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SECRETARY OF STATE FUNCTIONS IN THE 2006 ACT AS IT WOULD BE AMENDED BY THE BILL

Notes: SofS is used as shorthand in this table to refer to 'Secretary of State' and the NHS Commissioning Board is referred to as 'the Board'

This table does not include the functions of the Secretary of State in relation to NHS trusts which would continue to be exercised until they are abolished under the provisions of the Bill; nor does it reflect the proposed changes to the failure regime for Foundation Trusts (FTs)

Section of 2006 Act	Function
1	Duty to promote a comprehensive health service designed to secure the improvement in physical and mental health of people of England and in the prevention, diagnosis and treatment of illness (s.1(1)) Duty to exercise functions so as to secure the provision of services in accordance with NHS Act 2006 (s.1(2)) Services provided as part of the health service in England must be free of charge (subject to exceptions) (s.1(3))
1A	Duty to exercise functions with a view to securing continuous improvement in the quality of health services
1B	Duty to exercise functions with regard to the need to reduce inequalities between individuals with respect to the benefits they may obtain from the health service
1C	Duty to exercise functions in relation to the health service with a view securing that others exercising functions or providing services are free to do so as they consider appropriate, and are not subject to unnecessary burdens, so far as consistent with the interests of the health service
1D	Duty to exercise functions with regard to the need to promote research and the use of evidence obtained from research
2	Power to do anything calculated to facilitate, or conducive or incidental to, the discharge of a function under the Act

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Section of 2006 Act	Function
2A	Duty to take such steps as SofS considers appropriate for the purpose of protecting the public in England from disease or other danger to health
2B	Power to take such steps as SofS considers appropriate for improving the health of the people of England
3B	Power to make regulations requiring the Board to commission services listed in section 3B(1)
4(3)	Power to approve providers who may provide high secure psychiatric services
4(3A)	Power to give directions to a person who provides high secure psychiatric services about provision of those services, and to the Board about the commissioning of such services
6	<p>Power to provide or secure provision of public health services/facilities outside England</p> <p>Power to perform his functions outside England and Wales insofar as functions relate to holidays for patients, transfer of patients to or from Scotland, Northern Ireland, Isle of Man or Channel Islands or return of patients who have received treatment in England and Wales, to countries or territories outside the British Islands (including Republic of Ireland)</p>
6A	Duty to reimburse cost of services provided in another European Economic Area (EEA) State (subject to conditions in the section)
6B	Powers in relation to prior authorisation procedure in relation to reimbursement of cost of service provided in another EEA State, and, subject to meeting of conditions, a duty to authorise treatment
6C	<p>Power to make regulations requiring local authorities to exercise Secretary of State public health functions.</p> <p>Power to make regulations to require a local authority to take prescribed steps in exercise of their public health functions</p>

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Section of 2006 Act	Function
6D	<p>Power to delegate EU health functions to the Board or clinical commissioning group by regulations, and to give directions about such functions</p> <p>Power to give directions to the Board and clinical commissioning group about EU functions generally, for the purpose of securing compliance with the UK's EU obligations</p>
6E	<p>Power to give 'standing rules' through regulations to the Board and clinical commissioning group in the areas specified in section 6E, and – subject to affirmative resolution procedure - other areas</p> <p>Duty to publish a statement explaining the reasons if the regulations are made to come into force other than on 1 April in any year</p>
7	<p>Power to direct Special Health Authorities to exercise any functions in relation to the health service whether they are functions of another person or body, or additional functions</p>
8	<p>Power to direct Special Health Authorities about exercise of their functions</p>
9	<p>Power to determine disputes about NHS contracts, or which arise during the negotiation of contracts, which are referred to SofS or to appoint someone else to determine</p>
10	<p>Provision about NHS contracts where a Health and Social Services Board (Northern Ireland body) is a party or prospective party – where this applies, section 9 is read as if to refer to SofS and DHSSPS (Department of Health, Social Services and Public Safety) acting jointly</p>
10A	<p>Provision about NHS contracts where a Scottish body is a party or prospective party – where this applies, section 9 is read as if to refer to SofS and Scottish Ministers acting jointly</p>
11	<p>Power to make regulations about which health service bodies covered where there is an arrangement under which the Board or such other health service body as may be prescribed arrange for the provision to it of goods or services</p>

