

*Changes to legislation:* There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)

## SCHEDULES

### SCHEDULE 5

Section 33

#### ABOLITION OF MONITOR AND TRANSFER OF ITS FUNCTIONS

##### *General*

- 1 Any reference to Monitor in an instrument or other document made before the day on which section 33(2) comes into force is to be read, in relation to any time after that provision comes into force, as a reference to NHS England.

##### **Commencement Information**

- I1** Sch. 5 para. 1 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I2** [Sch. 5 para. 1](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

##### *Public Bodies (Admission to Meetings) Act 1960*

- 2 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which Act applies), in paragraph 1, omit sub-paragraph (bk).

##### **Commencement Information**

- I3** Sch. 5 para. 2 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I4** [Sch. 5 para. 2](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

##### *Parliamentary Commissioner Act 1967*

- 3 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), omit the entry for Monitor.

##### **Commencement Information**

- I5** Sch. 5 para. 3 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I6** [Sch. 5 para. 3](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 7, 13, 29, 30](#))

##### *Superannuation Act 1972*

- 4 In Schedule 1 to the Superannuation Act 1972 (kinds of employment etc referred to in section 1), omit the entry for Monitor.

##### **Commencement Information**

- I7** Sch. 5 para. 4 not in force at Royal Assent, see [s. 186\(6\)](#)

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**18** [Sch. 5 para. 4](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

*House of Commons Disqualification Act 1975*

5 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), omit the entry for the chair or other member of Monitor.

**Commencement Information**

**I9** [Sch. 5 para. 5](#) not in force at Royal Assent, see [s. 186\(6\)](#)

**I10** [Sch. 5 para. 5](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

*Northern Ireland Assembly Disqualification Act 1975*

6 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices)—

(a) at the appropriate place insert—  
 “Chair or non-executive member of NHS England.”;

(b) omit the entry for the chair or other member of Monitor.

**Commencement Information**

**I11** [Sch. 5 para. 6](#) not in force at Royal Assent, see [s. 186\(6\)](#)

**I12** [Sch. 5 para. 6](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

*Employment Rights Act 1996*

7 In section 49B of the Employment Rights Act 1996 (the health service: regulations prohibiting discrimination because of protected disclosure), in subsection (7), omit paragraph (k).

**Commencement Information**

**I13** [Sch. 5 para. 7](#) not in force at Royal Assent, see [s. 186\(6\)](#)

**I14** [Sch. 5 para. 7](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

*Freedom of Information Act 2000*

8 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), omit the entry for Monitor.

**Commencement Information**

**I15** [Sch. 5 para. 8](#) not in force at Royal Assent, see [s. 186\(6\)](#)

**I16** [Sch. 5 para. 8](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

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## National Health Service Act 2006

9 The National Health Service Act 2006 is amended as follows.

### Commencement Information

- I17** Sch. 5 para. 9 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I18** [Sch. 5 para. 9](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

10 For section 2 substitute—

### “2 General power

- (1) The Secretary of State may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any function conferred on the Secretary of State by this Act.
- (2) NHS England or an integrated care board may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.”

### Commencement Information

- I19** Sch. 5 para. 10 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I20** [Sch. 5 para. 10](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

11 In section 33 (applications by NHS trusts), in each of subsections (1) to (3), for “the regulator” substitute “NHS England”.

### Commencement Information

- I21** Sch. 5 para. 11 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I22** [Sch. 5 para. 11](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

12 (1) Section 35 (authorisation of NHS foundation trusts) is amended as follows.

- (2) In subsection (1)—
- (a) for “The regulator” substitute “NHS England”;
- (b) for “the regulator” substitute “NHS England”.
- (3) In subsections (2)(f) and (3), for “the regulator” substitute “NHS England”.
- (4) In subsection (3A) and (5), for “The regulator” substitute “NHS England”.
- (5) In subsection (6), for “the regulator” substitute “NHS England”.

### Commencement Information

- I23** Sch. 5 para. 12 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I24** [Sch. 5 para. 12](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

13 In section 37 (amendments of constitution), in subsection (4)—

(a) for “the regulator” substitute “NHS England”;

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(b) for “the regulator’s” substitute “NHS England’s”.

