



National Health Service Act 2006

2006 CHAPTER 41

PART 11

PROPERTY AND FINANCE

CHAPTER 6

FINANCE

[^{F1}Integrated care boards]

^{F1} Expenditure on integration

^{F2} 223GA

- ^{F3} (1) Where the Secretary of State has given NHS England a direction under section 223B(^{F4}6)(a) about sums paid to it in respect of a financial year, NHS England may direct an integrated care board that an amount (a “designated amount”) of the sums paid to the board under section 223G in respect of that year is to be used for purposes relating to service integration.
- (2) The designated amount—
- is to be determined in such manner as NHS England considers appropriate, and
 - must be specified in the direction under subsection (1).]
- (3) The conditions under section 223G(7) subject to which the payment of a designated amount is made must include a condition that [^{F4}the integrated care board] transfers the amount into one or more funds (“pooled funds”) established under arrangements under section 75(2)(a) (“pooling arrangements”).
- (4) The conditions may also include—
- conditions relating to the preparation and agreement by [^{F5}the integrated care board] and each local authority and other [^{F6}integrated care board] that is party

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- to the pooling arrangements of a plan for how to use the designated amount (a “spending plan”);
- (b) conditions relating to the approval of a spending plan by [F7NHS England];
- (c) conditions relating to the inclusion of performance objectives in a spending plan;
- (d) conditions relating to the meeting of any performance objectives included in a spending plan or specified by [F7NHS England].
- (5) Where a condition subject to which the payment of a designated amount is made is not met, [F7NHS England] may—
- (a) withhold the payment (in so far as it has not been made);
- (b) recover the payment (in so far as it has been made);
- (c) direct the [F8integrated care board] as to the use of the designated amount for purposes relating to service integration or for making payments under section 256.
- (6) Where [F7NHS England] withholds or recovers a payment under subsection (5)(a) or (b)—
- (a) [F9it may use the amount for any purposes relating to service integration,] and
- (b) in so far as the exercise of the power under paragraph (a) involves making a payment to a different [F10integrated care board] or some other person, the making of the payment is subject to such conditions as [F7NHS England] may determine.
- ^{F11}(7)
- (8) The power under subsection (5)(b) to recover a payment may be exercised in a financial year after the one in respect of which the payment was made.
- (9) The payments that may be made out of a pooled fund into which a designated amount is transferred include payments to a local authority which is not party to the pooling arrangements in question in connection with the exercise of its functions under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (disabilities facilities grants).
- (10) In exercising a power under this section, [F7NHS England] must have regard to the extent to which there is a need for the provision of each of the following—
- (a) health services (see subsection (12)),
- (b) health-related services (within the meaning given in section [F1214Z42]), and
- (c) social care services (within the meaning given in that section).
- (11) A reference in this section to service integration is a reference to the integration of the provision of health services with the provision of health-related services or social care services, as referred to in sections 13N and [F1314Z42].
- (12) “Health services” means services provided as part of the health service in England.]]

Textual Amendments

- F1** Ss. 223G-223K and cross-heading inserted (27.3.2012 for specified purposes, 1.10.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 27, 306\(1\)\(d\)\(4\)](#); [S.I. 2012/1831, art. 2\(2\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F2** [S. 223GA](#) inserted (1.10.2014) by [Care Act 2014 \(c. 23\)](#), [ss. 121\(2\)](#), 127(1); [S.I. 2014/2473, art. 6](#)

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- F3** S. 223GA(1)(2) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 15(3)(a)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Words in s. 223GA(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 119(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in s. 223GA(4)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 119(3)(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** Words in s. 223GA(4)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 119(3)(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** 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)
- F8** Words in s. 223GA(5)(c) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 119(4)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** S. 223GA(6)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 15(3)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 223GA(6)(b) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 119(4)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** S. 223GA(7) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 15(3)(c)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F12** Word in s. 223GA(10)(b) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 119(5)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F13** Word in s. 223GA(11) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 119(5)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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[View outstanding changes](#)

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\(3\)](#)