient
- 14V Duty as to patient choice
- 14W Duty to obtain appropriate advice
- 14X Duty to promote innovation
- 14Y Duty in respect of research
- 14Z Duty as to promoting education and training
- 14Z1 Duty as to promoting integration

#### *Public involvement*

- 14Z2 Public involvement and consultation by clinical commissioning groups

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

#### *Arrangements with others*

- 14Z3 Arrangements by clinical commissioning groups in respect of the exercise of functions
- 14Z4 Joint exercise of functions with Local Health Boards

#### *Additional powers of clinical commissioning groups*

- 14Z5 Raising additional income
- 14Z6 Power to make grants

#### *Board's functions in relation to clinical commissioning groups*

- 14Z7 Responsibility for payments to providers
- 14Z8 Guidance on commissioning by the Board
- 14Z9 Exercise of functions by the Board
- 14Z10 Power of Board to provide assistance or support

#### *Commissioning plans and reports*

- 14Z11 Commissioning plan
- 14Z12 Revision of commissioning plans
- 14Z13 Consultation about commissioning plans
- 14Z14 Opinion of Health and Wellbeing Boards on commissioning plans
- 14Z15 Reports by clinical commissioning groups

#### *Performance assessment of clinical commissioning groups*

- 14Z16 Performance assessment of clinical commissioning groups

#### *Powers to require information etc.*

- 14Z17 Circumstances in which powers in sections 14Z18 and 14Z19 apply
- 14Z18 Power to require documents and information etc.
- 14Z19 Power to require explanation
- 14Z20 Use of information

#### *Intervention powers*

- 14Z21 Power to give directions, dissolve clinical commissioning groups etc.

#### *Procedural requirements in connection with certain powers*

- 14Z22 Procedural requirements in connection with certain powers

#### *Disclosure of information*

- 14Z23 Permitted disclosures of information

#### *Interpretation*

- 14Z24 Interpretation

### **CHAPTER 1**

#### **STRATEGIC HEALTH AUTHORITIES**

- 13 Strategic Health Authorities

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- 14 Exercise of Strategic Health Authority functions
- 15 Strategic Health Authorities' directions
- 16 Section 92 arrangements and section 107 arrangements and LPS schemes
- 17 Advice for Strategic Health Authorities
- 17A Reports on consultation

## **CHAPTER 2**

### PRIMARY CARE TRUSTS

- 18 Primary Care Trusts
- 19 Exercise of Primary Care Trust functions
- 20 Strategic Health Authority directions to Primary Care Trusts
- 21 Provision of services etc
- 22 Administration and management of services
- 23 Advice for Primary Care Trusts
- 23A Arrangements for improving quality of health care
- 24 Plans for improving health etc
- 24A Report on consultation

## **CHAPTER 3**

### NHS TRUSTS

- 25 NHS trusts
- 26 General duty of NHS trusts
- 27 Financial provisions relating to NHS trusts

## **CHAPTER 4**

### SPECIAL HEALTH AUTHORITIES

- 28 Special Health Authorities
- 28A Special Health Authorities: further provision
- 29 Exercise of Special Health Authority functions

## **CHAPTER 5**

### NHS FOUNDATION TRUSTS

#### *Introductory*

- 30 NHS foundation trusts
- 31 Independent Regulator of NHS Foundation Trusts
- 32 General duty of regulator

#### *Authorisation*

- 33 Applications by NHS trusts
- 34 Other applications
- 35 Authorisation of NHS foundation trusts
- 36 Effect of authorisation
- 37 Amendments of constitution

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- 38 Variation of authorisation
- 39 Register of NHS foundation trusts
- 39A Panel for advising governors

#### *Financial matters*

- 40 Power of Secretary of State to give financial assistance
- 41 Prudential borrowing code
- 42 Public dividend capital

#### *Functions*

- 43 Authorised services
- 44 Power to charge for accommodation etc.
- 45 Protection of property
- 46 Financial powers
- 47 General powers
- 48 Information
- 49 Entry and inspection of premises
- 50 Fees
- 51 Trust funds and trustees

#### *Failure*

- 52 Failing NHS foundation trusts
- 52A Application of sections 52B to 52E
- 52B De-authorisation: regulator's notice
- 52C Grounds for de-authorisation notice
- 52D De-authorisation
- 52E Secretary of State's request
- 53 Voluntary arrangements
- 54 Dissolution etc
- 55 Sections 53 and 54: supplementary

