



# Health and Care Act 2022

## CHAPTER 31

### HEALTH AND CARE ACT 2022

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- 1 NHS Commissioning Board renamed NHS England
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- 8 NHS England: wider effect of decisions
- 9 NHS England: duties in relation to climate change etc
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- 19 Establishment of integrated care boards
- 20 People for whom integrated care boards have responsibility

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022. (See end of Document for details)*

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- 22 Commissioning primary care services etc
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- 25 General functions

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- 26 Integrated care partnerships and strategies

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- 30 Expansion of financial duties of integrated care boards and their partners

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- 34 Exercise by NHS England of new regulatory functions
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- 36 Abolition of NHS Trust Development Authority
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- 47 Review into NHS supply chains

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- 49 Removal of power to appoint trust funds and trustees
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- 51 Licensing of NHS trusts
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- 54 Oversight and support of NHS trusts
- 55 Directions to NHS trusts

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- 56 Recommendations about restructuring of NHS trusts
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- 59 Appointment of chair of NHS trusts
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- 77 The NHS payment scheme

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- 143 Virginity testing offences in Scotland: penalties and supplementary

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- 144 Offence of virginity testing: Northern Ireland

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- 145 Offence of offering to carry out virginity testing: Northern Ireland
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- 150 Offence of aiding or abetting etc a person to carry out hymenoplasty: England and Wales
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- 152 Offence of carrying out hymenoplasty: Scotland
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- 156 Offence of carrying out hymenoplasty: Northern Ireland
- 157 Offence of offering to carry out hymenoplasty: Northern Ireland
- 158 Offence of aiding or abetting etc a person to carry out hymenoplasty: Northern Ireland
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169 Medical examiners

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171 Storage of gametes and embryos

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173 Hospital food standards

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### SCHEDULE 1 — Renaming of NHS Commissioning Board

- 1 General
- 2 House of Commons Disqualification Act 1975
- 3 Access to Health Records Act 1990
- 4 Trade Union and Labour Relations (Consolidation) Act 1992
- 5 Employment Rights Act 1996
- 6 National Health Service Act 2006
- 7 In the heading of section 3B, for “Board” substitute “NHS...
- 8 In the heading of section 13A, for “Board” substitute “NHS...
- 9 In the heading of section 13W, for “Board’s” substitute “NHS...
- 10 In the heading of section 13Y, for “Board’s” substitute “NHS...
- 11 In section 275(1)— (a) omit the definition of “the Board”;...
- 12 In Schedule 1A, in the italic heading before paragraph 18,...
- 13 Corporation Tax Act 2010
- 14 Equality Act 2010
- 15 Health and Social Care Act 2012
- 16 In section 150, omit subsection (2).
- 17 In the heading of section 197, for “NHS Commissioning Board”...
- 18 In section 247, omit the definition of “the Board”.
- 19 In section 250(1), for “the National Health Service Commissioning Board...
- 20 In the heading of section 274, for “Board” substitute “NHS...
- 21 In section 275, omit the definition of “the Board”.
- 22 In section 304(12)(a)(iv) and (ix), for “Board” substitute “NHS England”....
- 23 Local Audit and Accountability Act 2014
- 24 Social Services and Well-being (Wales) Act 2014 (anaw 4)
- 25 In section 47(10)— (a) in the English language text—
- 26 In section 77(4)(b)(ii)— (a) in the English language text, for...
- 27 In section 104(3)(d)(ii)— (a) in the English language text, for...
- 28 In section 118(2)(c)— (a) in the English language text, for...
- 29 In section 164A(4)— (a) in the English language text, for...
- 30 In section 193(4)(c)— (a) in the English language text, for...
- 31 In section 197(1)— (a) in the English language text, for...
- 32 Housing (Wales) Act 2014 (anaw 7)
- 33 Cities and Local Government Devolution Act 2016
- 34 Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)
- 35 In section 4(3)— (a) in the English language text, for...
- 36 In section 65(4)— (a) in the English language text, for...
- 37 In section 99(1)— (a) in the English language text, omit...
- 38 Domestic Abuse Act 2021

### SCHEDULE 2 — Integrated care boards: constitution etc

- 1 Before Schedule 4 to the National Health Service Act 2006...
- 2 In section 272 of that Act (orders, regulations, rules and...



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### SCHEDULE 3 — Conferral of primary care functions on integrated care boards etc