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Section of 2006 Act	Function
	by a contractor under a general ophthalmic services contract, a person on an ophthalmic list, a person on a pharmaceutical list or a person who has entered into a pharmaceutical care services contract under section 17Q of the NHS (Scotland) Act 1978 for services it reasonably requires for the purposes of its functions, any such arrangement must be treated as an NHS contract for the purposes of section 9
12	<p>Power to arrange with any person or body to provide or assist in providing any service which SofS has a duty or power to provide under section 2A or 2B of, or Schedule 1 to, the Act</p> <p>Power to make available facilities provided by him under section 2A or 2B of, or Schedule 1 to, the Act available to any service provider or eligible voluntary organisation</p>
12A	Power to make direct payments to patients in respect of services provided by SofS under section 2A or 2B of, or Schedule 1 to, the Act
12B	Power to make regulations about direct payments
12C	Power to make regulations providing for direct payments pilot schemes
12D	Power to arrange with any person or body to give assistance in connection with direct payments, including voluntary organisations
12E	Duty to exercise functions in a way which does not increase or decrease market share of particular providers
13A	<p>Duty to publish and lay before Parliament a mandate for the Board</p> <p>Duty to specify certain matters in the mandate</p> <p>Duty to consult specified persons prior to publishing mandate</p>

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Section of 2006 Act	Function
13B	<p>Duty to keep under review the Board's performance in achieving objectives in mandate</p> <p>Power to revise mandate in certain circumstances with duty to republish and lay before Parliament if so</p>
13E	<p>Power to publish outcomes framework to which the Board must have regard when fulfilling quality duty</p>
13T	<p>Duty to set out assessment of the Board's performance in a letter to the Board, and a duty to publish that letter and lay it before Parliament</p>
13Y	<p>Power to make regulations prescribing the bodies, other than Special Health Authorities or clinical commissioning groups, with which the Board may make arrangements for the exercise of the Board's functions</p> <p>Power to make regulations providing that the Board's power to enter such arrangements does not apply in relation to functions specified in regulations</p>
13Z	<p>Power to confer additional functions on the Board by regulations</p>
13Z1	<p>Power to direct the Board if it significantly fails to discharge its functions properly or at all</p> <p>Power to discharge the Board's functions or arrange for another body to discharge them where the Board fails to comply with such a direction</p>
14A	<p>Power to specify date by which all primary medical services providers have to be members of clinical commissioning group</p>
14C	<p>Power to make regulations about factors the Board must take into account in deciding whether it is satisfied about conditions for clinical commissioning group applications</p>
14E	<p>Power to make regulations about applications for variation of clinical commissioning group constitution</p>

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Section of 2006 Act	Function
14F	Power to make regulations about variation of clinical commissioning group constitution otherwise than on application
14H	Power to make regulations about clinical commissioning group dissolution
14L	Powers to make regulations about functions of governing bodies of clinical commissioning groups
14M	Powers to make regulations about audit and remuneration committees of governing bodies of clinical commissioning groups
14N	Powers to make regulations about the membership of governing bodies of clinical commissioning groups
14Z2	Power to make regulations about functions which may be exercised jointly with a Local Health Board
14Z7	Power to make regulations providing that certain clinical commissioning group functions may not be the subject to agreements for functions to be exercised by the Board
14Z14	Power to issue a document to which the Board must have regard in carrying out performance assessments of clinical commissioning groups
28	<p>Power to establish Special Health Authorities by order for the purposes of functions which may be conferred on them by or under Act – including power to provide for membership, transfer staff, property and liabilities and the name of the body</p> <p>The power is subject to restrictions in new section 28A</p>
29	Power to make regulations providing for functions exercisable by a Special Health Authority (SpHA) under section 7 (directions from SofS to exercise his functions in relation to health service) to be exercised by another SpHA, or jointly with one or more SpHAs (or on behalf of these SpHAs by a joint committee or joint sub-committee)

