



# National Health Service (Wales) Act 2006

## 2006 CHAPTER 42

### PART 2

#### HEALTH SERVICE BODIES

### CHAPTER 1

#### LOCAL HEALTH BOARDS

#### **11 Local Health Boards**

- (1) The Welsh Ministers may establish bodies to be known as Local Health Boards.
- (2) Each Local Health Board is established by order made by the Welsh Ministers (referred to in this Act as an LHB order), and an order may establish more than one Local Health Board.
- (3) A Local Health Board is established for the area of Wales specified in its LHB order.
- (4) If any consultation requirements apply, they must be complied with before an LHB order is varied or revoked.
- (5) “Consultation requirements” means requirements about consultation contained in regulations.
- (6) Schedule 2 makes further provision about Local Health Boards.

#### **12 Functions of Local Health Boards**

- (1) The Welsh Ministers may direct a Local Health Board to exercise in relation to its area—
  - (a) functions which were transferred to the National Assembly for Wales by the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003 (S.I. 2003/813 (W.98)),

*Status: Point in time view as at 01/07/2022.*

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- (b) such other of their functions relating to the health service as are specified in the direction.
- (2) The functions which may be specified in directions under subsection (1) include functions under enactments relating to mental health and care homes.
- (3) The Welsh Ministers may give directions to a Local Health Board about its exercise of any functions.

### 13 Exercise of Local Health Board functions

- (1) This section applies to functions exercisable by a Local Health Board under or by virtue of this Act (including this section) or any prescribed provision of any other Act.
- (2) The Welsh Ministers may give directions providing for any functions to which this section applies to be exercised—
  - (a) by another Local Health Board,
  - (b) by a Special Health Authority, or
  - (c) jointly with any one or more of the bodies mentioned in subsection (3).
- (3) The bodies are—
  - [<sup>F1</sup>(aa) [<sup>F2</sup>NHS England],
  - [<sup>F3</sup>(ab) integrated care boards,]]
  - <sup>F4</sup>(a) .....
  - (b) NHS trusts, and
  - (c) other Local Health Boards.
- (4) Directions given by the Welsh Ministers may provide—
  - (a) for any functions to which this section applies to be exercised, on behalf of the Local Health Board by whom they are exercisable, by a committee, sub-committee or officer of the Local Health Board,
  - (b) for any functions which, under this section, are exercisable by a Special Health Authority to be exercised, on behalf of that Special Health Authority, by a committee, sub-committee or officer of the Special Health Authority,
  - (c) for any functions which, under this section, are exercisable by a Local Health Board jointly with one or more other Local Health Boards (but not with any NHS trusts) to be exercised, on behalf of the Local Health Boards in question, by a joint committee or joint sub-committee.
- (5) Subsection (6) applies where, by virtue of subsection (2)(b), a Special Health Authority exercises functions of a Local Health Board in relation to a general dental services contract.
- (6) The Welsh Ministers may by order make provision for the transfer to the Special Health Authority of the rights and liabilities of the Local Health Board under the contract (and for their transfer back to the Local Health Board where the Special Health Authority ceases to exercise the functions).

#### Textual Amendments

- F1** S. 13(3)(aa)(ab) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 16(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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- F2** Words in s. 13 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](#))
- F3** [S. 13\(3\)\(ab\)](#) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 141](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))
- F4** [S. 13\(3\)\(a\)](#) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 21 para. 16\(a\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

## 14 Section 50 arrangements and section 64 arrangements

- (1) Each Local Health Board must, in accordance with regulations, perform such functions in relation to section 50 arrangements (primary medical services) and section 64 arrangements (primary dental services) as may be prescribed.
- (2) The regulations may, in particular—
- prescribe functions in relation to training,
  - provide for appeals to the Welsh Ministers or a prescribed body in relation to prescribed functions.

### Modifications etc. (not altering text)

- C1** [S. 14\(1\)](#): Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), [reg. 4](#), [Sch.](#)

## 15 Administration and management of services

Each Local Health Board must, in accordance with regulations—

- administer the arrangements made in pursuance of this Act for the provision for its area of primary medical services, primary dental services, general ophthalmic services and pharmaceutical services, and
- perform such management and other functions relating to those services as may be prescribed.