**Commencement Information**

**I25** Sch. 5 para. 13 not in force at Royal Assent, see [s. 186\(6\)](#)

**I26** [Sch. 5 para. 13](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 14 (1) Section 39 (register of NHS foundation trusts) is amended as follows.
- (2) In subsection (1), for “The regulator” substitute “NHS England”.
- (3) In subsection (3), for “the regulator” substitute “NHS England”.

**Commencement Information**

**I27** Sch. 5 para. 14 not in force at Royal Assent, see [s. 186\(6\)](#)

**I28** [Sch. 5 para. 14](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 15 In section 39A (panel for advising governors), in subsections (1) and (9), for “The regulator” substitute “NHS England”.

**Commencement Information**

**I29** Sch. 5 para. 15 not in force at Royal Assent, see [s. 186\(6\)](#)

**I30** [Sch. 5 para. 15](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 16 In section 42A (criteria for making loans etc), in subsection (7)(b), for “the regulator” substitute “NHS England”.

**Commencement Information**

**I31** Sch. 5 para. 16 not in force at Royal Assent, see [s. 186\(6\)](#)

**I32** [Sch. 5 para. 16](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 17 In section 50 (fees), for “the regulator”, in both places it occurs, substitute “NHS England”.

**Commencement Information**

**I33** Sch. 5 para. 17 not in force at Royal Assent, see [s. 186\(6\)](#)

**I34** [Sch. 5 para. 17](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 18 In section 56 (mergers), in subsection (1), for “the regulator” substitute “NHS England”.

**Commencement Information**

**I35** Sch. 5 para. 18 not in force at Royal Assent, see [s. 186\(6\)](#)

**I36** [Sch. 5 para. 18](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 19 (1) Section 56A (acquisitions) is amended as follows.

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(2) In subsection (1), for “the regulator” substitute “NHS England”.

(3) In subsection (4A), for “the regulator” substitute “NHS England”.

**Commencement Information**

**I37** Sch. 5 para. 19 not in force at Royal Assent, see [s. 186\(6\)](#)

**I38** Sch. 5 para. 19 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

20 In section 56AA (acquisitions under section 56A: supplementary), in subsection (1) (a), for “the regulator” substitute “NHS England”.

**Commencement Information**

**I39** Sch. 5 para. 20 not in force at Royal Assent, see [s. 186\(6\)](#)

**I40** Sch. 5 para. 20 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

21 In section 56B (separations), in subsection (1), for “the regulator” substitute “NHS England”.

**Commencement Information**

**I41** Sch. 5 para. 21 not in force at Royal Assent, see [s. 186\(6\)](#)

**I42** Sch. 5 para. 21 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

22 In section 57 (sections 56 to 56B: supplementary), in subsections (1) and (2), for “the regulator”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I43** Sch. 5 para. 22 not in force at Royal Assent, see [s. 186\(6\)](#)

**I44** Sch. 5 para. 22 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

23 (1) Section 57A (dissolution) is amended as follows.

(2) In subsection (1), for “the regulator” substitute “NHS England”.

(3) In subsection (3), for “The regulator” substitute “NHS England”.

(4) In subsection (4), for “the regulator” substitute “NHS England”.

**Commencement Information**

**I45** Sch. 5 para. 23 not in force at Royal Assent, see [s. 186\(6\)](#)

**I46** Sch. 5 para. 23 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

24 In section 64 (orders and regulations under Chapter), in subsection (4A), for “the regulator”, in both places it occurs, substitute “NHS England”.

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- I47** Sch. 5 para. 24 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I48** [Sch. 5 para. 24](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 25 (1) Section 244 (review and scrutiny by local authorities) is amended as follows.
- (2) In subsection (2)(b), for “the Secretary of State or the regulator” substitute “or the Secretary of State”.
- (3) In subsections (2ZA)(a) and (2ZC), omit “, the regulator”.

**Commencement Information**

- I49** Sch. 5 para. 25 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I50** [Sch. 5 para. 25](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 26 In section 247C (Secretary of State’s duty to keep health service functions under review), in subsection (2), omit paragraph (b).