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Section of 2006 Act	Function
	Power to make regulations providing for any functions exercisable by a SpHA under section 7 (directed by SofS to carry out SofS functions), to be exercised by a committee, sub-committee or officer of the SpHA
33	Role in supporting NHS Trust applications to become a Foundation Trust (FT)
35	Power to make regulations about consultation and authorisation of FTs
39A	Power to make regulations about panel for advising FT governors
40	<p>Powers of SofS to give financial assistance to an FT</p> <p>Duty to prepare annual report on the exercise of those powers</p>
42	<p>Provisions as to Public Dividend Capital (PDC)</p> <p>Power for SofS to decide terms on which PDC is issued (HMT consent and Monitor consultation necessary)</p>
42A	Duty to publish guidance on criteria for making loans etc
48	Power for SofS to require information from an FT
51	<p>Power for SofS to make an order for appointment of trustees for an FT to hold property held on trust (charitable property etc)</p> <p>Power for SofS to make order for transfer of trust property from FT to trustees</p>
56	Requirement for Secretary of State support in a merger involvement
59	Power for SofS to make regulations as to elections for membership of FT board

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Section of 2006 Act	Function
66 and 67	Power for SofS to make intervention order in relation to SpHA failing to perform functions
68	Power of SofS to make an order declaring SpHAs to be in default
70	Duty on SofS to exercise functions so as to ensure that dissolving SpHA's liabilities are dealt with by transferring them to an NHS body, SofS or Welsh Ministers
71	<p>Power for SofS to use regulations to set up scheme for meeting losses and liabilities of various NHS bodies.</p> <p>Power for SofS to direct bodies to participate in scheme (s.71(4))</p>
73A	<p>Duty to appoint directors of public health with local authority</p> <p>Power to take action if director is failing</p>
73B	Power to publish document to which local authorities must have regard in exercising their public health functions, and to give other guidance
75 Schedule 18	<p>Power to make regulations providing for or in connection with enabling prescribed NHS bodies and prescribed local authorities to enter into prescribed arrangements in relation to exercise of prescribed functions of the NHS bodies and prescribed functions of the local authorities if the arrangements are likely to lead to an improvement in the way in which those functions are exercised (the section also sets out the type of arrangement that might be included in such regulations)</p> <p>Power to issue statutory guidance to NHS bodies and local authorities on consultation or applications for consent in respect of proposed arrangements</p> <p>Introduces Schedule 18 (which makes provision about transfer of staff in connection with arrangements under the section) – SofS has power to make orders for transfer of staff</p>

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Section of 2006 Act	Function
76	<p>Local authorities may make payments to a SHA, PCT or Local Health Board (LHB) towards expenditure incurred or to be incurred by the body in connection with the performance by it of prescribed functions – capital revenue or both. SofS power to prescribe functions</p> <p>Power of SofS to impose conditions (by directions) in relation to such payments (which such payments must comply with)</p>
77	<p>Power of SofS to designate clinical commissioning group or FT as a Care Trust (and make an order to this effect) and various related powers including a general regulation-making power in relation to designation as Care Trust.</p>
80	<p>(1) Power to supply to local authorities or such other public bodies as he determines any goods or materials of a kind used in the health service</p> <p>(3) Power to make available to local authorities and public bodies any facilities provided by him for any service under the Act, or the services of any person employed by SofS, a SpHA or a LHB.</p> <p>(4) Power to carry out maintenance work in connection with any land or building for the maintenance of which a local authorities is responsible</p> <p>(5) Power to make available goods, materials or such other facilities as may be prescribed to persons providing pharmaceutical services, providing services under a GMS contract, GDS contract or GOS contract, PMS or PDS contract or providing services under a pilot scheme (local pharmaceutical services) or LPS scheme</p> <p>(6) So far as reasonably necessary and practicable to enable local authorities to discharge their functions relation to social services, education and health, duty to make available to local authorities:-</p> <ul style="list-style-type: none"> • any services (other than services of any person) or other facilities provided under the Act, • services provided as part of the health service by SofS, SpHA or LHB • services of any medical practitioner, dental practitioner or nurse employed by SofS, SpHA or LHB other than to provide services which are part of the health service