#### PART 1 — CONFERRAL OF FUNCTIONS ETC

- 1 Preliminary
- 2 Power to require NHS England to continue to exercise certain primary care functions
- 3 Medical services
- 4 (1) Section 84 (general medical services contracts: introductory) is amended...
- 5 In section 86 (persons eligible to enter into GMS contracts),...
- 6 In section 87 (GMS contracts: payments), in subsection (3)(d), for...
- 7 (1) Section 89 (GMS contracts: other required terms) is amended...
- 8 (1) Section 91 (persons performing primary medical services) is amended...
- 9 (1) Section 92 (arrangements for the provision of primary medical...
- 10 In section 93 (persons with whom agreements may be made...
- 11 (1) Section 94 (regulations about section 92 arrangements) is amended...
- 12 (1) Section 96 (assistance and support: primary medical services) is...
- 13 (1) Section 97 (Local Medical Committees) is amended as follows....
- 14 For section 98A substitute— Delegation of Secretary of State’s functions...
- 15 Dental services
- 16 (1) Section 100 (general dental services contracts: introductory) is amended...
- 17 In section 102 (persons eligible to enter into GDS contracts),...
- 18 In section 103 (GDS contracts: payments), in subsection (3)(d), for...
- 19 In section 104 (GDS contracts: other required terms), in subsection...
- 20 (1) Section 106 (persons performing primary dental services) is amended...
- 21 (1) Section 107 (arrangements for the provision of primary dental...
- 22 In section 108 (persons with whom agreements may be made...
- 23 (1) Section 109 (regulations about section 107 arrangements) is amended...
- 24 (1) Section 112 (assistance and support: primary dental services) is...
- 25 (1) Section 113 (Local Dental Committees) is amended as follows....
- 26 For section 114A substitute— Delegation of Secretary of State’s functions...
- 27 Ophthalmic services
- 28 In the italic heading before section 115, for “the Board”...
- 29 (1) Section 115 (primary ophthalmic services) is amended as follows....
- 30 After section 116 insert— General functions General powers to make...
- 31 (1) Section 117 (general ophthalmic services contracts: introductory) is amended...
- 32 In section 118 (persons eligible to enter into GOS contracts),...
- 33 In section 119 (exclusion of contractors), in subsection (1), for...
- 34 In section 120 (GOS contracts: payments), in subsection (3)(d), for...
- 35 In section 121 (GOS contracts: other required terms), in subsection...
- 36 (1) Section 123 (persons performing primary ophthalmic services) is amended...
- 37 (1) Section 124 (assistance and support: primary ophthalmic services) is...
- 38 (1) Section 125 (Local Optical Committees) is amended as follows....
- 39 For section 125A substitute— Delegation of Secretary of State’s functions...

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- 40 Pharmaceutical services  
PART 2 — CONSEQUENTIAL AMENDMENTS
- 41 Dentists Act 1984  
42 In section 40 (definition of business of dentistry), in subsection...  
43 In section 53 (interpretation), in subsection (3)(a)(i), for “92 or...  
44 Access to Health Records Act 1990  
45 Trade Union and Labour Relations (Consolidation) Act 1992  
46 Health Service Commissioners Act 1993  
47 Freedom of Information Act 2000  
48 Health and Social Care (Community Health and Standards) Act 2003  
49 Health Act 2006  
50 National Health Service Act 2006  
51 In section 80 (supply of goods and services by the...  
52 (1) Section 259 (sale of medical practices) is amended as...  
53 In section 276 (index of defined expressions)—  
54 In Schedule 4 (NHS trusts), for paragraph 24 and the...  
55 National Health Service (Wales) Act 2006  
56 (1) Section 65 (persons with whom agreement may be made...  
57 Health Act 2009  
58 Domestic Abuse Act 2021

SCHEDULE 4 — Integrated care system: minor and consequential amendments

- 1 Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951  
2 Public Records Act 1958  
3 Public Bodies (Admission to Meetings) Act 1960  
4 Leasehold Reform Act 1967  
5 Parliamentary Commissioner Act 1967  
6 Health Services and Public Health Act 1968  
7 In section 63 (provision of instruction for officers of hospital...  
8 In section 64 (financial assistance to certain voluntary organisations),  
in...  
9 Employers’ Liability (Compulsory Insurance) Act 1969  
10 Local Authority Social Services Act 1970  
11 Local Government Act 1972  
12 Health and Safety at Work etc. Act 1974  
13 National Health Service (Scotland) Act 1978  
14 Mental Health Act 1983  
15 In section 39 (information as to hospitals), in subsection (1),...  
16 In section 117 (after-care), in subsections (2), (2D), (2E), (2F)...  
17 In section 134 (correspondence of patients), in subsection (3)(e), for...  
18 In section 139 (protection for acts done in pursuance of...  
19 In section 140 (notification of hospitals having arrangements for  
special...  
20 Acquisition of Land Act 1981  
21 In section 16 (statutory undertakers’ land excluded from compulsory  
purchase),...  
22 In section 17 (local authority and statutory undertakers’ land), in...  
23 Disabled Persons (Services, Consultation and Representation) Act 1986  
24 (1) Section 2 (rights of authorised representatives of disabled persons)...  
25 (1) Section 7 (persons discharged from hospital) is amended as...  
26 Copyright, Designs and Patents Act 1988  
27 Children Act 1989  
28 In section 21 (provision for accommodation for children in police...