#### *Mergers*

- 56 Mergers
- 57 Section 56: supplementary

#### *Miscellaneous*

- 58 Taxation
- 59 Conduct of elections
- 60 Voting and standing for election
- 61 Representative membership
- 62 Audit
- 63 General duty of NHS foundation trusts

#### *Supplementary*

- 64 Orders and regulations under this Chapter
- 65 Interpretation of this Chapter

### **CHAPTER 5A**

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Application*

65A Application

### *Appointment*

65B Appointment of trust special administrator

65C Suspension of directors

### *De-authorisation of NHS foundation trusts*

65D NHS foundation trusts: regulator's notice

65E NHS foundation trusts: de-authorisation and appointment of trust special administrator

### *Consultation and report*

65F Draft report

65G Consultation plan

65H Consultation requirements

65I Final report

65J Power to extend time

### *Action by the Secretary of State and the regulator*

65K Secretary of State's decision in case of NHS trust

65KA Regulator's decision in case of NHS foundation trust

65KB Secretary of State's response to regulator's decision

65KC Action following Secretary of State's rejection of final report

65KD Secretary of State's response to re-submitted final report

65L Trusts coming out of administration

65LA Trusts to be dissolved

### *Supplementary*

65M Replacement of trust special administrator

65N Guidance

65O Interpretation of this Chapter

## **CHAPTER 5B**

### TRUST SPECIAL ADMINISTRATORS: PRIMARY CARE TRUSTS

### *Appointment*

65P Appointment of trust special administrator

65Q Displacement of functions

## **CHAPTER 6**

### MISCELLANEOUS

### *Intervention orders and default powers*

66 Intervention orders

67 Effect of intervention orders

68 Default powers



*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Protection of members and officers of health service bodies*

69 Protection from personal liability

*Transfer of residual liabilities*

70 Transfer of residual liabilities

*Losses and liabilities of certain health service bodies*

71 Schemes for meeting losses and liabilities etc of certain health service bodies

*Co-operation between NHS bodies*

72 Co-operation between NHS bodies

*Directions and regulations under this Part*

73 Directions and regulations under this Part

**PART 3**

LOCAL AUTHORITIES AND THE NHS

- 73A Appointment of directors of public health
- 73C Complaints about exercise of public health functions by local authorities
- 74 Supply of goods and services by local authorities
- 75 Arrangements between NHS bodies and local authorities
- 76 Power of local authorities to make payments
- 77 Care Trusts
- 78 Directed partnership arrangements
- 79 Further provision about directions and directed partnership arrangements
- 80 Supply of goods and services by the Secretary of State
- 81 Conditions of supply under section 80
- 82 Co-operation between NHS bodies and local authorities

**PART 4**

MEDICAL SERVICES

*Duty of Primary Care Trusts in relation to primary medical services*

83 Primary medical services

*General medical services contracts*

- 84 General medical services contracts: introductory
- 85 Requirement to provide certain primary medical services
- 86 Persons eligible to enter into GMS contracts
- 87 GMS contracts: payments
- 88 GMS contracts: prescription of drugs, etc
- 89 GMS contracts: other required terms
- 90 GMS contracts: disputes and enforcement

*Performance of primary medical services*

91 Persons performing primary medical services

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Other arrangements for the provision of primary medical services*

- 92 Arrangements by the Board for the provision of primary medical services
- 93 Persons with whom agreements may be made under section 92
- 94 Regulations about section 92 arrangements
- 95 Transfer of liabilities relating to section 92 arrangements

*Assistance and support*

- 96 Assistance and support: primary medical services

*Local Medical Committees*

- 97 Local Medical Committees

*Provision of accommodation by the Secretary of State*

- 98 Use of accommodation: provision of primary medical services

*Directions*

- 98A Exercise of functions

**PART 5**

**DENTAL SERVICES**

*Duty of Primary Care Trusts in relation to primary dental services*

- 99 Primary dental services

*General dental services contracts*

- 100 General dental services contracts: introductory
- 101 Requirement to provide certain primary dental services
- 102 Persons eligible to enter into GDS contracts
- 103 GDS contracts: payments
- 104 GDS contracts: other required terms
- 105 GDS contracts: disputes and enforcement