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Section of 2006 Act	Function
	<p>(7) So far as is reasonably necessary and practicable to enable local authorities to discharge their functions relation to social services, education and health, power to make available to local authorities the services of persons:-</p> <ul style="list-style-type: none"> • providing pharmaceutical services • performing services under a GMS contract, GDS contract or GOS contract • providing services in accordance with a PMS or PDS agreement • performing services under a local pharmaceutical services pilot scheme or LPS scheme • providing SpHAs or LHBs with services of a kind provided as part of the health service
81	<p>Imposes conditions on SofS in relation to supply of goods facilities or people under section 80</p> <p>Provides that powers under section 80 and 81 to be exercised on such terms as may be agreed, including terms as to the making of payments to SofS</p> <p>Power to make charges in respect of services that SofS is under a duty to provide under section 80 insofar as agreed by SofS or LA or in default of agreement as may be determined by arbitration</p> <p>Power to make directions to SpHAs and LHBs to make the services of their officers available</p>
83	<p>Power to provide in regulations that services must or must not be regarded as primary medical services</p>
85	<p>Power to make regulations that require a General Medical Services (GMS) contract to require the contractor(s) to provide primary medical services of a particular description (known as “essential services) – may describe services by reference to manner or circumstances in which provided</p>
86	<p>Power to prescribe conditions in relation to GMS contracts</p> <p>Power to make regulations prescribing for effect on GMS contract of a change in members of partnership</p>

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Section of 2006 Act	Function
87	<p>Power to give directions as to payments to be made under a GMS contract</p> <p>GMS contract must require payment to be made under the contract in accordance with SofS directions</p> <p>Section provides for what the directions may in particular include (including retrospective provision where it is not detrimental to person to whom it relates)</p> <p>Duty to consult representative bodies/power to consult such other persons as SofS considers appropriate</p>
88	<p>Power to make directions as to the drugs, medicines or other substances which may or may not be ordered for patients in the provision of medical services under the contract</p> <p>Direction has to be given by regulations (subject to limited EU exemption where direction can be given by instrument in writing)</p>
89	<p>Power to make regulations prescribing matters that must be included in a GMS contract. Section sets out what such regulations may in particular include – a requirement to be a member of a clinical commissioning group</p>
90	<p>Power to make regulations for resolution of disputes as to the terms of a proposed GMS contract (including for referral to SofS/SofS determining terms, or a person appointed by him)</p> <p>Power to make regulations for a person(s) entering into a GMS contract to be regarded as a health service body for any purpose in section 9 of the Act if he or they so elect (including making provision where persons practising in partnership and there is a change in the membership of the partnership)</p>
91	<p>Power to make regulations which provide that a health care professional of a description prescribed in the regulations may not perform any primary medical service for which the Board is responsible unless he is included in a list maintained under the regulations by the Board (known as a “performers list”) – section sets out what such regulations may in particular include</p>

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Section of 2006 Act	Function
94	<p>Power to make regulations about the provision of services under PMS agreements</p> <p>Power to give directions about payments to be made under a PMS agreement</p>
97	<p>Power to prescribe in regulations that the Board, in exercising its functions in relation to primary medical services, must consult a local dental committee on such occasions and to such extent as prescribed – LDC has such other functions as prescribed in regulations</p>
98	<p>Power for SofS to make available any accommodation provided by him by virtue of the Act for use in connection with the provision of primary medical services (on such terms as he considers appropriate) to persons providing those services</p>
98A	<p>Power to direct the Board to exercise any SofS functions in relation to primary medical services, to direct the Board about its functions in relation to primary medical services and to direct clinical commissioning group to exercise the Board’s functions in relation to primary medical services</p>
99	<p>Power to prescribe in regulations matters in relation to primary dental services provided under the Act about which the Board must publish information</p> <p>Power to provide in regulations that services must or must not be regarded as primary dental services (which might describe services by reference to the manner of circumstances in which they are provided)</p>
101	<p>Power to make regulations that require a GDS contract to require the contractor(s) to provide primary dental services of a particular description – may describe services by reference to manner or circumstances in which provided</p>
102	<p>Power to prescribe conditions in relation to GDS contracts</p> <p>Power to make regulations prescribing for effect on GDS contract of a change in members of partnership</p>

