



National Health Service (Wales) Act 2006

2006 CHAPTER 42

PART 13 **E+W**

MISCELLANEOUS

Community services

194 **Power of Local Health Boards to make payments towards expenditure on community services** **E+W**

- (1) A Local Health Board may make payments to—
- [^{F1}(a) a local social services authority in Wales towards expenditure incurred or to be incurred by it in connection with any of its functions which are social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4),]
 - [^{F2}(aa) a local social services authority in England towards expenditure incurred or to be incurred by it in connection with any social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)), other than functions under section 3 of the Disabled Persons (Employment) Act 1958 (c. 33),]
 - (b) a district council, or a Welsh county council or county borough council, towards expenditure incurred or to be incurred by it in connection with its functions under Part 2 of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (meals and recreation for old people),
 - (c) [^{F3}a local authority (as defined in section 579(1) of the Education Act 1996)], towards expenditure incurred or to be incurred by it in connection with its functions under the Education Acts (within the meaning of that Act), in so far as it performs those functions for the benefit of disabled persons,
 - (d) a local housing authority within the meaning of the Housing Act 1985 (c. 68), towards expenditure incurred or to be incurred by it in connection with its functions under Part 2 of that Act (provision of housing), or

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- (e) any of the bodies mentioned in subsection (2), in respect of expenditure incurred or to be incurred by it in connection with the provision of housing accommodation.
- (2) The bodies are—
- (a) a registered social landlord within the meaning of the Housing Act 1985 (see section 5(4) and (5) of that Act),
 - [^{F4}(ab) a private registered provider of social housing,]
 - [^{F5}(b) the Homes and Communities Agency,]
 - (c) a new town development corporation,
 - (d) an urban development corporation established under the Local Government, Planning and Land Act 1980 (c. 65),
 - (e) the [^{F6}Regulator of Social Housing].
- (3) A Local Health Board may make payments to a local authority towards expenditure incurred or to be incurred by the authority in connection with the performance of any of the authority's functions which, in the opinion of the Local Health Board—
- (a) have an effect on the health of any individuals,
 - (b) have an effect on, or are affected by, any NHS functions, or
 - (c) are connected with any NHS functions.
- (4) “NHS functions” means functions exercised by an NHS body.
- (5) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (6) The Welsh Ministers may by directions prescribe conditions relating to payments under this section or section 195.
- (7) The conditions include, in particular, conditions requiring, in such circumstances as may be specified—
- (a) repayment of the whole or part of a payment under this section, or
 - (b) in respect of property acquired with a payment under this section, payment of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.
- (8) No payment may be made under this section in respect of any expenditure unless the conditions relating to it conform with the conditions prescribed under subsection (6) for payments of that description.
- (9) “A disabled person” is a person who has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities or who has such other disability as may be prescribed.

Textual Amendments

- F1** S. 194(1)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **249(a)**
- F2** S. 194(1)(aa) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **249(b)**
- F3** Words in s. 194(1)(c) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 5(1), **Sch. 2 para. 61(3)**

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- F4** S. 194(2)(ab) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 5, **Sch. 2 para. 135(a)** (with art. 6 Sch. 3)
- F5** S. 194(2)(b) substituted (1.12.2008 in accordance with art. 1 of the amending S.I.) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 4, **Sch. 1 para. 56** (with art. 5, Sch. 2)
- F6** Words in s. 194(2)(e) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 5, **Sch. 2 para. 135(b)** (with art. 6 Sch. 3)

Modifications etc. (not altering text)

- C1** S. 194(2)(e) modified (1.12.2008 in accordance with art. 1 of the modifying S.I.) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), art. 3, **Sch. para. 1** (with art. 6)
- C2** S. 194(3) modified (1.3.2007) by 2004 c. 17, s. 4(5)(a)(ii) (as substituted by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), **Sch. 1 para. 258(a)** (with Sch. 3 Pt. 1))

195 Payments in respect of voluntary organisations under section 194 **E+W**

- (1) This section applies where the expenditure in respect of which a payment under section 194 is proposed to be made is expenditure in connection with services to be provided by a voluntary organisation.
- (2) Where this section applies, the Local Health Board may make payments to the voluntary organisation towards the expenditure incurred or to be incurred by the organisation in connection with the provision of those services, instead of or in addition to making payments under section 194(1) or (3).
- (3) Where this section applies—
- (a) a body falling within any of paragraphs (a) to (d) of section 194(1) which has received payments under the paragraph, and
 - (b) a local authority which has received payments under section 194(3),
- may make out of the sums paid to it payments to the voluntary organisation towards expenditure incurred or to be incurred by the organisation in connection with the provision of those services.
- (4) No payment may be made under subsection (2) or (3) except subject to conditions which conform with the conditions prescribed for payments of that description under section 194(6).

Modifications etc. (not altering text)

- C3** S. 195(2) modified (1.3.2007) by 2004 c. 17, s. 4(5)(a)(ii) (as substituted by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), **Sch. 1 para. 258(a)** (with Sch. 3 Pt. 1))

196 Power of Welsh Ministers to make payments towards expenditure on community services in Wales **E+W**

- (1) The Welsh Ministers may make payments—
- (a) to an authority in Wales of a description mentioned in paragraph (a), (b), (c) or (d) of section 194(2), for the purpose mentioned in the paragraph,

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- (b) to any body mentioned in subsection (2), in respect of expenditure incurred or to be incurred by the body in connection with the provision of housing accommodation in Wales.
- (2) The bodies are—
- (a) a registered social landlord within the meaning of the Housing Act 1985 (c. 68) (see section 5(4) and (5) of that Act),
 - [^{F7}(b) the Homes and Communities Agency,]
 - (c) a new town development corporation,
 - (d) an urban development corporation established under the Local Government, Planning and Land Act 1980 (c. 65).
- (3) The Welsh Ministers may make payments to a voluntary organisation towards expenditure incurred or to be incurred by the organisation in connection with the provision of services for which the Welsh Ministers could make payments under subsection (1).
- (4) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (5) Conditions may be attached to a payment under this section.
- (6) The conditions that may be attached include, in particular, conditions requiring, in such circumstances as may be specified—
- (a) repayment of the whole or part of a payment under this section, or
 - (b) in respect of property acquired with a payment under this section, payment of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.

Textual Amendments

- F7** S. 196(2)(b) substituted (1.12.2008 in accordance with art. 1 of the amending S.I.) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2008 \(S.I. 2008/3002\)](#), art. 4, [Sch. 1 para. 57](#)

Changes to legislation:

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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. 201A-201C inserted by [2017 c. 23 s. 9](#)
- s. 201C(2) words substituted by [2018 c. 12 Sch. 19 para. 118\(2\)](#)
- s. 201C(4) inserted by [2018 c. 12 Sch. 19 para. 118\(3\)](#)
- Sch. 7 para. 1(2A) inserted by [2009 c. 21 s. 32\(3\)](#)