



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 11

#### PROPERTY AND FINANCE

### CHAPTER 6

#### FINANCE

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

#### **<sup>F1</sup>224 Means of meeting expenditure of Strategic Health Authorities out of public funds**

.....

#### **Textual Amendments**

- F1** S. 224 omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 118](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### **225 Means of meeting expenditure of Special Health Authorities out of public funds**

- (1) The Secretary of State must pay in respect of each financial year to each Special Health Authority sums not exceeding the amount allotted for that year by the Secretary of State to the Special Health Authority towards meeting the expenditure of the Special Health Authority which is attributable to the performance by it of its functions in that year.
- (2) An amount is allotted to a Special Health Authority for a year under this section when it is notified by the Secretary of State that the amount is allotted to it for that year.

*Status: Point in time view as at 01/04/2013.*

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- (3) The Secretary of State may make an allotment under this section increasing or reducing an allotment previously so made.
- (4) The Secretary of State may give directions to a Special Health Authority with respect to—
  - (a) the application of sums paid to it under this section, or
  - (b) the payment of sums by it to the Secretary of State in respect of charges or other sums referable to the valuation or disposal of assets.
- (5) Sums falling to be paid to Special Health Authorities under this section are payable subject to such conditions as to records, certificates or otherwise as the Secretary of State may determine.

**226 Financial duties of <sup>F2</sup>... Special Health Authorities**

<sup>F3</sup>(1) .....

- (2) Each Special Health Authority must, in respect of each financial year, perform its functions so as to secure that its expenditure which is attributable to the performance by it of its functions in that year does not exceed the aggregate of—
  - (a) the amount allotted to it for that year under section 225(1),
  - (b) any sums received by it in that year under any provision of this Act (other than sums received by it under that subsection), and
  - (c) any sums received by it in that year otherwise than under this Act for the purpose of enabling it to defray any such expenditure.
- (3) The Secretary of State may give such directions to a <sup>F4</sup>... Special Health Authority as appear to be requisite to secure that the Authority complies with the duty under [<sup>F5</sup>subsection (2)].
- (4) To the extent to which—
  - (a) any expenditure is defrayed by a <sup>F6</sup>... Special Health Authority as trustee or on behalf of a <sup>F6</sup>... Special Health Authority by special trustees, or
  - (b) any sums are received by a <sup>F6</sup>... Special Health Authority as trustee or under section 222,
 that expenditure and, subject to subsection (6), those sums, must be disregarded for the purposes of this section.
- (5) For the purposes of this section sums which, in the hands of a <sup>F7</sup>... Special Health Authority, cease to be trust funds and become applicable by the Authority otherwise than as trustee must be treated, on their becoming so applicable, as having been received by the Authority otherwise than as trustee.
- (6) Of the sums received by a <sup>F8</sup>... Special Health Authority under section 222, so much only as accrues to the Authority after defraying any expenses incurred in obtaining them must be disregarded under subsection (4).
- (7) Subject to subsection (4), the Secretary of State may by directions determine—
  - (a) whether specified sums must, or must not, be treated for the purposes of this section as received under this Act by a <sup>F9</sup>... specified Special Health Authority,
  - (b) whether specified expenditure must, or must not, be treated for those purposes as—
    - <sup>F10</sup>(i) .....

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- (ii) expenditure within subsection (2) of a specified Special Health Authority, or
  - (c) the extent to which, and the circumstances in which, sums received—
    - <sup>F11</sup>(i) .....
    - (ii) by a Special Health Authority under section 225,but not yet spent must be treated for the purposes of this section as part of the expenditure of the <sup>F12</sup>... Special Health Authority and to which financial year's expenditure they must be attributed.
- (8) “Specified” means of a description specified in the directions.

#### Textual Amendments

- F2** Words in s. 226 heading omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(8\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** S. 226(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 226(3) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(3\)\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in s. 226(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(3\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in s. 226(4) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 226(5) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(5\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 226(6) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(6\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Words in s. 226(7)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(7\)\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** S. 226(7)(b)(i) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(7\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** S. 226(7)(c)(i) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(7\)\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** Words in s. 226(7) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 119\(7\)\(d\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

## 227 Resource limits for <sup>F13</sup>... Special Health Authorities

- (1) Each <sup>F14</sup>... Special Health Authority must ensure that the use of its resources in a financial year does not exceed the amount specified for it in relation to that year by the Secretary of State.
- (2) For the purpose of subsection (1) the Secretary of State may give directions—
  - (a) specifying uses of resources which must, or must not, be taken into account,
  - (b) making provision for determining to which <sup>F15</sup>... Special Health Authority certain uses of resources must be attributed,
  - (c) specifying descriptions of resources which must, or must not, be taken into account.

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- (3) The Secretary of State may give such directions to a <sup>F16</sup>... Special Health Authority as appear to be requisite to secure that the Authority complies with the duty under subsection (1).
- (4) Subsections (4) to (6) of section 226 apply in relation to the duty under subsection (1) of this section as they apply in relation to the duties under [<sup>F17</sup>subsection (2)] of that section; and for that purpose references to the defraying of expenditure and the receipt of sums are references to the incurring of liabilities and the acquisition of assets.
- (5) Where the Secretary of State has specified an amount under this section in respect of a financial year, he may vary the amount by a later specification.
- (6) In this section a reference to the use of resources is a reference to their expenditure, consumption or reduction in value.

#### Textual Amendments

- F13** Words in s. 227 heading omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 120\(6\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F14** Words in s. 227(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 120\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** Words in s. 227(2)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 120\(3\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F16** Words in s. 227(3) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 120\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** Words in s. 227(4) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 120\(5\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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