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Section of 2006 Act	Function
103	<p>Power to give directions as to payments to be made under a GDS contract</p> <p>GDS contract must require payment to be made under the contract in accordance with SofS directions</p> <p>Section provides for what the directions may in particular include (including retrospective provision where not detrimental to person to whom it relates)</p> <p>Duty to consult representative bodies/power to consult such other persons as he considers appropriate</p>
104	<p>Power to make regulations prescribing matters that must be included in a GDS contract – the section sets out what such regulations may in particular include</p>
105	<p>Power to make regulations for resolution of disputes as to the terms of a proposed GDS contract (including for referral to SofS/SofS determining terms, or a person appointed by him)</p> <p>Power to make regulations for a person(s) entering into a GDS contract to be regarded as a health service body for any purpose in section 9 of the Act if he or they so elect (including making provision where persons practising in partnership and there is a change in the membership of the partnership)</p>
106	<p>Power to make regulations which provide that a health care professional of a description prescribed in the regulations may not perform any primary dental service for which the Board is responsible unless he is included in a list maintained under the regulations by the Board (known as a “performers list”) – section sets out what such regulations may in particular include</p>
108	<p>Power to make regulations imposing additional conditions where the person entering into the contract for PDS with the Board is a GMS contractor, GDS contractor, Welsh GMS contractor, Welsh GDS contractor, PMS or PDS contractors (or devolved equivalents)</p>

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Section of 2006 Act	Function
109	<p>Power to make regulations about the provision of services under PDS agreements – regulations must make provision about right of patients to chose from whom they receive services</p> <p>Power to give directions about payments to be made under a PDS agreement</p>
111	<p>Power to prescribe in regulations that a local authority has particular functions in relation to dental public health in England</p>
113	<p>Power to prescribe in regulations that the Board, in exercising its functions in relation to primary dental services, must consult a local dental committee on such occasions and to such extent as prescribed – LDC has such other functions as prescribed in regulations</p>
114	<p>Power for SofS to make available any accommodation provided by him by virtue of the Act for use in connection with the provision of primary dental services (on such terms as he considers appropriate) to persons providing those services</p>
114A	<p>Power to direct the Board to exercise any SofS functions in relation to primary dental services and to direct the Board about its functions in relation to primary dental services</p>
115	<p>Power to provide in regulations further categories of primary ophthalmic services that the Board must provide or secure the provision of</p> <p>Power to prescribe in regulations such matters in relation to primary ophthalmic services provided under the Act about which the Board must publish information</p> <p>Power to provide in regulations that services must or must not be regarded as primary ophthalmic services (which might describe services by reference to the manner of circumstances in which they are provided)</p>

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Section of 2006 Act	Function
119	<p>Power to make regulations conferring on the Board the power to apply to the First-Tier Tribunal in prescribed circumstances for an order that a person be disqualified from entering into a GOS contract</p>
120	<p>Power to give directions as to payments to be made under a GOS contract</p> <p>GOS contract must require payment to be made under the contract in accordance with SofS directions</p> <p>Section provides for what the directions may in particular include (including retrospective provision where it is not detrimental to person to whom it relates)</p> <p>Duty to consult representative bodies/power to consult such other persons as he considers appropriate</p>
121	<p>Power to make regulations prescribing matters that must be included in a GOS contract. Section sets out what such regulations may in particular include</p>
122	<p>Power to make regulations for resolution of disputes as to the terms of a proposed GOS contract (including for referral to SofS/SofS determining terms, or a person appointed by him)</p> <p>Power to make regulations for a person(s) entering into a GOS contract to be regarded as a health service body for any purpose in section 9 of the Act if he or they so elect (including making provision where persons practising in partnership and there is a change in the membership of the partnership)</p>
123	<p>Power to make regulations which provide that a health care professional of a description prescribed in the regulations may not perform any primary ophthalmic services for which the Board is responsible unless he is included in a list maintained under the regulations by the Board (known as a “performers list”) – section sets out what such regulations may in particular include</p>

