



National Health Service Act 2006

2006 CHAPTER 41

PART 12

PUBLIC INVOLVEMENT AND SCRUTINY

CHAPTER 2

PUBLIC INVOLVEMENT AND CONSULTATION

242 Public involvement and consultation

[^{F1}(1) This section applies to—

- (a) relevant English bodies, and
- (b) relevant Welsh bodies.

(1A) In this section—

“relevant English body” means—

- (a) ^{F2}...
- (b) ^{F3}...
- (c) an NHS trust that is not a relevant Welsh body, or
- (d) an NHS foundation trust;

“relevant Welsh body” means an NHS trust all or most of whose hospitals, establishments and facilities are in Wales.

(1B) Each relevant English body must make arrangements, as respects health services for which it is responsible, which secure that users of those services, whether directly or through representatives, are involved (whether by being consulted or provided with information, or in other ways) in—

- (a) the planning of the provision of those services,
- (b) the development and consideration of proposals for changes in the way those services are provided, and
- (c) decisions to be made by that body affecting the operation of those services.

Changes to legislation: *National Health Service Act 2006, Section 242 is up to date with all changes known to be in force on or before 22 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) View outstanding changes*

- (1C) Subsection (1B)(b) applies to a proposal only if implementation of the proposal would have an impact on—
- (a) the manner in which the services are delivered to users of those services, or
 - (b) the range of health services available to those users.
- (1D) Subsection (1B)(c) applies to a decision only if implementation of the decision (if made) would have an impact on—
- (a) the manner in which the services are delivered to users of those services, or
 - (b) the range of health services available to those users.
- (1E) The reference in each of subsections (1C)(a) and (1D)(a) to the delivery of services is to their delivery at the point when they are received by users.
- (1F) For the purposes of subsections (1B) to (1E), ^{F4}—
- (a) health services” does not include pharmaceutical services or local pharmaceutical services, and
 - (b) a person is a “user” of any health services if the person is someone to whom those services are being or may be provided.
- (1G) A relevant English body must have regard to any guidance given by the Secretary of State as to the discharge of the body's duty under subsection (1B).
- (1H) The guidance mentioned in subsection (1G) includes (in particular)—
- (a) guidance given by the Secretary of State as to when, or how often, involvement under arrangements under subsection (1B) is to be carried out;
 - (b) guidance given by the Secretary of State as to the form to be taken by such involvement in any case specified by the guidance.]
- (2) Each ^{F5}[relevant Welsh body] must make arrangements with a view to securing, as respects health services for which it is responsible, that persons to whom those services are being or may be provided are, directly or through representatives, involved in and consulted on—
- (a) the planning of the provision of those services,
 - (b) the development and consideration of proposals for changes in the way those services are provided, and
 - (c) decisions to be made by that body affecting the operation of those services.
- (3) For the purposes of this section a body is responsible for health services—
- (a) if the body provides or will provide those services to individuals, or
 - (b) if another person provides, or will provide, those services to individuals—
 - (i) at that body's direction,
 - (ii) on its behalf, or
 - (iii) in accordance with an agreement or arrangements made by that body with that other person,
 and references in this section to the provision of services include references to the provision of services jointly with another person.

^{F6}(4)

^{F6}(5)

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- [^{F7}(6) This section does not require a body to make arrangements in relation to matters to which a trust special administrator’s draft or final report under section 65F or 65I relates before—
- (a) in a case where the administrator’s report relates to an NHS trust, NHS England and the Secretary of State have made their decisions under section 65K(1) and (2), or
 - (b) in a case where the administrator’s report relates to an NHS foundation trust, the Secretary of State is satisfied as mentioned in section 65KB(1) or 65KD(1) or makes a decision under section 65KD(9).]

Textual Amendments

- F1** S. 242(1)-(1H) substituted for s. 242(1) (3.11.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 233(2)**, 245(5); S.I. 2008/2434, art. 2(2)(a)
- F2** Words in s. 242(1A) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 4 para. 126(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** Words in s. 242(1A) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 4 para. 126(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 242(1F) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 206(4)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in s. 242(2) substituted (3.11.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 233(3)**, 245(5); S.I. 2008/2434, art. 2(2)(a)
- F6** S. 242(4)(5) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 4 para. 126(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** S. 242(6) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 24**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 242(1)(b) words substituted by [2012 c. 7 Sch. 14 para. 35\(a\)](#)
- s. 242(1A) words omitted by [2012 c. 7 Sch. 14 para. 35\(b\)](#)
- s. 242(1A) words omitted by [2012 c. 7 Sch. 14 para. 35\(c\)](#)
- s. 242(2) words substituted by [2012 c. 7 Sch. 14 para. 35\(d\)](#)
- s. 242(6) words omitted by virtue of [2012 c. 7, Sch. 14 para. 35\(e\)](#) (as inserted) by [2014 c. 23 s. 120\(18\)\(j\)](#)

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. 98A-98B 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. 114A-114B 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. 116A-116B 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. 125A-125B 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\(3\)](#)