**Commencement Information**

- I51** Sch. 5 para. 26 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I52** [Sch. 5 para. 26](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 27 In section 258 (university clinical teaching and research), after subsection (2) insert—
- “(3) A reference in this section to the functions of NHS England does not include its regulatory functions.”

**Commencement Information**

- I53** Sch. 5 para. 27 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I54** [Sch. 5 para. 27](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 28 In section 272 (orders, regulations, rules and directions), in subsection (6ZA), for “the regulator”, in both places it occurs, substitute “NHS England”.

**Commencement Information**

- I55** Sch. 5 para. 28 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I56** [Sch. 5 para. 28](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 29 In section 275 (interpretation), in subsection (1), omit the definition of “the regulator”.

**Commencement Information**

- I57** Sch. 5 para. 29 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I58** [Sch. 5 para. 29](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

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30 In section 276 (index of defined expressions), omit the entry for “the regulator”.

**Commencement Information**

- I59** Sch. 5 para. 30 not in force at Royal Assent, see **s. 186(6)**  
**I60** Sch. 5 para. 30 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

31 (1) Schedule 7 (constitution of public benefit corporations) is amended as follows.

(2) In paragraph 24—

- (a) in sub-paragraph (1A), for “The regulator” substitute “NHS England”;  
(b) in sub-paragraph (4C), for “the regulator” substitute “NHS England”.

(3) In paragraph 25—

- (a) in sub-paragraph (1), for “the regulator” substitute “NHS England”;  
(b) in sub-paragraph (1A), for “The regulator” substitute “NHS England”;  
(c) in sub-paragraphs (2), (3), (4) and (4A), for “the regulator”, in each place it occurs, substitute “NHS England”.

(4) In paragraph 26(1), (2), (2A), and (3), for “the regulator”, in each place it occurs, substitute “NHS England”.

(5) In paragraph 27(1), for “the regulator” substitute “NHS England”.

**Commencement Information**

- I61** Sch. 5 para. 31 not in force at Royal Assent, see **s. 186(6)**  
**I62** Sch. 5 para. 31 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

32 In Schedule 10 (audit of accounts of NHS foundation trusts)—

- (a) in paragraphs 5, 6 and 8(1)(c), for “the regulator” substitute “NHS England”;  
(b) in the italic heading before paragraph 6, for “regulator” substitute “NHS England”.

**Commencement Information**

- I63** Sch. 5 para. 32 not in force at Royal Assent, see **s. 186(6)**  
**I64** Sch. 5 para. 32 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

**Commencement Information**

- I17** Sch. 5 para. 9 not in force at Royal Assent, see **s. 186(6)**  
**I18** Sch. 5 para. 9 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)  
**I19** Sch. 5 para. 10 not in force at Royal Assent, see **s. 186(6)**  
**I20** Sch. 5 para. 10 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)  
**I21** Sch. 5 para. 11 not in force at Royal Assent, see **s. 186(6)**  
**I22** Sch. 5 para. 11 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)  
**I23** Sch. 5 para. 12 not in force at Royal Assent, see **s. 186(6)**  
**I24** Sch. 5 para. 12 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)  
**I25** Sch. 5 para. 13 not in force at Royal Assent, see **s. 186(6)**