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Section of 2006 Act	Function
125	Power to prescribe in regulations that the Board, in exercising its functions in relation to primary ophthalmic services, must consult a local optical committee on such occasions and to such extent as prescribed – LOC has such other functions as prescribed in regulations
125A	Power to direct the Board to exercise any SofS functions in relation to primary ophthalmic services and to direct the Board about its functions in relation to primary ophthalmic services
126 to 145 Schedule 12	Powers and duties to make regulations in relation to pharmaceutical services and local pharmaceutical services: pilot schemes Powers to give directions in relation to pharmaceutical services and local pharmaceutical services: pilot schemes
147A	Power to make provision about lists of performers of pharmaceutical services and assistants, section details what regulations may include
148 to 163	Power to make regulations regarding: <ul style="list-style-type: none"> • Conditional inclusion in pharmaceutical lists • Notices and penalties • Disqualification of practitioners • Payments to suspended practitioners, including pending appeal • Notification of decisions • Withdrawal from lists Duty to make regulations regarding the process for making decisions under this chapter
164 to 166	Power to determine remuneration for pharmaceutical services Duty to consult before doing so Power to require information from the Board about pharmaceutical remuneration

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Section of 2006 Act	Function
	Power to make regulations in relation to determinations and indemnity cover
167	Power to prescribe in regulations that the Board, in exercising its functions in relation to pharmaceutical services or local pharmaceutical services, must consult a local pharmaceutical committee on such occasions and to such extent as prescribed – LPC has such other functions as prescribed in regulations
168	Power for SofS to make available any accommodation provided by him by virtue of the Act for use in connection with the provision of pharmaceutical services or local pharmaceutical services (on such terms as he considers appropriate) to persons providing those services
168A	Power to direct the Board to exercise any SofS functions in relation to pharmaceutical services and to direct the Board about its functions in relation to pharmaceutical services
172 to 174	Power to make regulations for charges for drugs, medicines or appliances, or pharmaceutical services, including power to provide for pre-payment certificates
175	Power to make regulations providing for charges to be paid by overseas visitors – to be calculated on any basis that he considers to be an appropriate commercial basis
176	Power to make regulations for dental charges
178	Power regulations for charges for local pharmaceutical services
179 to 181	Powers to make regulations for charges for optical appliances and for contributions towards costs of such appliances and sight tests
182 to 184	Powers to make regulations for remission and repayment of charges, and for payment of travelling expenses

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Section of 2006 Act	Function
185 and 186	Powers to make regulations for charges for more expensive supplies and for repairs and replacements of appliances/vehicles in certain cases
186A	<p>Power to make charges for steps taken in exercise of duty relating to protect health of the people of England</p> <p>Power to make regulations for charging by local authorities for public health services</p>
187	Power to make provision for charges for services/facilities for care of pregnant women, women who are breastfeeding and young children, and for services/facilities for the prevention of illness, the care of persons suffering from illness and the after-care of persons who have suffered from illness
189	Power for SofS to authorise accommodation in single rooms or wards to be made available for patients and to recover charges
190	Power for SofS to require resident patients who are employed to pay part of cost of maintenance
191 to 194	Power for SofS to make regulations about penalties
197 to 210	<p>Provisions for disclosure of information and related offences</p> <ul style="list-style-type: none"> • Power to service notice requiring production of documents (s.197) • Power to authorise officers • Power to direct that SpHA exercises functions and power to make regulations about delegated functions (s.198) • Power to issue a code of practice (s.200)
211	<p>Powers to acquire land, by agreement or compulsorily, or any other property, and to use and maintain that property</p> <p>Power to authorise local authority to compulsorily purchase land for the purposes of the health service</p>

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Section of 2006 Act	Function
212	Power for SofS to determine number of special trustees (to hold and administer property transferred under the NHS Re-organisation Act 1973 and other property on trust), fix terms of office or remove from office
213	Power for SofS to make an order to provide for transfer of trust property (i.e. property held on trust) between NHS bodies
214	Power for SofS to make an order to provide for transfer of functions and property from special trustees to the Board, clinical commissioning group, SpHA or FT
215	Power of SofS to transfer property given in pursuance of s.222 under s.213 or 214 order
219	Power for SofS to use property transferred under NHS Act 1946, subject to duty to secure that the objects prior to the transfer are not prejudiced
221	Duty to have regard in the general administration of a “voluntary hospital” transferred to SofS under NHS Act 1946 to the former religious character and associations of the hospital
222	Power to give directions excluding specified descriptions of activity from those NHS bodies allowed to engage in to stimulate giving of money or other property for NHS or research purposes
223	<p>Power for SofS to form, or participate in forming companies to provide facilities or services to persons exercising functions, or otherwise providing services, under the Act</p> <p>Power for SofS to invest in the companies or provide loans, guarantees or other forms of financial provision</p>
223B to 223E	Financial arrangements for the Board - <ul style="list-style-type: none"> • duty to provide funding to the Board (section 223C) • power to give directions about calculation of cash limit in section 223C • power to direct the Board to use specified banking facilities (section 223C(5))