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- 29 In section 24 (persons qualifying for advice and assistance), in...
- 30 In section 24C (information), in subsection (2)(c), for “a clinical...
- 31 In section 27 (co-operation between authorities), in subsection (3)(d),  
for...
- 32 In section 29 (recoupment of cost of providing services etc),...
- 33 In section 47 (local authority’s duty to investigate), in subsection...
- 34 In section 80 (inspection of children’s homes etc by persons...
- 35 In section 85 (children accommodated by health authorities and local...
- 36 In section 105 (interpretation), in subsection (1)—
- 37 National Health Service and Community Care Act 1990
- 38 London Local Authorities Act 1991
- 39 Health Service Commissioners Act 1993
- 40 Value Added Tax Act 1994
- 41 In section 41 (application to the Crown), in subsection (7),...
- 42 (1) Schedule 8 (zero-rating) is amended as follows.
- 43 Education Act 1996
- 44 In section 322 (duty of certain bodies to help local...
- 45 In section 332 (duty of Local Health Board, a Primary...
- 46 Employment Rights Act 1996
- 47 In section 49B (the health service: regulations prohibiting  
discrimination because...
- 48 In section 50 (right to time off for public duties),...
- 49 In section 218 (change of employer), in subsection (10), for...
- 50 Housing Grants, Construction and Regeneration Act 1996
- 51 Crime and Disorder Act 1998
- 52 In section 5 (authorities responsible for crime and disorder strategies),...
- 53 In section 38 (local provision of youth justice services), in...
- 54 (1) Section 39 (youth offending teams) is amended as follows...
- 55 In section 41 (the Youth Justice Board), in subsection (10),...
- 56 In section 42 (supplementary provision), in subsection (3), for “a...
- 57 In section 115 (disclosure of information), in subsection (2), for...
- 58 Greater London Authority Act 1999
- 59 Health Act 1999
- 60 Freedom of Information Act 2000
- 61 Local Government Act 2000
- 62 Adoption and Children Act 2002
- 63 In section 4 (assessments etc for adoption support services), in...
- 64 In section 8 (adoption support agencies), in subsection (2)(d), for...
- 65 International Development Act 2002
- 66 Nationality, Immigration and Asylum Act 2002
- 67 Criminal Justice Act 2003
- 68 Finance Act 2003
- 69 Health and Social Care (Community Health and Standards) Act 2003
- 70 In section 148 (interpretation of Part 2), in the definition...
- 71 In section 160 (provision of information), in subsection (1)(h)—
- 72 In section 165 (power to apply provisions about recovery of...
- 73 Children Act 2004
- 74 In section 10 (co-operation to improve wellbeing), in subsection (4)  
(db),...
- 75 In section 11 (arrangements to safeguard and promote welfare), in...
- 76 In section 16E (local arrangements for safeguarding and promoting  
welfare...

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- 77 In section 16J (combining safeguarding partner areas and delegating functions),...
- 78 In section 16P (combining child death review partner areas and...
- 79 In section 16Q (guidance and interpretation), in subsection (2)(b), for...
- 80 Civil Contingencies Act 2004
- 81 Domestic Violence, Crime and Victims Act 2004
- 82 Mental Capacity Act 2005
- 83 Armed Forces Act 2006
- 84 Childcare Act 2006
- 85 Emergency Workers (Obstruction) Act 2006
- 86 National Health Service Act 2006
- 87 In section 1H (NHS England and its general functions), in...
- 88 (1) Section 6 (performance of functions outside England) is amended...
- 89 (1) Section 6E (regulations as to the exercise of functions)...
- 90 In section 9 (NHS contracts), in subsection (4), for paragraph...
- 91 (1) Section 12 (arrangements with other bodies) is amended as...
- 92 (1) Section 12ZA (commissioning arrangements) is amended as follows.
- 93 (1) Section 12A (direct payments for health care) is amended...
- 94 In section 12B (regulations about direct payments), in subsections (2) (d),...
- 95 In section 12D (arrangements with other bodies relating to direct...
- 96 In section 13A (mandate), in subsection (6), for “clinical commissioning...
- 97 In section 13N (duty as to promoting integration), in subsection...
- 98 In section 13R (information on safety of services provided by...
- 99 In section 13V (pooled funds), in subsection (1), for “clinical...
- 100 In Part 2, omit Chapter A2 (clinical commissioning groups).
- 101 In section 71 (schemes for meeting losses and liabilities etc...
- 102 In section 74 (supply of goods and services by local...
- 103 In section 76 (power of local authorities to make payments),...
- 104 (1) Section 77 (care trusts) is amended as follows.
- 105 (1) In section 80 (supply of goods and services by...
- 106 In section 183 (payment of travelling expenses), in paragraphs (a),...
- 107 In section 185 (charges for more expensive supplies), in subsection...
- 108 In section 186 (charges for repairs and replacements in certain...
- 109 In section 187 (charges for designated services or facilities), for...
- 110 In section 188 (sums otherwise payable to those providing services),...
- 111 In section 196 (persons and bodies about which provision is...
- 112 In section 201 (disclosure of information), in subsection (3)(a), for...
- 113 In section 214 (transfer of functions and property to or...
- 114 In section 222 (power to raise money), in subsection (3A)(a),...
- 115 For section 223A (application of provision about public-private partnerships) substitute—...
- 116 In section 223B (funding of NHS England), in subsection (8),...
- 117 In section 223F (power to establish contingency fund), in subsection...
- 118 (1) Section 223G (means of meeting expenditure of clinical commissioning...
- 119 (1) Section 223GA (expenditure on integration) is amended as follows....
- 120 (1) Section 223K (payments in respect of quality) is amended...
- 121 (1) Section 236 (payments for certain medical examinations) is amended...
- 122 (1) Section 244 (review and scrutiny by local authorities) is...