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- I26** Sch. 5 para. 13 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I27** Sch. 5 para. 14 not in force at Royal Assent, see **s. 186(6)**
- I28** Sch. 5 para. 14 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I29** Sch. 5 para. 15 not in force at Royal Assent, see **s. 186(6)**
- I30** Sch. 5 para. 15 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I31** Sch. 5 para. 16 not in force at Royal Assent, see **s. 186(6)**
- I32** Sch. 5 para. 16 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I33** Sch. 5 para. 17 not in force at Royal Assent, see **s. 186(6)**
- I34** Sch. 5 para. 17 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I35** Sch. 5 para. 18 not in force at Royal Assent, see **s. 186(6)**
- I36** Sch. 5 para. 18 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I37** Sch. 5 para. 19 not in force at Royal Assent, see **s. 186(6)**
- I38** Sch. 5 para. 19 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I39** Sch. 5 para. 20 not in force at Royal Assent, see **s. 186(6)**
- I40** Sch. 5 para. 20 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I41** Sch. 5 para. 21 not in force at Royal Assent, see **s. 186(6)**
- I42** Sch. 5 para. 21 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I43** Sch. 5 para. 22 not in force at Royal Assent, see **s. 186(6)**
- I44** Sch. 5 para. 22 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I45** Sch. 5 para. 23 not in force at Royal Assent, see **s. 186(6)**
- I46** Sch. 5 para. 23 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I47** Sch. 5 para. 24 not in force at Royal Assent, see **s. 186(6)**
- I48** Sch. 5 para. 24 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I49** Sch. 5 para. 25 not in force at Royal Assent, see **s. 186(6)**
- I50** Sch. 5 para. 25 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I51** Sch. 5 para. 26 not in force at Royal Assent, see **s. 186(6)**
- I52** Sch. 5 para. 26 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I53** Sch. 5 para. 27 not in force at Royal Assent, see **s. 186(6)**
- I54** Sch. 5 para. 27 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I55** Sch. 5 para. 28 not in force at Royal Assent, see **s. 186(6)**
- I56** Sch. 5 para. 28 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I57** Sch. 5 para. 29 not in force at Royal Assent, see **s. 186(6)**
- I58** Sch. 5 para. 29 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I59** Sch. 5 para. 30 not in force at Royal Assent, see **s. 186(6)**
- I60** Sch. 5 para. 30 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I61** Sch. 5 para. 31 not in force at Royal Assent, see **s. 186(6)**
- I62** Sch. 5 para. 31 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I63** Sch. 5 para. 32 not in force at Royal Assent, see **s. 186(6)**
- I64** Sch. 5 para. 32 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

### *National Health Service (Wales) Act 2006*

- 33 In section 184 of the National Health Service (Wales) Act 2006 (functions of overview and scrutiny committees), in subsection (2)(b), for “, the Welsh Ministers or Monitor” substitute “or the Welsh Ministers”.

#### **Commencement Information**

- I65** Sch. 5 para. 33 not in force at Royal Assent, see **s. 186(6)**
- I66** Sch. 5 para. 33 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)



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### Health and Social Care Act 2008

34 The Health and Social Care Act 2008 is amended as follows.

#### Commencement Information

**I67** Sch. 5 para. 34 not in force at Royal Assent, see **s. 186(6)**

**I68** Sch. 5 para. 34 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

35 In section 20A (functions relating to processing of information by registered persons), in subsection (1)(b), omit “and Monitor”.

#### Commencement Information

**I69** Sch. 5 para. 35 not in force at Royal Assent, see **s. 186(6)**

**I70** Sch. 5 para. 35 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

36 In section 30 (urgent procedure for cancellation), in subsection (3), omit paragraph (c).

#### Commencement Information

**I71** Sch. 5 para. 36 not in force at Royal Assent, see **s. 186(6)**

**I72** Sch. 5 para. 36 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

37 In section 39 (bodies required to be notified of certain matters), in subsection (1), omit paragraph (c).

#### Commencement Information

**I73** Sch. 5 para. 37 not in force at Royal Assent, see **s. 186(6)**

**I74** Sch. 5 para. 37 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

38 In section 45A (functions to be exercised by Healthwatch England), in subsection (6), omit paragraph (c).

#### Commencement Information

**I75** Sch. 5 para. 38 not in force at Royal Assent, see **s. 186(6)**

**I76** Sch. 5 para. 38 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

39 In section 59 (additional functions), in subsection (2), for “Monitor” substitute “NHS England”.

#### Commencement Information

**I77** Sch. 5 para. 39 not in force at Royal Assent, see **s. 186(6)**

**I78** Sch. 5 para. 39 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

40 (1) Section 70 (Co-operation between the Care Quality Commission and Monitor) is amended as follows.