### Modifications etc. (not altering text)

- C2** [S. 15](#): Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), [reg. 4](#), [Sch.](#)

## 16 Advice for Local Health Boards

Each Local Health Board must make arrangements with a view to securing that it receives advice appropriate for enabling it effectively to exercise the functions exercisable by it from persons with professional expertise relating to the physical or mental health of individuals.

## 17 Plans for improving health etc

- (1) Each Local Health Board must, at such times as the Welsh Ministers may direct, prepare a plan which sets out a strategy for improving—
- the health of the people for whom it is responsible, and

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- (b) the provision of health care to such people.
- (2) Each Local Health Board must keep under review any plan prepared by it under this section.
- (3) Each of the bodies specified in subsection (4) must participate in the preparation or review by a Local Health Board of any plan under this section.
- (4) Those bodies are—
  - (a) any local authority whose area falls wholly or partly within the area of the Local Health Board, and
  - (b) any NHS trust which provides services at or from a hospital or other establishment or facility which falls within the area of the Local Health Board.
- (5) In preparing or reviewing any plan under this section, a Local Health Board—
  - (a) must consult, or seek the participation of, such persons as the Welsh Ministers may direct, and
  - (b) may consult, or seek the participation of, such other persons as it considers appropriate.
- (6) The Welsh Ministers may give directions as to—
  - (a) the periods to be covered by plans under this section,
  - (b) the action to be taken by Local Health Boards, NHS trusts and local authorities in connection with the preparation or review of plans under this section,
  - (c) the matters to be taken into account in connection with the preparation or review of plans under this section,
  - (d) the matters to be dealt with by plans under this section,
  - (e) the form and content of plans under this section,
  - (f) the publication of plans prepared or reviewed under this section,
  - (g) the sharing of information between [<sup>F5</sup>NHS England][<sup>F6</sup>, integrated care boards,]<sup>F7</sup> ... <sup>F8</sup> ... NHS trusts, Local Health Boards and local authorities in connection with the preparation or review of plans under this section or [<sup>F9</sup>the preparation of joint [<sup>F10</sup>local] health and wellbeing strategies under section 116A of the Local Government and Public Involvement in Health Act 2007],
  - (h) the provision by [<sup>F5</sup>NHS England][<sup>F11</sup>, integrated care boards,]<sup>F12</sup> ... <sup>F13</sup> ... and Local Health Boards of reports or other information to the Welsh Ministers in connection with plans under this section or [<sup>F14</sup>joint [<sup>F15</sup>local] health and wellbeing strategies under section 116A of the Local Government and Public Involvement in Health Act 2007].
- (7) In exercising its functions—
  - (a) a Local Health Board must have regard to any plan prepared or reviewed by it, and
  - (b) an NHS trust and a local authority must have regard to any plan in relation to which it has participated.
- (8) For the purposes of this section, the persons for whom a Local Health Board is responsible are—
  - (a) the people in the area of the Local Health Board, and
  - (b) such of the people outside the area as may be specified in directions given by the Welsh Ministers.

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- (9) “Health care” means—
- (a) services provided to individuals for or in connection with the prevention, diagnosis or treatment of illness, and
  - (b) the promotion and protection of public health.

#### Textual Amendments

- F5** Words in s. 17 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)
- F6** Words in s. 17(6)(g) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 142](#); [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with regs. 13, 29, 30)
- F7** Words in s. 17(6)(g) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 21 para. 17\(a\)\(ii\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F8** Words in s. 17(6)(g) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 21 para. 17\(a\)\(iii\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F9** Words in s. 17(6)(g) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 21 para. 17\(a\)\(iv\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F10** Word in s. 17(6)(g) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 26\(7\)\(a\)](#), 186(6); [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with regs. 13, 29, 30)
- F11** Words in s. 17(6)(h) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 142](#); [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with regs. 13, 29, 30)
- F12** Words in s. 17(6)(h) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 21 para. 17\(b\)\(ii\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F13** Words in s. 17(6)(h) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 21 para. 17\(b\)\(iii\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F14** Words in s. 17(6)(h) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 21 para. 17\(b\)\(iv\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F15** Word in s. 17(6)(h) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 26\(7\)\(a\)](#), 186(6); [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with regs. 13, 29, 30)

#### Modifications etc. (not altering text)

- C3** S. 17: Functions made exercisable by Local Health Boards (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, [Sch.](#)

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