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- 123 In the italic heading before section 252A, for “clinical commissioning...
- 124 (1) In section 252A (role of NHS England and clinical...
- 125 (1) Section 256 (power of NHS England or a clinical...
- 126 In section 257 (payments in respect of voluntary organisations under...
- 127 (1) Section 258 (university clinical teaching and research) is amended...
- 128 In section 269 (special notices of births and deaths), in...
- 129 In section 270 (provision of information by Registrar General), in...
- 130 In section 271A (services to be treated as services of...
- 131 (1) Section 272 (orders, regulations, rules and directions) is amended...
- 132 In section 275 (interpretation), in subsection (1)—
- 133 In section 276 (index of defined expressions), in the appropriate...
- 134 (1) Schedule A1 (NHS England) is amended as follows.
- 135 (1) Schedule 1 (further provision about services) is amended as...
- 136 In Schedule 4 (NHS trusts: constitution etc), in paragraph 12,...
- 137 In Schedule 7 (constitution of public benefit corporations), in paragraph...
- 138 In Schedule 12A (pharmaceutical remuneration), in paragraph 2—
- 139 National Health Service (Wales) Act 2006
- 140 In section 7 (NHS contracts), in subsection (4), for paragraph...
- 141 In section 13 (exercise of Local Health Board functions), in...
- 142 In section 17 (plans for improving health etc), in subsection...
- 143 In section 26 (intervention orders), in subsection (1), for “,...
- 144 In section 28 (default powers), in subsection (1), for “,...
- 145 In section 34 (power of local authorities to make payments),...
- 146 In section 162 (transfer of functions and property to or...
- 147 In section 197 (university clinical teaching and research), in subsection...
- 148 In section 206 (interpretation), in subsection (1)—
- 149 NHS Redress Act 2006
- 150 Safeguarding Vulnerable Groups Act 2006
- 151 Corporate Manslaughter and Corporate Homicide Act 2007
- 152 Local Government and Public Involvement in Health Act 2007
- 153 Section 222 (Local Healthwatch organisations), in subsection (3), for paragraph...
- 154 In section 224 (duties of services-providers to respond to local...
- 155 In section 227 (Local Healthwatch organisations: annual reports), in subsection...
- 156 Statistics and Registration Service Act 2007
- 157 Education and Skills Act 2008
- 158 In section 16 (supply of information by public bodies), in...
- 159 In section 77 (supply of information by public bodies), in...
- 160 Health and Social Care Act 2008
- 161 In section 30 (urgent procedure for cancellation), in subsection (3)(a),...
- 162 In section 39 (bodies required to be notified of certain...
- 163 In section 48 (reviews and investigations), in subsection (2)(ba), for...
- 164 In section 54 (studies as to economy, efficiency etc), in...
- 165 In section 59 (additional functions), in subsection (3), for “clinical...
- 166 In section 64 (power to require documents and information), in...
- 167 In section 97 (general interpretation of Part 1), in subsection...
- 168 Autism Act 2009
- 169 Health Act 2009
- 170 (1) Section 2 (duty to have regard to NHS constitution)...
- 171 In section 8 (duty of providers to publish information), in...

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- 172 Corporation Tax Act 2010
- 173 Equality Act 2010
- 174 Charities Act 2011
- 175 Health and Social Care Act 2012
- 176 In section 95 (licensing: special conditions), in subsection (2)(d), for...
- 177 In section 99 (notification of commissioners where continuation of services...
- 178 In section 100 (modification of standard conditions), in subsection (2) (d),...
- 179 In section 102 (modification of conditions by order under other...
- 180 In section 104 (power to require documents and information), in...
- 181 In section 110 (notification of enforcement action), in subsection (1) (b),...
- 182 In section 141 (levy on providers: consultation), in subsection (3),...
- 183 In section 150 (interpretation, transitional provision and consequential amendments), omit...
- 184 In section 194 (establishment of Health and Wellbeing Boards), in...
- 185 In section 196 (other functions of Health and Wellbeing Boards),...
- 186 In section 241 (commissioning guidance), in subsection (1), for “section...
- 187 (1) Section 298 (advice or assistance to public authorities in...
- 188 In section 306 (commencement), omit subsection (7).
- 189 Omit Schedule 6 (transitional provision in connection with clinical commissioning...
- 190 Anti-social Behaviour, Crime and Policing Act 2014
- 191 In section 105 (ASB case reviews: interpretation), in subsection (2),...
- 192 In Schedule 4 (case reviews: supplementary provision), in paragraph 5(2)(a),...
- 193 Care Act 2014
- 194 In section 6 (co-operating generally), in subsection (8)(b), for “a...
- 195 (1) Section 22 (exception for provision of health services) is...
- 196 In section 52 (sections 48 to 51: supplementary), in subsection...
- 197 In Schedule 1 (cross-border placements), in paragraph 1(5)(a)(ii), (b)(ii) and...
- 198 (1) Paragraph 1 of Schedule 2 (Safeguarding Adults Boards) is...
- 199 Children and Families Act 2014
- 200 (1) Section 23 (duty of health bodies to bring certain...
- 201 (1) Section 26 (joint commissioning arrangements) is amended as follows....
- 202 In section 28 (co-operating generally: local authority functions), in subsections...
- 203 In section 31 (co-operating in specific cases: local authority functions),...
- 204 In section 53 (mediation: health care issues), in subsection (5),...
- 205 In section 56 (mediation: supplementary), in subsection (3), for paragraph...
- 206 In section 57 (resolution of disagreements), in subsection (7), for...
- 207 In section 77 (code of practice), in subsection (1), for...
- 208 Immigration Act 2014
- 209 Local Audit and Accountability Act 2014
- 210 In section 4 (general requirements for audit), for subsection (4)...
- 211 In section 8 (procedure for appointment), in subsection (4), for...
- 212 In section 10 (functions of auditor panel), in subsection (10),...