*Performance of primary dental services*

- 106 Persons performing primary dental services

*Other arrangements for the provision of primary dental services*

- 107 Arrangements by the Board for the provision of primary dental services
- 108 Persons with whom agreements may be made under section 107
- 109 Regulations about section 107 arrangements
- 110 Transfer of liabilities relating to section 107 arrangements

*Dental public health*

- 111 Dental public health

*Assistance and support*

- 112 Assistance and support: primary dental services

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Local Dental Committees*

#### 113 Local Dental Committees

##### *Provision of accommodation by the Secretary of State*

#### 114 Use of accommodation: provision of primary dental services

##### *Directions*

#### 114A Exercise of functions

### **PART 6**

#### OPHTHALMIC SERVICES

##### *Duty of Primary Care Trusts in relation to primary ophthalmic services*

#### 115 Primary ophthalmic services

#### 116 Regulations under section 115: supplementary

##### *General ophthalmic services contracts*

#### 117 General ophthalmic services contracts: introductory

#### 118 Persons eligible to enter into GOS contracts

#### 119 Exclusion of contractors

#### 120 GOS contracts: payments

#### 121 GOS contracts: other required terms

#### 122 GOS contracts: disputes and enforcement

##### *Performance of primary ophthalmic services*

#### 123 Persons performing primary ophthalmic services

##### *Assistance and support*

#### 124 Assistance and support: primary ophthalmic services

### *Local Optical Committees*

#### 125 Local Optical Committees

##### *Directions*

#### 125A Exercise of functions

### **PART 7**

#### PHARMACEUTICAL SERVICES AND LOCAL PHARMACEUTICAL SERVICES

### **CHAPTER 1**

#### PROVISION OF PHARMACEUTICAL SERVICES

#### 126 Arrangements for pharmaceutical services

#### 127 Arrangements for additional pharmaceutical services

#### 128 Terms and conditions, etc

#### 128A Pharmaceutical needs assessments

#### 129 Regulations as to pharmaceutical services

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- 130 Regulations under section 129: appeals, etc
- 131 Power to charge
- 132 Persons authorised to provide pharmaceutical services
- 133 Inadequate provision of pharmaceutical services

## CHAPTER 2

### LOCAL PHARMACEUTICAL SERVICES: PILOT SCHEMES

- 134 Pilot schemes
- 135 Making pilot schemes
- 136 Designation of priority neighbourhoods or premises
- 137 Reviews of pilot schemes
- 138 Variation and termination of pilot schemes
- 139 NHS contracts and the provision of piloted services
- 140 Funding of preparatory work
- 141 Application of this Act
- 142 Premises from which piloted services may be provided
- 143 Control of entry regulations

## CHAPTER 3

### LOCAL PHARMACEUTICAL SERVICES: LPS SCHEMES

- 144 Local pharmaceutical services schemes

## CHAPTER 4

### LOCAL PHARMACEUTICAL SERVICES: MISCELLANEOUS

#### *Application of enactments*

- 145 Application of enactments

#### *Performance of local pharmaceutical services*

- 146 Persons performing local pharmaceutical services

#### *Assistance and support*

- 147 Assistance and support: local pharmaceutical services

## CHAPTER 4A

### LISTS OF PERFORMERS OF PHARMACEUTICAL SERVICES AND ASSISTANTS

- 147A Performers of pharmaceutical services and assistants
- 147B Further provision about regulations under section 147A

## CHAPTER 5

### CONDITIONAL INCLUSION IN PHARMACEUTICAL LISTS

- 148 Conditional inclusion in pharmaceutical lists

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- 149 Supplementary lists
- 150 Further provision about regulations under section 149

## CHAPTER 5A

### NOTICES AND PENALTIES

- 150A Notices and penalties

## CHAPTER 6

### DISQUALIFICATION

- 151 Disqualification of practitioners
- 152 Contingent removal
- 153 Fraud and unsuitability cases: supplementary
- 154 Suspension
- 155 Suspension pending appeal
- 156 Effect of suspension
- 157 Review of decisions
- 158 Appeals
- 159 National disqualification
- 160 Notification of decisions
- 161 Withdrawal from lists
- 162 Regulations about decisions under this Chapter
- 163 Corresponding provisions in Scotland and Northern Ireland