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- (2) In the heading, for “the Monitor” substitute “NHS England”.
- (3) In subsection (1), for “Monitor” substitute “NHS England”.
- (4) In subsection (2)—
- (a) in paragraph (a)—
    - (i) for “Monitor”, in each place it occurs, substitute “NHS England”;
    - (ii) for “its functions” substitute “—
      - (i) its regulatory functions, within the meaning given by section 13SB(2) of the National Health Service Act 2006, or
      - (ii) its functions under section 27A of the National Health Service Act 2006 (NHS trusts: oversight and support)”;
  - (b) in paragraph (b), for “Monitor” substitute “NHS England”.
- (5) In subsection (3) for “Monitor” substitute “NHS England”.

#### Commencement Information

- I79** Sch. 5 para. 40 not in force at Royal Assent, see **s. 186(6)**
- I80** Sch. 5 para. 40 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

#### Commencement Information

- I67** Sch. 5 para. 34 not in force at Royal Assent, see **s. 186(6)**
- I68** Sch. 5 para. 34 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I69** Sch. 5 para. 35 not in force at Royal Assent, see **s. 186(6)**
- I70** Sch. 5 para. 35 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I71** Sch. 5 para. 36 not in force at Royal Assent, see **s. 186(6)**
- I72** Sch. 5 para. 36 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I73** Sch. 5 para. 37 not in force at Royal Assent, see **s. 186(6)**
- I74** Sch. 5 para. 37 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I75** Sch. 5 para. 38 not in force at Royal Assent, see **s. 186(6)**
- I76** Sch. 5 para. 38 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I77** Sch. 5 para. 39 not in force at Royal Assent, see **s. 186(6)**
- I78** Sch. 5 para. 39 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I79** Sch. 5 para. 40 not in force at Royal Assent, see **s. 186(6)**
- I80** Sch. 5 para. 40 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

#### *Health Act 2009*

41 The Health Act 2009 is amended as follows.

#### Commencement Information

- I81** Sch. 5 para. 41 not in force at Royal Assent, see **s. 186(6)**
- I82** Sch. 5 para. 41 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)*

- 42 In section 2 (duty to have regard to NHS Constitution), in subsection (2), omit paragraph (f).

**Commencement Information**

- I83** Sch. 5 para. 42 not in force at Royal Assent, see **s. 186(6)**  
**I84** Sch. 5 para. 42 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 43 In section 9 (supplementary provision about the duty), in subsection (3), for “Monitor” substitute “NHS England”.

**Commencement Information**

- I85** Sch. 5 para. 43 not in force at Royal Assent, see **s. 186(6)**  
**I86** Sch. 5 para. 43 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

**Commencement Information**

- I81** Sch. 5 para. 41 not in force at Royal Assent, see **s. 186(6)**  
**I82** Sch. 5 para. 41 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)  
**I83** Sch. 5 para. 42 not in force at Royal Assent, see **s. 186(6)**  
**I84** Sch. 5 para. 42 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)  
**I85** Sch. 5 para. 43 not in force at Royal Assent, see **s. 186(6)**  
**I86** Sch. 5 para. 43 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

*Equality Act 2010*

- 44 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general), in the group of entries that includes entries for bodies whose functions relate to health, social care and social security, omit the entry for Monitor.

**Commencement Information**

- I87** Sch. 5 para. 44 not in force at Royal Assent, see **s. 186(6)**  
**I88** Sch. 5 para. 44 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

*Health and Social Care Act 2012*

- 45 The Health and Social Care Act 2012 is amended as follows.

**Commencement Information**

- I89** Sch. 5 para. 45 not in force at Royal Assent, see **s. 186(6)**  
**I90** Sch. 5 para. 45 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 46 In Part 3, omit Chapter 1 (Monitor).

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

- I91** Sch. 5 para. 46 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I92** [Sch. 5 para. 46](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 47 (1) Section 83 (exemption regulations) is amended as follows.  
 (2) In subsection (3)(a), (b) and (c), for “Monitor” substitute “NHS England”.  
 (3) In subsection (4), omit paragraph (a).

**Commencement Information**

- I93** Sch. 5 para. 47 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I94** [Sch. 5 para. 47](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 48 In section 84 (exemption regulations: supplementary), in subsection (5)(a), omit subparagraph (i).