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Section of 2006 Act	Function
	<ul style="list-style-type: none"> • duty to specify limits on total capital resource use and total revenue resource use by the Board and clinical commissioning groups (section 223D) • power to give directions about resources and uses of resources which must or must not be taken into account in determining whether limits under section 223D complied with • power to set controls on use of resources by the Board and clinical commissioning groups on administrative and other matters (section 223E)
223G and 223K	Financial arrangements for clinical commissioning groups – <ul style="list-style-type: none"> • power to direct a clinical commissioning group to use specified banking facilities (section 223H(3)) • power to make regulations relating to the Board's quality payments to clinical commissioning groups
225 and 226	<p>Duty on SofS to pay sums to each SpHA in respect of a financial year not exceeding amount allotted for that year</p> <p>Powers to increase or reduce allotment.</p> <p>Power to give directions with respect to the application of sums paid to it or the payment of sums by the SpHA to the SofS in respect of charges or other sums referable to the disposal of assets</p> <p>Power to determine conditions as to records, certificates or otherwise</p> <p>Powers to give directions in relation to the SpHA duty to remain within its cash limit under section 226</p>
227	<p>SofS has power to determine and vary the amount each SpHA must not exceed with regard to its use of resources in a financial year</p> <p>Power for SofS to give directions to SpHA to secure that they comply with the duty not to exceed the amount</p>
232 & Schedule 15	<p>Power for SofS to direct as to form of accounts of SpHAs, subject to Treasury approval</p>

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Section of 2006 Act	Function
233	Power for SofS to pay members of a body specified in an order as a body former the purpose of performing a function connected with the provision of services under the Act, such travelling and other allowances as he may determine
234	Power for SofS to make an order conferring on a body a function paying remuneration in respect of primary care services
235	Power for SofS to enter agreement with governing body of a private hospital providing NHS services, for hospital staff to be admitted to pensions scheme available to staff of NHS trusts
242	Power for SofS to issue guidance about public involvement and consultation to which FTs must have regard
244 to 247	<p>Powers for SofS to make regulations to make provision for local authority scrutiny of health services</p> <p>Power to make an order modifying the categories of information in Schedule 17 which are exempt from disclosure in local authority meetings relating to health scrutiny</p>
247A	Duty to co-operate with bodies or persons exercising functions similar to SofS's public health functions under section 2A
247B	Duty to keep under review the effectiveness of the national health bodies
247C	Duty to publish annual report on the performance of the health service
249	Power to make regulations for arrangements between NHS bodies or local authorities and the prison service for exercise of prescribed health-related functions of one to be carried out by the other
251 & 252	Power for SofS to make regulations containing provision for and in connection with the processing of patient information for medical purposes

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Section of 2006 Act	Function
	SofS has a duty to consult CQC on regulations and publish their views
253	Power for SofS to give directions to NHS bodies and health service providers if he considers that by reason of an emergency it is necessary to do so in order to ensure that a service falling to be provided under or by virtue of the Act is provided
254 & Schedule 20	<p>Role in approval of local authorities to provide services under Schedule 20 (care of mothers and young children; prevention care and after-care; home help and laundry facilities; research)</p> <p>Power to make regulations as to the conduct of premises in which facilities are provided under paragraph 2 of Schedule 20 (prevention, care and after-care) for persons who are or have been suffering from mental disorder or whose care is undertaken to prevent them from becoming sufferers from mental disorder</p>
255	Power to arrange to make available supplies of blood, human tissue or other substances or preparations not readily obtainable
256 & 257	Power to prescribe by directions conditions on payments by the Board and clinical commissioning group and voluntary organisations about social services functions, meals and recreation for old people, education services for disabled persons, and certain housing functions and payments by the Board and clinical commissioning group towards local authority expenditure which in their opinion would have an effect on the health of individuals, have an effect on NHS functions, or are connected with NHS functions (s.256(6))
258	<p>Duty on SofS to exercise his functions so as to secure that facilities for (a) clinical teaching and (b) clinical medicine/dental research facilities are made available to universities with medical or dental schools</p> <p>Power to make regulations to provide for functions exercisable by the Board, clinical commissioning group, SpHA or LHB in relation to the provision of their facilities to be exercisable jointly with one or more NHS body (other than FT)</p>