## CHAPTER 7

### MISCELLANEOUS

#### *Remuneration*

- 164 Remuneration for persons providing pharmaceutical services
- 165 Section 164: supplementary

#### *Indemnity cover*

- 166 Indemnity cover

#### *Local Pharmaceutical Committees*

- 167 Local Pharmaceutical Committees

#### *Provision of accommodation by the Secretary of State*

- 168 Use of accommodation: provision of pharmaceutical services and local pharmaceutical services

#### *Directions*

- 168A Exercise of functions

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

## **PART 8**

### APPEALS TO FIRST-TIER TRIBUNAL

- 169 Appeals to the First-tier Tribunal
- 170 FHSAA: financial provisions
- 171 Conditions of use of services of persons under section 169

## **PART 9**

### CHARGING

#### *Power to charge generally*

- 172 Charges for drugs, medicines or appliances, or pharmaceutical services
- 173 Exemptions from general charging
- 174 Pre-payment certificates
- 175 Charges in respect of non-residents

#### *Charging for dental services*

- 176 Dental charging
- 177 Exemptions from dental charging

#### *Charging for local pharmaceutical services*

- 178 Charges, recovery of payments and penalties

#### *Charging for optical appliances*

- 179 Charges for optical appliances
- 180 Payments in respect of costs of optical appliances and sight tests
- 181 Section 180: supplementary

#### *Exemptions, etc*

- 182 Remission and repayment of charges
- 183 Payment of travelling expenses
- 184 Sections 182 and 183: supplementary

#### *Other provisions relating to charging*

- 185 Charges for more expensive supplies
- 186 Charges for repairs and replacements in certain cases
- 186A Charges in respect of public health functions
- 187 Charges for designated services or facilities
- 188 Sums otherwise payable to those providing services
- 189 Hospital accommodation on part payment
- 190 Expenses payable by employed patients

#### *Recovery, etc*

- 191 Recovery of charges
- 192 Recovery of charges and payments in relation to goods and services
- 193 Penalties relating to charges
- 194 Offences relating to charges

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

## **PART 10**

### PROTECTION OF NHS FROM FRAUD AND OTHER UNLAWFUL ACTIVITIES

#### *Preliminary*

- 195 Compulsory disclosure of documents
- 196 Persons and bodies about which provision is made by this Part

#### *Disclosure notices*

- 197 Notice requiring production of documents
- 198 Production of documents
- 199 Delegation of functions
- 200 Code of practice relating to delegated functions
- 201 Disclosure of information
- 202 Protection of personal information disclosed for purposes of proceedings
- 203 Manner in which disclosure notice may be served

#### *Offences under this Part*

- 204 Offences in connection with production of documents
- 205 Offences relating to disclosure or use of information
- 206 Offences by bodies corporate etc
- 207 Offences committed by partnerships and other unincorporated associations
- 208 Penalties for offences under this Part: transitional modification

#### *Supplementary*

- 209 Orders and regulations under this Part
- 210 Interpretation of this Part

## **PART 11**

### PROPERTY AND FINANCE

#### **CHAPTER 1**

##### LAND AND OTHER PROPERTY

- 211 Acquisition, use and maintenance of property

#### **CHAPTER 2**

##### TRUSTS

- 212 Special trustees for a university hospital or teaching hospital
- 213 Transfers of trust property
- 214 Transfer of functions and property to or from special trustees
- 215 Trustees and property under section 222
- 216 Application of trust property: further provisions
- 217 Trusts: supplementary provisions
- 218 Private trusts for hospitals

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### CHAPTER 3

#### PROPERTY TRANSFERRED UNDER THE NATIONAL HEALTH SERVICE ACT 1946

- 219 Transferred property free of trusts
- 220 Trust property previously held for general hospital purposes
- 221 Voluntary hospitals

### CHAPTER 4

#### RAISING MONEY

- 222 Power to raise money

### CHAPTER 5

#### FORMATION OF COMPANIES

- 223 Public-private partnerships

### CHAPTER 6

#### FINANCE

##### *The Board*

- 223B Funding of the Board
- 223BC Financial duties of the Board: expenditure
- 223D Financial duties of the Board: controls on total resource use
- 223E Financial duties of the Board: additional controls on resource use
- 223F Power to establish contingency fund