**Commencement Information**

- I95** Sch. 5 para. 48 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I96** [Sch. 5 para. 48](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 49 In section 85 (application for licence), in subsections (1) and (2), for “Monitor” substitute “NHS England”.

**Commencement Information**

- I97** Sch. 5 para. 49 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I98** [Sch. 5 para. 49](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 50 In section 86 (licensing criteria), in each of subsections (1) to (3), for “Monitor” substitute “NHS England”.

**Commencement Information**

- I99** Sch. 5 para. 50 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I100** [Sch. 5 para. 50](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 6, 13, 29, 30)

- 51 In section 87 (grant or refusal of licence), in subsections (2) and (3), for “Monitor” substitute “NHS England”.

**Commencement Information**

- I101** Sch. 5 para. 51 not in force at Royal Assent, see [s. 186\(6\)](#)  
**I102** [Sch. 5 para. 51](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 52 In section 88 (application and grant: NHS foundation trusts), in subsection (2), for “Monitor” substitute “NHS England”.

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I103** Sch. 5 para. 52 not in force at Royal Assent, see [s. 186\(6\)](#)

**I104** [Sch. 5 para. 52](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 53 In section 89 (revocation of licence), for “Monitor”, in both places it occurs, substitute “NHS England”.

**Commencement Information**

**I105** Sch. 5 para. 53 not in force at Royal Assent, see [s. 186\(6\)](#)

**I106** [Sch. 5 para. 53](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 54 (1) Section 90 (right to make representations) is amended as follows.
- (2) In subsection (1), for “Monitor” substitute “NHS England”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “Monitor’s” substitute “NHS England’s”;
  - (b) in paragraph (b), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I107** Sch. 5 para. 54 not in force at Royal Assent, see [s. 186\(6\)](#)

**I108** [Sch. 5 para. 54](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 55 In section 91 (notice of decisions), in subsections (1), (2) and (4), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I109** Sch. 5 para. 55 not in force at Royal Assent, see [s. 186\(6\)](#)

**I110** [Sch. 5 para. 55](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 56 (1) Section 92 (appeals to the Tribunal) is amended as follows.
- (2) In subsection (1), for “Monitor” substitute “NHS England”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “Monitor’s” substitute “NHS England’s”;
  - (b) in paragraph (c), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I111** Sch. 5 para. 56 not in force at Royal Assent, see [s. 186\(6\)](#)

**I112** [Sch. 5 para. 56](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 57 In section 93 (register of licence holders), in each of subsections (1) to (4) and (6), for “Monitor”, in each place it occurs, substitute “NHS England”.

*Changes to legislation: There are currently no known outstanding effects for the  
 Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I113** Sch. 5 para. 57 not in force at Royal Assent, see [s. 186\(6\)](#)

**I114** Sch. 5 para. 57 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 58 (1) Section 94 (standard conditions) is amended as follows.
- (2) In subsections (1) and (4), for “Monitor”, in each place it occurs, substitute “NHS England”.
- (3) Omit subsections (7) to (11).

**Commencement Information**

**I115** Sch. 5 para. 58 not in force at Royal Assent, see [s. 186\(6\)](#)

**I116** Sch. 5 para. 58 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 59 (1) Section 95 (special conditions) is amended as follows.
- (2) In subsection (1), for “Monitor” substitute “NHS England”.
- (3) In subsection (2)—
- (a) for “Monitor” substitute “NHS England”;
  - (b) omit paragraph (c).
- (4) In subsection (3), for “Monitor” substitute “NHS England”.
- (5) In subsection (4)—
- (a) in paragraph (a), for “Monitor” substitute “NHS England”;
  - (b) in paragraph (b), for “Monitor’s” substitute “NHS England’s”;
  - (c) in paragraph (c), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I117** Sch. 5 para. 59 not in force at Royal Assent, see [s. 186\(6\)](#)

**I118** Sch. 5 para. 59 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 60 (1) Section 96 (limits on Monitor’s functions to set or modify licence conditions) is amended as follows.
- (2) In the heading for “Monitor’s” substitute “NHS England’s”.
- (3) In subsection (1), for “Monitor” substitute “NHS England”.
- (4) In subsection (2)—
- (a) in the words before paragraph (a), for “Monitor” substitute “NHS England”;
  - (b) in paragraph (e), for “Monitor” substitute “NHS England”;
  - (c) in paragraph (f), for “Monitor” substitute “NHS England”;
  - (d) in paragraph (i), for “Monitor’s” substitute “NHS England’s”;
  - (e) for paragraph (k) substitute—
    - “(k) for such other purposes as may be prescribed.”
- (5) In subsection (4), for “Monitor” substitute “NHS England”.