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- 213 In section 21 (general duties of auditors of accounts of...
- 214 (1) Section 44 (interpretation of Act) is amended as follows....
- 215 In Schedule 2 (relevant authorities), for paragraph 23 substitute— An integrated care board.
- 216 In Schedule 5 (eligibility and regulation of local auditors), in...
- 217 In Schedule 7 (reports and recommendations), in paragraph 4(8), for...
- 218 Social Services and Well-being (Wales) Act 2014 (anaw 4)
- 219 In section 47 (exception for provision of health services), in...
- 220 In section 77 (accommodation for children in police protection or...
- 221 In section 104 (young people entitled to support under sections...
- 222 In section 118 (information), in subsection (2)(c)—
- 223 In section 164A (duty of other persons to co-operate and...
- 224 In section 193 (recovery of costs between local authorities), in...
- 225 In section 197 (general interpretation and index of defined expressions),...
- 226 Housing (Wales) Act 2014 (anaw 7)
- 227 Counter-Terrorism and Security Act 2015
- 228 Cities and Local Government Devolution Act 2016
- 229 Data Protection Act 2018
- 230 Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)
- 231 In section 4 (additional learning needs code), in subsection (3)—...
- 232 In section 64 (duty of health bodies to notify parents...
- 233 In section 65 (duties to provide information and other help),...
- 234 In section 99 (general interpretation), in subsection (1)—
- 235 Network and Information Systems Regulations 2018 (S.I. 2018/506)
- 236 In regulation 1(2) (interpretation), in the definition of “OES”, after...
- 237 (1) Regulation 8 (identification of operators of essential services) is...
- 238 NHS Funding Act 2020
- 239 Domestic Abuse Act 2021
- 240 Police, Crime, Sentencing and Courts Act 2022
- 241 (1) Section 25 (relevant review partners) is amended as follows....
- 242 In section 36 (interpretation), in subsection (1)—
- 243 In Schedule 1 (specified authorities and local government areas), in...

#### SCHEDULE 5 — Abolition of Monitor and transfer of its functions

- 1 General
- 2 Public Bodies (Admission to Meetings) Act 1960
- 3 Parliamentary Commissioner Act 1967
- 4 Superannuation Act 1972
- 5 House of Commons Disqualification Act 1975
- 6 Northern Ireland Assembly Disqualification Act 1975
- 7 Employment Rights Act 1996
- 8 Freedom of Information Act 2000
- 9 National Health Service Act 2006
- 10 For section 2 substitute— General power (1) The Secretary of State may do anything which is...
- 11 In section 33 (applications by NHS trusts), in each of...
- 12 (1) Section 35 (authorisation of NHS foundation trusts) is amended...
- 13 In section 37 (amendments of constitution), in subsection (4)—
- 14 (1) Section 39 (register of NHS foundation trusts) is amended...
- 15 In section 39A (panel for advising governors), in subsections (1)...
- 16 In section 42A (criteria for making loans etc), in subsection...

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- 17 In section 50 (fees), for “the regulator”, in both places...
- 18 In section 56 (mergers), in subsection (1), for “the regulator”...
- 19 (1) Section 56A (acquisitions) is amended as follows.
- 20 In section 56AA (acquisitions under section 56A: supplementary), in subsection...
- 21 In section 56B (separations), in subsection (1), for “the regulator”...
- 22 In section 57 (sections 56 to 56B: supplementary), in subsections...
- 23 (1) Section 57A (dissolution) is amended as follows.
- 24 In section 64 (orders and regulations under Chapter), in subsection...
- 25 (1) Section 244 (review and scrutiny by local authorities) is...
- 26 In section 247C (Secretary of State’s duty to keep health...
- 27 In section 258 (university clinical teaching and research), after subsection...
- 28 In section 272 (orders, regulations, rules and directions), in subsection...
- 29 In section 275 (interpretation), in subsection (1), omit the definition...
- 30 In section 276 (index of defined expressions), omit the entry...
- 31 (1) Schedule 7 (constitution of public benefit corporations) is amended...
- 32 In Schedule 10 (audit of accounts of NHS foundation trusts)—...
- 33 National Health Service (Wales) Act 2006
- 34 Health and Social Care Act 2008
- 35 In section 20A (functions relating to processing of information by...
- 36 In section 30 (urgent procedure for cancellation), in subsection (3),...
- 37 In section 39 (bodies required to be notified of certain...
- 38 In section 45A (functions to be exercised by Healthwatch England),...
- 39 In section 59 (additional functions), in subsection (2), for “Monitor”...
- 40 (1) Section 70 (Co-operation between the Care Quality Commission and...
- 41 Health Act 2009
- 42 In section 2 (duty to have regard to NHS Constitution),...
- 43 In section 9 (supplementary provision about the duty), in subsection...
- 44 Equality Act 2010
- 45 Health and Social Care Act 2012
- 46 In Part 3, omit Chapter 1 (Monitor).
- 47 (1) Section 83 (exemption regulations) is amended as follows.
- 48 In section 84 (exemption regulations: supplementary), in subsection (5) (a), omit...
- 49 In section 85 (application for licence), in subsections (1) and...
- 50 In section 86 (licensing criteria), in each of subsections (1)...
- 51 In section 87 (grant or refusal of licence), in subsections...
- 52 In section 88 (application and grant: NHS foundation trusts), in...
- 53 In section 89 (revocation of licence), for “Monitor”, in both...
- 54 (1) Section 90 (right to make representations) is amended as...
- 55 In section 91 (notice of decisions), in subsections (1), (2)...
- 56 (1) Section 92 (appeals to the Tribunal) is amended as...
- 57 In section 93 (register of licence holders), in each of...
- 58 (1) Section 94 (standard conditions) is amended as follows.
- 59 (1) Section 95 (special conditions) is amended as follows.
- 60 (1) Section 96 (limits on Monitor’s functions to set or...
- 61 In section 97 (conditions: supplementary), in subsections (1)(a), (b), (e),...
- 62 (1) Section 98 (conditions relating to the continuation of the...