##### *Clinical commissioning groups*

- 223G Means of meeting expenditure of clinical commissioning groups out of public funds
- 223H Financial duties of clinical commissioning groups: expenditure
- 223I Financial duties of clinical commissioning groups: use of resources
- 223J Financial duties of clinical commissioning groups: additional controls on resource use
- 223K Payments in respect of quality

##### *Strategic Health Authorities and Special Health Authorities*

- 224 Means of meeting expenditure of Strategic Health Authorities out of public funds
- 225 Means of meeting expenditure of Special Health Authorities out of public funds
- 226 Financial duties of Strategic Health Authorities and Special Health Authorities
- 227 Resource limits for Strategic Health Authorities and Special Health Authorities



*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Primary Care Trusts*

- 228 Public funding of Primary Care Trusts
- 229 Financial duties of Primary Care Trusts
- 230 Resource limits for Primary Care Trusts
- 231 Further provision about the expenditure of Primary Care Trusts

### *Accounts and audit*

- 232 Accounts and audit

### *Allowances and remuneration*

- 233 Allowances for members of certain bodies
- 234 Special arrangement as to payment of remuneration
- 235 Superannuation of officers of certain hospitals
- 236 Payments for certain medical examinations

## **PART 12**

### **PUBLIC INVOLVEMENT AND SCRUTINY**

#### **CHAPTER 1**

##### **PATIENTS' FORUMS**

- 237 Establishment of Patients' Forums
- 238 Additional functions of PCT Patients' Forums
- 239 Entry and inspection of premises
- 240 Annual reports
- 241 Further provision about Patients' Forums

#### **CHAPTER 2**

##### **PUBLIC INVOLVEMENT AND CONSULTATION**

- 242 Public involvement and consultation
- 242A Strategic Health Authorities: further duty to involve users
- 242B Directions in cases where Strategic Health Authority arranges involvement
- 243 The Commission for Patient and Public Involvement in Health

#### **CHAPTER 3**

##### **REVIEW AND SCRUTINY BY LOCAL AUTHORITIES**

- 244 Review and scrutiny by local authorities
- 245 Joint overview and scrutiny committees etc
- 246 Overview and scrutiny committees: exempt information
- 247 Application to the City of London
- 247A Application to certain other local authorities without overview and scrutiny committees

## **PART 13**

### **MISCELLANEOUS**

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Independent advocacy services*

248 Independent advocacy services

*Joint working with the prison service*

249 Joint working with the prison service

*Standing advisory committees*

250 Secretary of State's standing advisory committees

*The National Information Governance Board for Health and Social Care*

250A National Information Governance Board: functions

250B National Information Governance Board: Wales

250C National Information Governance Board: further provisions.

250D National Information Governance Board: annual reports

*Patient information*

251 Control of patient information

252 Consultation with National Information Governance Board

*Emergency powers*

253 Emergency powers

*Local social services authorities*

254 Local social service authorities

*Supplies by the Secretary of State*

255 Supplies not readily obtainable

*Community services*

256 Power of Primary Care Trusts to make payments towards expenditure on community services

257 Payments in respect of voluntary organisations under section 256

*Universities*

258 University clinical teaching and research

*Sale of medical practices*

259 Sale of medical practices

*Price of medical supplies*

260 Control of maximum price of medical supplies other than health service medicines

261 Powers relating to voluntary schemes

262 Power to control prices

263 Statutory schemes

264 Statutory schemes: supplementary

265 Enforcement

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

266 Controls: supplementary

*Use of facilities in private practice*

267 Permission for use of facilities in private practice

*Health service development*

268 Persons displaced by health service development

*Registration of information, etc*

269 Special notices of births and deaths

270 Provision of information by Registrar General

**PART 14**

SUPPLEMENTARY

271 Territorial limit of exercise of functions

272 Orders, regulations, rules and directions

273 Further provision about orders and directions under this Act

274 Supplementary regulatory powers

275 Interpretation

276 Index of defined expressions

277 Commencement

278 Short title, extent and application

---

SCHEDULES

SCHEDULE A1 — The National Health Service Commissioning Board

1 Status

2 Membership

3 The chief executive and other executive members: appointment and status

4 Non-executive members: tenure

5 Suspension of non-executive members

6 (1) Where a person is suspended from office as the...