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I119** Sch. 5 para. 60 not in force at Royal Assent, see **s. 186(6)**

**I120** Sch. 5 para. 60 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 61 In section 97 (conditions: supplementary), in subsections (1)(a), (b), (e), (f), (h), (i) (ii) and (iii) and (3), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I121** Sch. 5 para. 61 not in force at Royal Assent, see **s. 186(6)**

**I122** Sch. 5 para. 61 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 62 (1) Section 98 (conditions relating to the continuation of the provision of services etc) is amended as follows.
- (2) In subsection (1)(a), (b) and (c), for “Monitor” substitute “NHS England”.
- (3) In subsection (3), for “Monitor” substitute “NHS England”.
- (4) In subsection (4) for “Monitor” substitute “NHS England”.
- (5) After subsection (5) insert—
- “(5A) In subsections (4)(a) and (5) “commissioner” does not include NHS England.”
- (6) In subsection (6), for “Monitor” substitute “NHS England”.
- (7) In subsection (7)—
- (a) for “Monitor” substitute “NHS England”;
- (b) omit paragraph (b) and the “and” before it.

**Commencement Information**

**I123** Sch. 5 para. 62 not in force at Royal Assent, see **s. 186(6)**

**I124** Sch. 5 para. 62 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 63 (1) Section 99 (notification of commissioners where continuation of services at risk) is amended as follows.
- (2) In subsection (1), for “Monitor” substitute “NHS England”.
- (3) For subsection (3) substitute—
- “(3) NHS England must as soon as reasonably practicable notify such integrated care boards as NHS England considers appropriate—
- (a) of the action it has taken, and
- (b) of its reasons for being satisfied as mentioned in subsection (1)(b).”
- (4) In subsection (4)—
- (a) for “Monitor” substitute “NHS England”;
- (b) for “Monitor’s” substitute “NHS England’s”.

*Changes to legislation: There are currently no known outstanding effects for the  
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(5) In subsection (5), omit “The Board and”.

**Commencement Information**

**I125** Sch. 5 para. 63 not in force at Royal Assent, see [s. 186\(6\)](#)

**I126** Sch. 5 para. 63 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 64 (1) Section 100 (modification of standard conditions) is amended as follows.
- (2) In subsection (1), for “Monitor” substitute “NHS England”.
- (3) In subsection (2)—
- (a) for “Monitor” substitute “NHS England”;
  - (b) omit paragraph (c).
- (4) In subsection (3), for “Monitor” substitute “NHS England”.
- (5) In subsection (4)—
- (a) in paragraph (a), for “Monitor” substitute “NHS England”;
  - (b) in paragraph (c), for “Monitor’s” substitute “NHS England’s”;
  - (c) in paragraph (d), for “Monitor” substitute “NHS England”.
- (6) In subsection (10), for “Monitor”, in both places it occurs, substitute “NHS England”.

**Commencement Information**

**I127** Sch. 5 para. 64 not in force at Royal Assent, see [s. 186\(6\)](#)

**I128** Sch. 5 para. 64 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 65 In section 102 (modification of conditions by order under other enactments), in subsection (6)(a), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I129** Sch. 5 para. 65 not in force at Royal Assent, see [s. 186\(6\)](#)

**I130** Sch. 5 para. 65 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 66 (1) Section 104 (power to require documents and information) is amended as follows.
- (2) In subsection (1), for “Monitor” substitute “NHS England”.
- (3) In subsection (2), omit paragraph (e) (but not the “and” at the end).
- (4) For subsection (4) substitute—
- “(4) In this section “regulatory functions”, in relation to NHS England, has the meaning given by section [13SB\(2\)](#) of the National Health Service Act 2006.”