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- 63 (1) Section 99 (notification of commissioners where continuation of services...
- 64 (1) Section 100 (modification of standard conditions) is amended as...
- 65 In section 102 (modification of conditions by order under other...
- 66 (1) Section 104 (power to require documents and information) is...
- 67 In section 105 (discretionary requirements), in subsections (1), (2)(a), (b)...
- 68 In section 106 (enforcement undertakings), in subsections (1), (4) and...
- 69 (1) Section 108 (guidance as to use of enforcement powers)...
- 70 In section 109 (publication of enforcement action), in subsections (1)...
- 71 In section 110 (notification of enforcement action), in subsection (1) —...
- 72 In section 111 (imposition of licence conditions on NHS foundation...
- 73 (1) Section 113 (orders under section 112: criteria for deciding...
- 74 In section 128 (health special administration orders), in subsection (2),...
- 75 (1) Section 130 (health special administration regulations) is amended as...
- 76 In section 131 (transfer schemes), in subsection (2)(a), (b) and...
- 77 In section 132 (indemnities), for “Monitor” substitute “NHS England”.
- 78 In section 134 (duty to establish mechanisms for providing financial...
- 79 (1) Section 135 (power to establish fund) is amended as...
- 80 In section 136 (applications), in each of subsections (1) to...
- 81 In section 137 (grants and loans), in each of subsections...
- 82 (1) Section 138 (power to impose charges on commissioners) is...
- 83 (1) Section 139 (imposition of levy) is amended as follows....
- 84 In section 140 (power of Secretary of State to set...
- 85 (1) Section 141 (consultation) is amended as follows.
- 86 In section 143 (amount payable), in each of subsections (1),...
- 87 In section 144 (investment principles and reviews), in each of...
- 88 In section 145 (borrowing), in subsections (1) and (2), for...
- 89 In section 146 (shortfall or excess of available funds, etc),...
- 90 (1) Section 148 (service of documents) is amended as follows...
- 91 In section 149 (electronic communications), in each of subsections (2)...
- 92 (1) Section 150 is amended as follows.
- 93 In section 175 (objective of trust special administration), omit subsection...
- 94 (1) Section 254 (powers to direct Information Centre to establish...
- 95 In section 255 (powers to request Information Centre to establish...
- 96 (1) In section 288 (duty to co-operate with Care Quality...
- 97 (1) Section 290 (other duties to co-operate) is amended as...
- 98 In section 291 (breaches of duties to co-operate), in subsection...
- 99 (1) Section 304 (regulations, orders and directions) is amended as...
- 100 (1) Schedule 11 (further provision about Monitor’s enforcement powers) is...
- 101 Local Audit and Accountability Act 2014
- 102 Mental Health Units (Use of Force) Act 2018
- 103 Domestic Abuse Act 2021

SCHEDULE 6 — Intervention powers over the reconfiguration of NHS services

SCHEDULE 7 — NHS trusts in England and removal of power to appoint trustees: consequential amendments

- 1 Value Added Tax Act 1994

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022. (See end of Document for details)*