7 Payment of non-executive members

8 Staff

9 (1) Employees of the Board are to be paid such...

10 Committees

11 Trust funds and trustees

12 Procedure

13 Exercise of functions

14 Provision of information to Secretary of State

15 Accounts

16 Annual accounts

17 Interim Accounts

18 Seal and evidence

SCHEDULE 1 — Further provision about the Secretary of State and services under this Act

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Medical inspection of pupils*

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

*Weighing and measuring of children*

- 7A (1) The Secretary of State may, by arrangement with any...
- 7B (1) The Secretary of State may by regulations—

*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...

*Provision of a microbiological service by the Secretary of State*

- 12 (1) The Secretary of State may— (a) provide a microbiological...

*Powers in relation to research etc.*

- 13 (1) The Secretary of State, the Board or a clinical...

SCHEDULE 1A — Clinical commissioning groups

PART 1 — CONSTITUTION OF CLINICAL COMMISSIONING GROUPS

*General*

- 1 A clinical commissioning group must have a constitution.
- 2 (1) The constitution must specify— (a) the name of the...
- 3 (1) The constitution must specify the arrangements made by the...
- 4 (1) The constitution must specify the procedure to be followed...
- 5 The constitution must specify the arrangements made by the clinical...
- 6 The provision made by virtue of paragraphs 3 and 4...

*Governing bodies of clinical commissioning groups*

- 7 (1) The constitution must specify the arrangements made by the...
- 8 (1) The constitution must specify the procedure to be followed...

*Supplemental*

- 9 In addition to the provision authorised or required to be...

PART 2 — FURTHER PROVISION ABOUT CLINICAL COMMISSIONING GROUPS

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Status*

- 10 (1) A clinical commissioning group is a body corporate.

### *Staff*

- 11 (1) A clinical commissioning group may appoint such persons to...

### *Accountable officer*

- 12 (1) A clinical commissioning group must have an accountable officer....

### *Remuneration etc for members of governing bodies*

- 13 (1) A clinical commissioning group may pay members of its...

### *Additional powers in respect of payment of allowances*

- 14 A clinical commissioning group may pay such travelling or other...

### *Trust funds and trustees*

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

### *Externally financed development agreements*

- 16 (1) The powers of a clinical commissioning group include power...

### *Accounts and audits*

- 17 (1) A clinical commissioning group must keep proper accounts and...

### *Provision of financial information to Board*

- 18 (1) The Board may direct a clinical commissioning group to...

### *Provision of information required by the Secretary of State*

- 19 (1) The Secretary of State may require each clinical commissioning...

### *Incidental powers*

- 20 The power conferred on a clinical commissioning group by section...

### *Seal and evidence*

- 21 (1) The application of a clinical commissioning group's seal must...

### **PART 3 — TRANSFER SCHEMES**

- 22 The things that may be transferred under a property transfer...

- 23 A property transfer scheme or a staff transfer scheme may...

- 24 A property transfer scheme may make provision for the shared...

- 25 A staff transfer scheme may make provision which is the...

- 26 A property transfer scheme or a staff transfer scheme may...

## **SCHEDULE 2 — Strategic Health Authorities**

### *Corporate status*

- 1 Each Strategic Health Authority is a body corporate.

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Pay and allowances*

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

#### *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...

## SCHEDULE 3 — Primary Care Trusts

### Part 1 — CONSTITUTION AND MEMBERSHIP

#### *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...  
5 Any reference in this Schedule to a committee of a...  
6 The validity of any proceedings of a Primary Care Trust,...

#### *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...

#### *Remuneration, pensions etc of members*

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

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *Trust funds and trustees*

- 12 (1) The Secretary of State may by order provide for...  
Part 2 — PCT ORDERS
- 13 (1) A PCT order must specify— (a) the name of...
- 14 (1) A PCT order may provide for the establishment of...  
Part 3 — POWERS AND DUTIES

### *General*

- 15 (1) A Primary Care Trust may do anything which appears...

### *Rights and liabilities*

- 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...

### *Specific duties*

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

### *Compulsory acquisition*

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

### *Dissolution*

- 23 (1) The Secretary of State may, if a Primary Care...  
Part 4 — TRANSFER OF PROPERTY
- 24 (1) The Secretary of State may by order (referred to...)
- 25 (1) Stamp duty is not chargeable in respect of any...  
Part 5 — TRANSFER OF STAFF
- 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...
- 29 Where a Primary Care Trust is dissolved, an order under...

