



National Health Service Act 2006

2006 CHAPTER 41

PART 12

PUBLIC INVOLVEMENT AND SCRUTINY

CHAPTER 3

[^{F1}REVIEW AND SCRUTINY BY LOCAL AUTHORITIES]

245 Joint overview and scrutiny committees etc

- (1) In this section, [^{F1}“relevant functions” means functions under regulations under section 244(2) to (2ZC).]
- (2) Regulations may make provision under which—
 - (a) two or more local authorities may appoint a joint committee of those authorities (a “joint overview and scrutiny committee”) and arrange for relevant functions in relation to any (or all) of those authorities to be exercisable by the committee,
 - (b) a local authority may arrange for relevant functions in relation to that authority to be exercisable by an overview and scrutiny committee of another local authority,
 - (c) a county council for any area may arrange for one or more of the members of an overview and scrutiny committee of the council for a district comprised in that area to be appointed as—
 - (i) a member of an overview and scrutiny committee of the county council or another local authority, for the purposes of [^{F2}relevant functions exercisable by the committee] in relation to the county council, or
 - (ii) a member of an overview and scrutiny committee of the county council, for the purposes of [^{F2}relevant functions exercisable by the committee] in relation to another local authority.

Status: Point in time view as at 01/04/2013.

Changes to legislation: National Health Service Act 2006, Section 245 is up to date with all changes known to be in force on or before 17 July 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)

- (3) The regulations may in particular—
 - (a) provide for arrangements to be made only in specified circumstances, or subject to specified conditions or limitations,
 - (b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—
 - (i) [^{F3}sections 9F(5), 9FA, 9FC to 9FG and 9FI] of the 2000 Act, or
 - ^{F4}(ia)
 - ^{F4}(ib)
 - (ii) section 246 of, and Schedule 17 to, this Act, and Schedule 11 to the National Health Service (Wales) Act 2006 (c. 42),
with or without modifications.
- (4) The regulations may require, or enable the Secretary of State to direct, a local authority—
 - (a) to make arrangements of any description within subsection (2), and
 - (b) to comply with such requirements in connection with the arrangements as may be specified in the regulations or as the Secretary of State may direct.

[^{F5}(4A) The regulations may provide that, where a relevant function in relation to a local authority is exercisable by a joint overview and scrutiny committee by virtue of arrangements under regulations under subsection (2)(a), the local authority may not discharge the function.]

^{F6}(5)

- (6) In subsection (2)(c), references to an overview and scrutiny committee of a county council include references to a joint overview and scrutiny committee of the council and another local authority.
- (7) [^{F7}Section 9F(5)] of the 2000 Act does not apply to the discharge of functions by virtue of arrangements under regulations under subsection (2).
- (8) [^{F8}Section 9FA(5)] of the 2000 Act does not apply to persons who are members of an overview and scrutiny committee by virtue of arrangements under regulations under subsection (2)(c).

^{F9}(9)

Textual Amendments

- F1** Words in s. 245(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 191\(2\), 306\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in s. 245(2)(c)(i)(ii) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 191\(3\), 306\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** Words in s. 245(3)(b)(i) substituted (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 75\(3\)\(a\)](#); S.I. 2012/1008, art. 4(b)
- F4** S. 245(3)(b)(ia)(ib) repealed (4.5.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 3 para. 75\(3\)\(b\), Sch. 25 Pt. 4](#); S.I. 2012/1008, art. 4(b)(c)
- F5** S. 245(4A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), ss. 191\(4\), 306\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 245(5) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), ss. 191\(5\), 306\(4\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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

Changes to legislation: National Health Service Act 2006, Section 245 is up to date with all changes known to be in force on or before 17 July 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)

- F7** Words in s. 245(7) substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 75(4)**; S.I. 2012/1008, art. 4(b)
- F8** Words in s. 245(8) substituted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 75(5)**; S.I. 2012/1008, art. 4(b)
- F9** S. 245(9) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 191(5)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

National Health Service Act 2006, Section 245 is up to date with all changes known to be in force on or before 17 July 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.