- 2 Finance Act 2003
- 3 National Health Service Act 2006
- 4 In section 215 (trustees and property under section 222), in...
- 5 In section 217 (supplementary provisions about trusts), in subsection (1),...
- 6 In Schedule 4 (NHS trusts), in paragraph 12, omit sub-paragraph...
- 7 National Health Service (Wales) Act 2006
- 8 Health and Social Care Act 2012
- 9 In section 112 (transitional provision relating to abolition of NHS...
- 10 Omit section 180 (repeal of provisions on authorisation for NHS...
- 11 In section 200 (care trusts), omit subsection (15).
- 12 In Schedule 13, in paragraph 10 (saving provision: general duty...
- 13 Omit Schedule 14 (abolition of NHS trusts in England: consequential...
- 14 Finance Act 2012
- 15 Local Audit and Accountability Act 2014
- 16 In section 3 (general requirements for accounts), for subsection (9)...
- 17 In section 4 (general requirements for audit), at the end...
- 18 In section 8 (procedure for appointment), in subsection (4), at...
- 19 In section 10 (functions of auditor panel), in subsection (10),...
- 20 In section 12 (failure to appoint local auditor), in subsections...
- 21 (1) Section 13 (failure of clinical commissioning group to appoint...
- 22 In section 21 (general duties of auditors of accounts of...
- 23 In section 30 (unlawful expenditure or activity of health service...
- 24 In section 43 (orders and regulations), in subsection (6), omit...
- 25 In section 44 (interpretation), in the definition of “accounts”, for...
- 26 Omit section 47 (application to NHS trusts and trustees).
- 27 In Schedule 2 (relevant authorities), after paragraph 23 insert— An NHS trust all or most of whose hospitals, establishments...
- 28 In Schedule 5 (eligibility and regulation of local auditors), in...
- 29 (1) Schedule 7 (reports and recommendations) is amended as follows....
- 30 Finance Act 2015
- 31 NHS (Charitable Trusts Etc) Act 2016

#### SCHEDULE 8 — Trust special administrators: NHS trusts and NHS foundation trusts

##### PART 1 — AMENDMENTS ABOUT TRUST SPECIAL ADMINISTRATORS

- 1 The National Health Service Act 2006 is amended as follows....
- 2 For section 65B substitute— NHS trusts: appointment of trust special...
- 3 (1) Section 65D (NHS foundation trusts: appointment of trust special...
- 4 (1) Section 65DA (objective of trust special administration) is amended...
- 5 (1) Section 65F (draft report) is amended as follows.
- 6 (1) Section 65G (consultation plan) is amended as follows.
- 7 (1) Section 65H (consultation requirements) is amended as follows.
- 8 (1) Section 65I (final report) is amended as follows.
- 9 (1) Section 65J (power to extend time) is amended as...
- 10 In the italic heading before section 65K for “the regulator”...
- 11 For section 65K substitute— Decision of NHS England or Secretary...
- 12 (1) Section 65KA (regulator’s decision in case of NHS foundation...
- 13 (1) Section 65KB (Secretary of State’s response to regulator’s decision)...
- 14 In section 65KC (action following Secretary of State’s rejection of...
- 15 (1) In section 65KD (Secretary of State’s response to resubmitted...

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022. (See end of Document for details)*

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- 16 (1) Section 65L (trusts coming out of administration) is amended...
  - 17 In section 65LA (trusts to be dissolved), in subsection (3),...
  - 18 (1) Section 65M (replacement of trust special administrator) is amended...
  - 19 (1) Section 65N (guidance) is amended as follows.
  - 20 In section 65O (interpretation of Chapter), in subsection (1), in...
  - 21 In section 272 (orders, regulations, rules and directions), in subsection...
- PART 2 — CONSEQUENTIAL AMENDMENTS
- 22 National Health Service Act 2006
  - 23 In section 13Q (public involvement and consultation by NHS England),...
  - 24 In section 242 (public involvement and consultation by NHS trusts),...
  - 25 Health and Social Care Act 2008

SCHEDULE 9 — References to functions: treatment of delegation arrangements etc

- 1 Local Government Act 1974
- 2 Children Act 1989
- 3 National Health Service and Community Care Act 1990
- 4 Adoption and Children Act 2002
- 5 Health and Social Care (Community Health and Standards) Act 2003
- 6 National Health Service Act 2006
- 7 In section 13Z4 (interpretation of Chapter A1 of Part 2),...
- 8 In section 73A (appointment of directors of public health), in...
- 9 In section 73B (exercise of public health functions of local...
- 10 In section 73C (complaints about exercise of public health functions...
- 11 In section 223K (payments in respect of quality), in subsection...
- 12 In section 244 (review and scrutiny by local authorities), in...
- 13 In section 252A (role of NHS England and clinical commissioning...
- 14 In section 253 (emergency powers), in subsection (1A), in paragraph...
- 15 Local Government and Public Involvement in Health Act 2007
- 16 Health and Social Care Act 2008
- 17 Health and Social Care Act 2012
- 18 In section 197 (participation of NHS England in Health and...
- 19 In section 199 (supply of information to Health and Wellbeing...
- 20 In section 234 (quality standards), in subsection (11), for the...
- 21 In section 237 (advice, guidance, information and recommendations), in subsection...
- 22 In section 250 (powers to publish information standards), in subsection...
- 23 In section 263 (code of practice on confidential information), after...
- 24 In section 274 (powers of Secretary of State or Board...
- 25 In section 290 (duties to co-operate), in subsection (2), at...

SCHEDULE 10 — The NHS payment scheme

- 1 The Health and Social Care Act 2012 is amended as...
- 2 In section 97 (conditions of licences for health care service...
- 3 In Part 3, for Chapter 4 substitute— CHAPTER 4 The...
- 4 In section 304 (regulations, orders and directions), in subsection (5),...

