



National Health Service (Wales) Act 2006

2006 CHAPTER 42

PART 3

LOCAL AUTHORITIES AND THE NHS

35 Care Trusts

- (1) Where—
- (a) an NHS trust is, or will be, a party to any existing or proposed LA delegation arrangements, and
 - (b) the Welsh Ministers consider that designation of the NHS trust as a Care Trust would be likely to promote the effective exercise by the NHS trust of prescribed health-related functions of a local authority (in accordance with the arrangements) in conjunction with prescribed NHS functions of the NHS trust,
- the Welsh Ministers may designate the NHS trust as a Care Trust.
- (2) An NHS trust may, however, be designated only in pursuance of an application made to the Welsh Ministers jointly by each prescribed body.
- (3) If the application under subsection (2) requests the Welsh Ministers to do so, they may when designating an NHS trust as a Care Trust make a direction under subsection (4).
- (4) The direction is that, while it is designated, the NHS trust 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 specified in the direction in relation to persons in any area so specified, even though it does not exercise any NHS functions in relation to persons in that area.
- (5) Where an NHS trust is designated as a Care Trust under this section—
- (a) its designation may be revoked by the Welsh Ministers at any time—
 - (i) of their own motion, and
 - (ii) after such consultation as they consider appropriate,

Status: Point in time view as at 01/03/2007. This version of this provision has been superseded.

Changes to legislation: National Health Service (Wales) Act 2006, Section 35 is up to date with all changes known to be in force on or before 07 August 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)

- (b) if an application for the revocation of its designation is made to the Welsh Ministers by one or more of the parties to the LA delegation arrangements, its designation must be revoked by the Welsh Ministers at the earliest time at which they consider it practicable to do so, having regard, in particular, to any steps that need to be taken in relation to those arrangements in connection with the revocation.
- (6) The designation of an NHS trust as a Care Trust under this section must be effected by an order under section 18 which—
- (a) (in the case of an existing NHS trust) amends the order establishing the NHS trust so as to change its name to one that includes the words “Care Trust”, or
 - (b) (in the case of a new NHS trust) establishes the NHS trust with a name that includes those words,
- and any revocation of its designation must be effected by a further order under section 18 which makes such provision for changing the name of the NHS trust as the Welsh Ministers consider expedient.
- (7) The power of the Welsh Ministers to dissolve an NHS trust includes power to dissolve an NHS trust where they consider that it is appropriate to do so in connection with the designation of any other NHS trust (whether existing or otherwise) as a Care Trust.
- (8) Regulations may make such incidental, supplementary or consequential provision (including provision amending, repealing or revoking enactments) as the Welsh Ministers consider expedient in connection with the preceding provisions of this section.
- (9) Regulations under subsection (8) may, in particular, make provision—
- (a) prescribing—
 - (i) the manner and circumstances in which, and
 - (ii) any conditions which must be satisfied before,
 an application may be made for an NHS trust to be designated as a Care Trust under this section, or to cease to be so designated, and the information to be supplied with such an application,
 - (b) enabling the Welsh Ministers to terminate appointments of persons as members of the board of directors of an NHS trust (or of a committee of such a trust) where they consider that it is appropriate to do so in connection with the designation of the NHS trust as a Care Trust,
 - (c) requiring the consent of the Welsh Ministers to be obtained before any prescribed change is made with respect to the governance of an NHS trust so designated,
 - (d) for supplementing or modifying, in connection with the operation of subsection (3), any provision made by regulations under section 33.
- (10) The designation of an NHS trust as a Care Trust under this section does not affect any of the functions, rights or liabilities of that NHS trust in its capacity as an NHS trust.
- (11) In connection with the exercise by an NHS trust 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 NHS trust as if it were a local authority within the meaning of that Act.

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(12) In this section—

“health-related functions” has the meaning given by section 33(8),

“LA delegation arrangements” means arrangements falling within section 33(2)(b), whether or not made in conjunction with any pooled fund arrangements,

“NHS functions” means functions exercisable by an NHS trust in its capacity as such,

“pooled fund arrangements” means arrangements falling within section 33(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.

Status:

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