



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 2

#### HEALTH SERVICE BODIES

### CHAPTER 4

#### SPECIAL HEALTH AUTHORITIES

#### **28 Special Health Authorities**

- (1) The Secretary of State may by order establish special bodies for the purpose of exercising any functions which may be conferred on them by or under this Act.
- (2) The Secretary of State may make such further provision relating to a body established under subsection (1) as he considers appropriate.
- (3) A body established under this section is called a Special Health Authority.
- (4) An order may, in particular, contain provisions as to—
  - (a) the membership of the body established by the order,
  - (b) the transfer to the body of officers, property and liabilities, and
  - (c) the name of the body.
- (5) The liabilities which may be transferred by virtue of this section, section 272(8) and section 273(1) to an NHS body on the abolition of a Special Health Authority include criminal liabilities.
- (6) In this Act (apart from in Schedule 15) “NHS body” means—
  - (a) a Strategic Health Authority,
  - (b) a Primary Care Trust,
  - (c) an NHS trust,
  - (d) a Special Health Authority,

*Status: Point in time view as at 27/03/2012.*

*Changes to legislation: National Health Service Act 2006, Chapter 4 is up to date with all changes known to be in force on or before 11 June 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)*

- (e) an NHS foundation trust, and
  - (f) a Local Health Board.
- (7) The Secretary of State must, before he makes an order under this section, consult with respect to the order such bodies as he may recognise as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the order.
- (8) Schedule 6 makes further provision about Special Health Authorities.

### [<sup>F1</sup>28A Special Health Authorities: further provision

- (1) This section applies in relation to an order under section 28 which is made after the coming into force of section 48 of the Health and Social Care Act 2012.
- (2) The order must include—
- (a) provision for the abolition of the Special Health Authority on a day specified in the order, and
  - (b) provision as to the transfer of officers, property and liabilities of the Authority on its abolition.
- (3) The day specified in accordance with subsection (2)(a) must be within the period of 3 years beginning with the day on which the Special Health Authority is established.
- (4) The power (by virtue of section 273(1)) to vary an order under section 28 includes power to vary the provision mentioned in subsection (2) by—
- (a) providing for the abolition of the Special Health Authority on a day which is earlier or later than the day for the time being specified in the order;
  - (b) making different provision as to the matters mentioned in subsection (2)(b).
- (5) If an order is varied to provide for the abolition of the Special Health Authority on a later day, that day must be within the period of 3 years beginning with the day on which the Special Health Authority would (but for the variation) have been abolished.]

#### Textual Amendments

- F1** S. 28A inserted (27.3.2012 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. [48\(1\)](#), [306\(1\)\(d\)\(4\)](#)

## 29 Exercise of Special Health Authority functions

- (1) Regulations may provide for any functions which are exercisable by a Special Health Authority under section 7 to be exercised—
- (a) by another Special Health Authority, or
  - (b) jointly with one or more other Special Health Authorities.
- (2) Regulations may provide—
- (a) for any functions which are exercisable by a Special Health Authority under section 7, section 14, section 19 or this section to be exercised on behalf of that Special Health Authority by a committee, sub-committee or officer of the Special Health Authority,

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- (b) for any functions exercisable jointly under subsection (1)(b) to be exercised, on behalf of the Special Health Authorities in question, by a joint committee or joint sub-committee.

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