SCHEDULE 11 — Patient choice: undertakings by integrated care boards

SCHEDULE 12 — Removal of functions relating to competition etc

- 1 Company Directors Disqualification Act 1986

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022. (See end of Document for details)*

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- 2 Competition Act 1998
- 3 Enterprise Act 2002
- 4 Health and Social Care Act 2012
- 5 In section 74 (competition functions: supplementary), omit subsections (1) to...
- 6 In section 288 (Monitor: duty to cooperate with Care Quality...
- 7 Enterprise and Regulatory Reform Act 2013
- 8 In Schedule 4 (the Competition and Markets Authority), in paragraph...
- 9 In Schedule 14 (regulators: use of powers under the Competition...
- 10 Care Act 2014

#### SCHEDULE 13 — The Health Services Safety Investigations Body

##### PART 1 — CONSTITUTION

- 1 Status
  - 2 Membership
  - 3 The Chief Investigator: appointment and status
  - 4 Other executive members: appointment and status
  - 5 Non-executive members: tenure
  - 6 Non-executive members: suspension from office
  - 7 (1) Where a person is suspended from office as the...
  - 8 Non-executive members: payment
  - 9 Staff
  - 10 Procedure
  - 11 Committees
  - 12 Exercise of functions
  - 13 Assistance in exercise of functions
  - 14 Funding
  - 15 Supplementary powers
  - 16 Use of income from charges
  - 17 Losses and liabilities etc
  - 18 Accounts
  - 19 (1) The HSSIB must prepare annual accounts in respect of...
  - 20 Reports and other information
  - 21 Seal and signature
- ##### PART 2 — TRANSFER SCHEMES
- 22 (1) The Secretary of State may, in connection with the...
  - 23 (1) The Treasury may by regulations make provision varying the...

#### SCHEDULE 14 — Prohibition on disclosure of HSSIB material: exceptions

- 1 Disclosures for purposes of investigations
- 2 The HSSIB, or an individual connected with the HSSIB, may...
- 3 Disclosures relating to prosecution or investigation of offences
- 4 Disclosures relating to safety risks
- 5 Disclosure by order of the High Court
- 6 Exercise of Chief Investigator's functions
- 7 Guidance

#### SCHEDULE 15 — Consequential amendments relating to Part 4

- 1 Public Records Act 1958 (c. 51)
- 2 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 3 Parliamentary Commissioner Act 1967 (c. 13)
- 4 House of Commons Disqualification Act 1975 (c. 24)
- 5 Copyright, Designs and Patents Act 1988 (c. 48)

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- 6 Employment Rights Act 1996 (c. 18)
- 7 Freedom of Information Act 2000 (c. 36)
- 8 National Health Service Act 2006 (c. 41)
- 9 Health Act 2009 (c. 21)
- 10 Equality Act 2010 (c. 15)

SCHEDULE 16 — VirginitY testing and hymenoplasty: consequential amendments

- 1 Police and Criminal Evidence Act 1984
- 2 Police and Criminal Evidence (Northern Ireland) Order 1989
- 3 Criminal Justice and Public Order Act 1994
- 4 Criminal Procedure (Scotland) Act 1995
- 5 In section 19A (samples etc. from persons convicted of sexual...
- 6 In section 271BZA (child witnesses in certain solemn cases: special...
- 7 Crime and Disorder Act 1998
- 8 Protection of Vulnerable Groups (Scotland) Act 2007 (asp 2007)
- 9 Modern Slavery Act 2015

SCHEDULE 17 — Storage of gametes and embryos

PART 1 — AMENDMENTS TO HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

- 1 Introductory
  - 2 Maximum storage periods
  - 3 In section 47 (index), omit the entry for the “Statutory...
  - 4 In Schedule 3 (consents), in paragraph 2(2)(a), for “statutory storage...
  - 5 Disposal of material
  - 6 In section 17 (the person responsible), in subsection (1)(c), for...
  - 7 Consent to storage
- PART 2 — TRANSITIONAL PROVISION
- 8 Interpretation
  - 9 Application of Part 1 to material already in storage
  - 10 The amendments made by paragraph 7 of this Schedule have...
  - 11 Date of first storage
  - 12 Storage periods specified in pre-commencement storage licences
  - 13 Storage after expiry of pre-commencement consent
  - 14 Storage with no effective consent prior to commencement
  - 15 Time for first renewal of consent
  - 16 (1) This paragraph applies in relation to the storage of...
  - 17 Renewals falling due in the transitional period
  - 18 (1) This paragraph applies in relation to the storage of...

SCHEDULE 18 — Advertising of less healthy food and drink

PART 1 — PROGRAMME SERVICES: WATERSHED

- 1 Television programme services
- 2 On-demand programme services

PART 2 — ONLINE SERVICES: PROHIBITION

- 3 In the Communications Act 2003, after Part 4B insert— PART...

PART 3 — CONSEQUENTIAL AMENDMENTS

- 4 The Communications Act 2003 is amended as follows.
- 5 In section 368C (on-demand programme services: duties of the appropriate...
- 6 In section 402(2) (instruments subject to negative procedure) —

SCHEDULE 19 — Licensing of cosmetic procedures

**Changes to legislation:** There are currently no known outstanding effects  
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- 1 Introduction
- 2 Grant of licence
- 3 The regulations may make provision requiring a local authority not...
- 4 Licence conditions
- 5 Duration of licence etc
- 6 Reviews and appeals
- 7 Offences
- 8 Financial penalties
- 9 Enforcement
- 10 Fees
- 11 Guidance
- 12 Interpretation

**Changes to legislation:**

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