



National Health Service Act 2006

2006 CHAPTER 41

PART 1 **E+W**

PROMOTION AND PROVISION OF THE HEALTH SERVICE IN ENGLAND

[^{F1}Arrangements for the provision of certain health services]

Textual Amendments

- F1** S. 3 cross-heading substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. **13(7)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

[^{F23}. Duties of integrated care boards as to commissioning certain health services **E **+W****

- (1) An integrated care board must arrange for the provision of the following to such extent as it considers necessary to meet the reasonable requirements of the people for whom it has responsibility—
- (a) hospital accommodation,
 - (b) other accommodation for the purpose of any service provided under this Act,
 - (c) medical services other than primary medical services (for primary medical services, see Part 4),
 - (d) dental services other than primary dental services (for primary dental services, see Part 5),
 - (e) ophthalmic services other than primary ophthalmic services (for primary ophthalmic services, see Part 6),
 - (f) nursing and ambulance services,
 - (g) such other services or facilities for the care of pregnant women, women who are breastfeeding and young children as the board considers are appropriate as part of the health service,

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- (h) such other services or facilities for palliative care as the board considers are appropriate as part of the health service,
 - (i) such other services or facilities for the prevention of illness, the care of persons suffering from illness and the after-care of persons who have suffered from illness as the board considers are appropriate as part of the health service, and
 - (j) such other services or facilities as are required for the diagnosis and treatment of illness.
- (2) For the purposes of this section an integrated care board has responsibility for—
- (a) the group of people for whom it has core responsibility (see section 14Z31), and
 - (b) such other people as may be prescribed (whether generally or in relation to a prescribed service or facility).
- (3) The duty imposed on an integrated care board by subsection (1) to arrange for the provision of services or facilities does not apply to the extent that—
- (a) NHS England has a duty to arrange for their provision;
 - (b) another integrated care board has a duty to arrange for their provision by virtue of subsection (2)(b).
- (4) In exercising its functions under this section, an integrated care board must act consistently with—
- (a) the discharge by the Secretary of State and NHS England of their duty under section 1(1) (duty to promote a comprehensive health service), and
 - (b) the objectives and requirements for the time being specified in the mandate published under section 13A.

Textual Amendments

F2 Ss. 3, 3A substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 21**, 186(6); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13](#), 29, 30)

3A. Power of integrated care boards to commission certain health services E+W

- (1) Each integrated care board may arrange for the provision of such services or facilities as it considers appropriate for the purposes of the health service that relate to securing improvement—
- (a) in the physical and mental health of the people for whom it has responsibility, or
 - (b) in the prevention, diagnosis and treatment of illness in those people.
- (2) For the purposes of this section an integrated care board has responsibility for—
- (a) the group of people for whom it has core responsibility (see section 14Z31), and
 - (b) such other people as may be prescribed (whether generally or in relation to a prescribed service or facility).
- (3) An integrated care board may not arrange for the provision of a service or facility under subsection (1) if NHS England has a duty to arrange for its provision by virtue of section 3B or 4.

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- (4) In exercising its functions under this section, an integrated care board must act consistently with—
- (a) the discharge by the Secretary of State and NHS England of their duty under section 1(1) (duty to promote a comprehensive health service), and
 - (b) the objectives and requirements for the time being specified in the mandate published under section 13A.]

Textual Amendments

F2 Ss. 3, 3A substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 21**, 186(6); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

**[^{F3}3B Secretary of State's power to require [^{F4}NHS England] to commission services ^E
^{+W}**

- (1) Regulations may require [^{F5}NHS England] to arrange, to such extent as it considers necessary to meet all reasonable requirements, for the provision as part of the health service of—
- (a) dental services of a prescribed description;
 - (b) services or facilities for members of the armed forces or their families;
 - (c) services or facilities for persons who are detained in a prison or in other accommodation of a prescribed description;
 - (d) such other services or facilities as may be prescribed.

[^{F6}(2) A service or facility may be prescribed under subsection (1)(d) only if the Secretary of State considers that it would be appropriate for NHS England to arrange for the provision of that service or facility (whether by NHS England making arrangements itself or by giving directions under section 13YB or making arrangements under section 65Z5).]

- (3) In deciding whether it would be so appropriate, the Secretary of State must have regard to—
- (a) the number of individuals who require the provision of the service or facility;
 - (b) the cost of providing the service or facility;
 - (c) the number of persons able to provide the service or facility;
 - ^{F7}(d)

- (4) Before deciding whether to make regulations under this section, the Secretary of State must—
- (a) obtain advice appropriate for that purpose, and
 - (b) consult [^{F5}NHS England].

[If the Secretary of State refuses a request by NHS England to revoke provision made ^{F8}(4A) by regulations under subsection (1)(d) prescribing a service or facility, the Secretary of State must explain why to NHS England.]

- (5) The reference in subsection (1)(b) to members of the armed forces is a reference to persons who are members of—
- (a) the regular forces within the meaning of the Armed Forces Act 2006, or
 - (b) the reserve forces within the meaning of that Act.]

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Textual Amendments

- F3** S. 3B inserted (27.3.2012 for specified purposes, 1.2.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), ss. 15, 306\(1\)\(d\)\(4\)](#); S.I. 2012/2657, art. 2(4)
- F4** Words in s. 3B heading substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 1 para. 7](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 1 para. 1\(1\)\(2\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** S. 3B(2) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), ss. 2\(2\), 186\(6\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** S. 3B(3)(d) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\), ss. 2\(3\), 186\(6\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F8** S. 3B(4A) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), ss. 2\(4\), 186\(6\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Modifications etc. (not altering text)

- C1** S. 3B(2) modified (temp.) (1.7.2022) by [The Health and Care Act 2022 \(Commencement No. 2 and Transitional and Saving Provision\) Regulations 2022 \(S.I. 2022/734\), reg. 5](#) (with regs. 13, 29, 30)

4 High security psychiatric services E+W

- (1) [^{F9}[^{F5}NHS England] must arrange for the provision of] hospital accommodation and services for persons who—
- (a) are liable to be detained under the Mental Health Act 1983 (c. 20), and
 - (b) in the opinion of the Secretary of State require treatment under conditions of high security on account of their dangerous, violent or criminal propensities.
- (2) The hospital accommodation and services mentioned in subsection (1) are referred to in this section and paragraph 15 of Schedule 4 (NHS trusts) as “high security psychiatric services”.
- (3) High security psychiatric services may be provided [^{F10}—
- (a) only at hospital premises at which services are provided only for the persons mentioned in subsection (1)[^{F11}, and
 - (b) only by a person approved by the Secretary of State for the purposes of this subsection.]
- [^{F12}(3A) The Secretary of State may—
- (a) give directions to a person who provides high security psychiatric services about the provision by that person of those services;
 - (b) give directions to [^{F5}NHS England] about the exercise of its functions in relation to high security psychiatric services.]
- (4) “Hospital premises” means—
- (a) a hospital, or
 - (b) any part of a hospital which is treated as a separate unit.

Textual Amendments

- F5** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 1 para. 1\(1\)\(2\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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- F9** Words in s. 4(1) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 16(2)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** Words in s. 4(3) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 16(3)(a)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** S. 4(3)(b) and word inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 16(3)(b)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** S. 4(3A) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 16(4)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

5 Other services **E+W**

Schedule 1 makes further provision [^{F13}about the provision of services for the purposes of the health service in England].

Textual Amendments

- F13** Words in s. 5 substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), **ss. 17(1)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)