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Section of 2006 Act	Function
259 & Schedule 21	<p>SofS power to make regulations in relation to the restriction in this section on the sale of goodwill of medical practices</p> <p>SofS duty to consider applications for certificate to confirm that he is satisfied that transactions do not involve the giving of valuable consideration in respect of the goodwill of a medical practice (Schedule 21)</p>
260 to 266 Schedule 22	<p>Powers for SofS to make regulations and orders about prices of medical supplies to NHS, and imposing controls on profits</p>
267	<p>Duty on SofS to consider applications for permission to use “relevant health service accommodation or facilities” for purpose of providing medical etc services to non-resident private patients. “Relevant health service accommodation or facilities” means accommodation or facilities available at premises provided by the SofS by virtue of this Act or, in the case of chiropody services, premises at which pharmaceutical services are provided</p>
269	<p>Power to make regulations as to manner and times at which particulars of births and deaths must be furnished by Registrar of births and deaths to the Board, clinical commissioning group or local authorities</p>
270	<p>Power to receive information in births and deaths register, and certain other information from Registrar General</p>
Schedule A1	<p>Functions in relation to establishment and constitution of the Board, including powers to -</p> <ul style="list-style-type: none"> • appoint the chair, other non-executives members • appoint the first chief executive and consent to subsequent chief executive appointments • suspend or remove of chair and other non-executive members • determine remuneration of non-executive members • approve Board policy on staff remuneration • make provision for the appointment of trustees to hold property held on trust (charitable property etc) • require information for purposes of Secretary of State’s functions in relation to the health service • give directions as to the accounts of the Board

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Section of 2006 Act	Function
Schedule 1, paragraph 7B	Power to make regulations about weighing and measuring of children
Schedule 1, paragraph 7C	Duty to make arrangements for collecting, screening, processing and supplying blood and other tissues, preparing blood components and reagents, facilitating tissue and organ transplantation
Schedule 1, paragraph 8	Duty on SofS to arrange, to such extent as he considers necessary to meet all reasonable requirements, contraceptive services
Schedule 1, paragraph 11	Power to make regulations about vehicles for disabled persons
Schedule 1, paragraph 13	Power for SofS to conduct research, or assist any person to conduct research, into matters relating to causation, prevention, diagnosis or treatment of illness and such other matters connected with any service provided under this Act as the SofS considers appropriate. Assistance may be by grant or otherwise
Schedule 1A	Functions in relation to clinical commissioning group, including powers to <ul style="list-style-type: none"> • make regulations prescribing requirements as to the clinical commissioning group names • make provision for the appointment of trustees to hold property held on trust (charitable property etc) • certify externally financed development agreements • approve Board directions about clinical commissioning group accounts • require provision of information to the Board for purposes of Secretary of State's functions in relation to the health service
Schedule 3A	Power to give directions to the Board that an element of pharmaceutical remuneration is not to be included in a determination relating to the apportionment of such remuneration between clinical commissioning groups
Schedule 6	Powers in relation to SpHAs, including powers to – <ul style="list-style-type: none"> • pay remuneration to chair and members • make regulations and directions about the pay, terms and conditions of staff

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Section of 2006 Act	Function
	<ul style="list-style-type: none">• to make regulations about transfer of staff between authorities, or making staff available to other bodies• to make regulations about the membership and procedure of a SpHA• to make orders providing for the appointment of trustees to hold property held on trust (charitable property etc)
Schedule 7	Powers to make directions relating to accounts of FTs