

2009 No. 278

NATIONAL HEALTH SERVICE, ENGLAND

LOCAL GOVERNMENT, ENGLAND

**The NHS Bodies and Local Authorities Partnership
Arrangements (Amendment) Regulations 2009**

Made - - - - *11th February 2009*

Laid before Parliament *18th February 2009*

Coming into force in accordance with regulation 1(2)

The Secretary of State, in exercise of the powers conferred by sections 75 and 272(7) and (8) of the National Health Service Act 2006(a), makes these Regulations.

Citation, commencement and application

1.—(1) These Regulations may be cited as the NHS Bodies and Local Authorities Partnership Arrangements (Amendment) Regulations 2009.

(2) These Regulations shall come into force on 1st April 2009 immediately after the coming into force of the Mental Health Act 1983 (Independent Mental Health Advocates) (England) Regulations 2008(b).

(3) These Regulations apply in relation to England.

Amendment of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000

2. Regulation 5 (functions of NHS bodies) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000(c) shall be amended as follows—

(a) at the end of paragraph (a)(ii), omit “and”;

(b) for paragraph (b), substitute—

“(b) the functions under sections 117 and 130A of the Mental Health Act 1983(d); and

(c) the functions under Schedule A1 of the Mental Capacity Act 2005(e).”.

(a) 2006 c.41.

(b) S.I. 2008/3166.

(c) S.I. 2000/617 as amended by S.I. 2008/2828 and 2008/3166.

(d) 1983 c.20. Section 130A was inserted by section 30 of the Mental Health Act 2007 (c.12).

(e) 2005 c.9. Schedule A1 was inserted into the Mental Capacity Act by Schedule 7 of the Mental Health Act 2007 (c.12).

Signed by authority of the Secretary of State for Health.

11th February 2009

Phil Hope
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

The NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (“the Partnership Regulations”) make provision for certain NHS bodies and local authorities to enter into arrangements for the exercise of specified functions.

Regulation 2 of these Regulations amends regulation 5 of the Partnership Regulations to add functions under sections 117 and 130A of the Mental Health Act 1983 and under Schedule A1 of the Mental Capacity Act 2005 to the list of functions that are NHS functions for the purposes of the Partnership Regulations.

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£4.00