### SCHEDULE 4 — NHS trusts established under section 25 Part 1 — CONSTITUTION, ESTABLISHMENT, ETC

### *Status*

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

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

### *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...

### *Research*

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

### *Training*

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



*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*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...

Part 4 — MISCELLANEOUS

*Use and development of consecrated land and burial grounds*

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

*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...

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

## 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—

### *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...

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- 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 (1) The constitution must name the corporation and, if the...

### *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...

### *Council of Governors*

- 7 (1) A public benefit corporation has a council of governors....
- 8 (1) The following may not become or continue as members...
- 9 (1) More than half of the members of the council...
- 10 (1) An elected member of the council 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 council...
- 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 council of governors at a...
- 18 (1) It is for the council of governors at a...

### *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...

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

#### *Auditor*

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

#### *Accounts*

- 24 (1) A public benefit corporation must keep proper accounts and...  
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 council of governors to consider annual accounts and reports*

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

#### *Instruments etc*

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

#### *Power to make provision about voting*

- 30 (1) Regulations may amend this Chapter so as to add,...

### 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...  
2A (1) This paragraph applies where the Secretary of State decides...

#### *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...

#### *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...

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*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 8A — De-authorised NHS foundation trusts

*Introductory*

- 1 (1) This Schedule applies to a body which is an...

*Replacement of constitution*

- 2 (1) The constitution of the body pursuant to paragraph 1(1)...  
3 Nothing in this Chapter affects the continuity of the body...

*Board of directors*

- 4 (1) This paragraph is subject to any provision made under...

*Name and functions*

- 5 (1) This paragraph applies only to a body which is...

*Trustees*

- 6 Any order appointing trustees for the NHS foundation trust has...

*Public dividend capital*

- 7 (1) The amount which was the public dividend capital of...

*Accounts*

- 8 (1) The accounting date of the NHS trust is 31...

*Contracts*

- 9 (1) Nothing in this Act— (a) prevents the NHS trust...

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Other property*

- 10 Nothing in this Act— (a) prevents the NHS trust continuing...

*Membership of bodies corporate*

- 11 Nothing in this Act— (a) prevents the NHS trust remaining...

*Directions*

- 12 Paragraphs 9 to 11 do not affect the Secretary of...

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...

*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...



*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

.....  
.....  
.....

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

##### *Pharmaceutical services expenditure*

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

##### *Main expenditure*

- 2 (1) In section 228 “ main expenditure ”, in relation...  
3 (1) For each financial year, the Secretary of State must...  
3A (1) The Secretary of State may designate any element of...

##### *Interpretation*

- 4 (1) In this Schedule— “ designate ” means designate in...

#### SCHEDULE 15 — Accounts and audit

##### *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...

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



*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*Status*

- 1 The Commission for Patient and Public Involvement in Health

*Powers*

- 2 The Commission for Patient and Public Involvement in Health

*Membership*

- 3 The Commission for Patient and Public Involvement in Health

*Appointment, procedure etc*

- 4 The Commission for Patient and Public Involvement in Health
- 5 The Commission for Patient and Public Involvement in Health

*Remuneration and allowances*

- 6 The Commission for Patient and Public Involvement in Health

*Staff*

- 7 The Commission for Patient and Public Involvement in Health

*Delegation of functions*

- 8 The Commission for Patient and Public Involvement in Health

*Assistance*

- 9 The Commission for Patient and Public Involvement in Health

*Payments and loans to the Commission*

- 10 The Commission for Patient and Public Involvement in Health

*Accounts and audit*

- 11 The Commission for Patient and Public Involvement in Health

*Reports and other information*

- 12 The Commission for Patient and Public Involvement in Health

*Application of seal and evidence*

- 13 The Commission for Patient and Public Involvement in Health
- 14 The Commission for Patient and Public Involvement in Health

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...

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- 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...

#### 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...
- 5A But regulations under paragraph 1(b) may make provision about the...
- 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...

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

## 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

### *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—

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*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:**

Point in time view as at 31/10/2012.

**Changes to legislation:**

National Health Service Act 2006 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.