



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 3

#### LOCAL AUTHORITIES AND THE NHS

#### 77 Care Trusts

(1) Where—

- (a) <sup>F1</sup>... an NHS trust [<sup>F2</sup>or a clinical commissioning group or an NHS foundation trust] is, or will be, a party to any existing or proposed LA delegation arrangements, <sup>F3</sup>...
- (b) [<sup>F4</sup>the body and the local authority concerned consider] that designation of the body as a Care Trust would be likely to promote the effective exercise by the body of prescribed health-related functions of [<sup>F5</sup>the local authority] (in accordance with the arrangements) in conjunction with prescribed NHS functions of the body [<sup>F6</sup>, and
- (c) the requirements in subsection (1A) are satisfied,]

[<sup>F7</sup>the body and the local authority may jointly] designate the body as a Care Trust.

[<sup>F8</sup>(1A) The body and the local authority must, before designating the body as a Care Trust under this section—

- (a) publish in the prescribed form and manner—
  - (i) the reasons why they consider that the proposed designation would be likely to have the result mentioned in subsection (1)(b), and
  - (ii) information about the proposed governance arrangements of the Care Trust, and
- (b) consult on the proposed designation in accordance with regulations.

(1B) Where a body has been designated as a Care Trust under this section, the body and the local authority must notify prescribed persons of the designation.]

<sup>F9</sup>(2) .....

<sup>F9</sup>(3) .....

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- (4) [<sup>F10</sup>A body designated as a Care Trust under this section] may (in addition to exercising health-related functions of the local authority as mentioned in subsection (1)(b)) exercise such prescribed health-related functions of the local authority as are [<sup>F11</sup>agreed] in relation to persons in any area [<sup>F12</sup>so agreed], even though it does not exercise any NHS functions in relation to persons in that area<sup>F13</sup>; and “agreed” means agreed by the body and the local authority].
- [<sup>F14</sup>(5) Where a body is designated as a Care Trust under this section, the body and the local authority may jointly revoke that designation.
  - (5A) Before revoking a designation as a Care Trust under this section, the body and the local authority must consult on the proposed revocation of the designation in accordance with regulations.
  - (5B) Where the designation of a body as a Care Trust under this section has been revoked, the body and the local authority must notify prescribed persons of the revocation.]
- [<sup>F15</sup>(5C) Regulations under subsection (1A)(b) or (5A) may include provision requiring a body and a local authority to publish prescribed information following a consultation.]
- [<sup>F16</sup>(5D) Where a duty is imposed by or by virtue of this section on a body and a local authority, they may make arrangements for the function to be discharged—
  - (a) by both of them acting jointly,
  - (b) by each of them acting separately, or
  - (c) by one of them acting on behalf of both of them.]
- <sup>F17</sup>(6) .....
- <sup>F18</sup>(7) .....
- (8) Regulations may make such incidental, supplementary or consequential provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers expedient in connection with the preceding provisions of this section.
- (9) Regulations under subsection (8) may, in particular, make provision—
  - <sup>F19</sup>(a) .....
  - <sup>F20</sup>(b) .....
  - <sup>F21</sup>(c) .....
  - (d) for supplementing or modifying, in connection with the operation of [<sup>F22</sup>subsection (4)], any provision made by regulations under section 75.
- (10) The designation of a body as a Care Trust under this section does not affect any of the functions, rights or liabilities of that body in its capacity as <sup>F23</sup>... NHS trust [<sup>F24</sup>or clinical commissioning group or NHS foundation trust].
- (11) In connection with the exercise by a body so designated of any relevant social services functions under LA delegation arrangements—
  - (a) section 7 of the Local Authority Social Services Act 1970 (c. 42) (authorities to exercise social services functions under guidance), and
  - (b) section 7A of that Act (directions as to exercise of such functions),
 apply to the body as if it were a local authority within the meaning of that Act.
- (12) In this section—
  - “health-related functions” has the meaning given by section 75(8),

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“LA delegation arrangements” means arrangements falling within section 75(2)(b), whether or not made in conjunction with any pooled fund arrangements,

“NHS functions” means functions exercisable by <sup>F25</sup>... NHS trust [<sup>F26</sup>or clinical commissioning group or NHS foundation trust] in its capacity as such,

“pooled fund arrangements” means arrangements falling within section 75(2)(a),

“relevant social services functions” means health-related functions which are social services functions within the meaning of the Local Authority Social Services Act 1970.

### Textual Amendments

- F1** Words in s. 77(1)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 26](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in s. 77(1)(a) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(1\)\(a\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** Word in s. 77(1) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [s. 200\(1\)\(b\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 77(1)(b) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(1\)\(c\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in s. 77(1)(b) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(1\)\(d\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 77(1)(c) and word inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(1\)\(e\)](#), 306(1)(d)(4) (with s. 200(13)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 77(1) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [s. 200\(1\)\(f\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** S. 77(1A)(1B) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(2\)](#), 306(1)(d)(4) (with s. 200(13)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** S. 77(2)(3) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(3\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** Words in s. 77(4) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(4\)\(a\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** Word in s. 77(4) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(4\)\(b\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** Words in s. 77(4) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(4\)\(c\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** Words in s. 77(4) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 200\(4\)\(d\)](#), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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- F14** S. 77(5)-(5B) substituted for s. 77(5) (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 200(5)**, 306(1)(d)(4) (with s. 200(14)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** S. 77(5C) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 200(6)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F16** S. 77(5D) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 200(7)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** S. 77(6) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 200(8)**, 306(1)(d)(4) (with s. 200(15)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F18** S. 77(7) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 200(9)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F19** S. 77(9)(a) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 200(10)(a)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F20** S. 77(9)(b) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 200(10)(b)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F21** S. 77(9)(c) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 200(10)(c)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F22** Words in s. 77(9)(d) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 200(10)(d)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F23** Words in s. 77(10) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 26**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F24** Words in s. 77(10) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 200(11)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F25** Words in s. 77(12) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 26**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F26** Words in s. 77(12) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 200(12)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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