Health and Social Care Act 2008

2008 CHAPTER 14

PART 5

MISCELLANEOUS

Amendments relating to National Health Service

139 Duty of Primary Care Trusts

After section 23 of the National Health Service Act 2006 (c. 41) insert—

“23A Arrangements for improving quality of health care

(1) Each Primary Care Trust must make arrangements to secure continuous improvement in the quality of health care provided by it and by other persons pursuant to arrangements made by it.

(2) In discharging its duty under subsection (1) a Primary Care Trust must have regard to the standards set out in statements under section 45 of the Health and Social Care Act 2008.

(3) “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.”

Annotations:

Commencement Information

S. 139 in force at 1.4.2010 by S.I. 2010/708, art. 13(e)
140 Pharmaceutical services

Schedule 12 (which contains amendments of the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 (c. 42) relating to expenditure in connection with the provision of pharmaceutical services) has effect.

Annotations:

Commencement Information
12 S. 140 in force at 1.4.2010 for specified purposes by S.I. 2010/708, art. 2(a)
13 S. 140 in force at 21.5.2010 for specified purposes by S.I. 2010/1457, art. 2(a)

141 Remuneration for persons providing pharmaceutical services

(1) In section 164 of the National Health Service Act 2006 (remuneration for persons providing pharmaceutical services)—
   (a) after subsection (4) insert—

   “(4A) An instrument of appointment—
      (a) must be contained in regulations if it provides for the appointment of a Primary Care Trust or other person as a determining authority in relation to the remuneration to be paid to persons who provide services under section 126, and
      (b) if paragraph (a) does not apply, may be contained in regulations.”, and
   (b) in subsection (5), omit paragraph (b) and the word “and” immediately preceding it.

(2) In section 88 of the National Health Service (Wales) Act 2006 (c. 42) (remuneration for persons providing pharmaceutical services)—
   (a) after subsection (4) insert—

   “(4A) An instrument of appointment—
      (a) must be contained in regulations if it provides for the appointment of a Local Health Board or other person as a determining authority in relation to the remuneration to be paid to persons who provide services under section 80, and
      (b) if paragraph (a) does not apply, may be contained in regulations.”, and
   (b) in subsection (5), omit paragraph (b) and the word “and” immediately preceding it.

Annotations:

Commencement Information
14 S. 141(1) in force at 1.4.2013 by S.I. 2013/159, art. 2(a)

142 Indemnity schemes in connection with provision of health services

(1) Section 71 of the National Health Service Act 2006 (c. 41) (schemes for meeting losses and liabilities of health service bodies) is amended as follows.
(2) In subsection (1), after “the bodies” (in each place) insert “ or other persons ”.

(3) In subsection (2)—
   (a) after “The bodies” insert “ and other persons ”,
   (b) after paragraph (g) insert—
        “(h) the Secretary of State, and
        (i) a body or other person (other than a body or other person
            within any of paragraphs (a) to (h)) providing, or arranging
            the provision of, health services whose provision is the
            subject of arrangements with a body or other person within
            any of paragraphs (a) to (h),”, and
   (c) after “bodies which” insert “ , or other persons who, ”.

(4) After subsection (2) insert—
   “(2A) In subsection (1)(b) “functions”—
       (a) in relation to the Secretary of State, means the Secretary of State's
           functions in connection with the health service;
       (b) in relation to a body or other person within paragraph (i) of
           subsection (2), means the body's or person's functions of providing,
           or arranging the provision of, health services whose provision is the
           subject of arrangements with a body or other person within any of
           paragraphs (a) to (h) of that subsection.”

(5) In subsection (3)—
   (a) in paragraph (b), after “body which” insert “ , or other person who, ”, and
   (b) in paragraph (c), after “Secretary of State” insert “ (whether or not a
        participator in the scheme and, if a participator, whether or not required to
        make payments as a participator) ”.

(6) For subsection (5) substitute—
   “(5) The Secretary of State may make a direction under subsection (4) in respect
       of a body only if the body is within any of paragraphs (a) to (d), (f) and (g)
       of subsection (2).”

(7) After subsection (8) insert—
   “(9) In subsection (2)(i), the reference to a person providing health services
       does not include a person providing health services under a contract of
       employment.
   (10) In this section “health services” means services provided as part of the health
        service.”

Annotations:

Commencement Information
15  S. 142 in force at 1.10.2008 by S.I. 2008/2497, art. 5
**Changes to legislation:**
There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Amendments relating to National Health Service.