**Commencement Information**

**I131** Sch. 5 para. 66 not in force at Royal Assent, see [s. 186\(6\)](#)

**I132** Sch. 5 para. 66 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))



*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)*

- 67 In section 105 (discretionary requirements), in subsections (1), (2)(a), (b) and (c) and (3), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I133** Sch. 5 para. 67 not in force at Royal Assent, see **s. 186(6)**

**I134** Sch. 5 para. 67 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 68 In section 106 (enforcement undertakings), in subsections (1), (4) and (5), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I135** Sch. 5 para. 68 not in force at Royal Assent, see **s. 186(6)**

**I136** Sch. 5 para. 68 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 69 (1) Section 108 (guidance as to use of enforcement powers) is amended as follows.
- (2) In each of subsections (1) to (3), for “Monitor” substitute “NHS England”.
- (3) In subsection (4)—
- (a) in the words before paragraph (a), for “Monitor’s” substitute “NHS England’s”;
  - (b) in paragraphs (a), (b) and (c), for “Monitor” substitute “NHS England”.
- (4) In subsection (5), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I137** Sch. 5 para. 69 not in force at Royal Assent, see **s. 186(6)**

**I138** Sch. 5 para. 69 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 70 In section 109 (publication of enforcement action), in subsections (1) and (2), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I139** Sch. 5 para. 70 not in force at Royal Assent, see **s. 186(6)**

**I140** Sch. 5 para. 70 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

- 71 In section 110 (notification of enforcement action), in subsection (1)—
- (a) for “Monitor” substitute “NHS England”;
  - (b) omit paragraph (a).

**Commencement Information**

**I141** Sch. 5 para. 71 not in force at Royal Assent, see **s. 186(6)**

**I142** Sch. 5 para. 71 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

*Changes to legislation: There are currently no known outstanding effects for the  
 Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)*

- 72 In section 111 (imposition of licence conditions on NHS foundation trusts), in each of subsections (1) to (2A), and (4) to (9), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I143** Sch. 5 para. 72 not in force at Royal Assent, see [s. 186\(6\)](#)

**I144** Sch. 5 para. 72 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 73 (1) Section 113 (orders under section 112: criteria for deciding applicable trusts) is amended as follows.
- (2) In each of subsections (1) to (5), for “Monitor”, in each place it occurs, substitute “NHS England”.
- (3) In subsection (6), for “Monitor’s” substitute “NHS England’s”.

**Commencement Information**

**I145** Sch. 5 para. 73 not in force at Royal Assent, see [s. 186\(6\)](#)

**I146** Sch. 5 para. 73 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 74 In section 128 (health special administration orders), in subsection (2), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I147** Sch. 5 para. 74 not in force at Royal Assent, see [s. 186\(6\)](#)

**I148** Sch. 5 para. 74 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 75 (1) Section 130 (health special administration regulations) is amended as follows.
- (2) In subsection (5), for “Monitor” substitute “NHS England”.
- (3) In subsection (6)—
- (a) in paragraphs (a) and (b), “Monitor” substitute “NHS England”;
  - (b) in paragraph (c)—
    - (i) for “Monitor” substitute “NHS England”;
    - (ii) omit “and the National Health Service Commissioning Board”;
  - (c) in paragraph (d), for “Monitor” substitute “NHS England”.
- (4) In subsection (11), for paragraphs (a) and (b) substitute “such persons as the Secretary of State considers appropriate”.

**Commencement Information**

**I149** Sch. 5 para. 75 not in force at Royal Assent, see [s. 186\(6\)](#)

**I150** Sch. 5 para. 75 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 76 In section 131 (transfer schemes), in subsection (2)(a), (b) and (c), for “Monitor” substitute “NHS England”.

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)*

**Commencement Information**

**I151** Sch. 5 para. 76 not in force at Royal Assent, see [s. 186\(6\)](#)

**I152** [Sch. 5 para. 76](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

77 In section 132 (indemnities), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I153** Sch. 5 para. 77 not in force at Royal Assent, see [s. 186\(6\)](#)

**I154** [Sch. 5 para. 77](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

78 In section 134 (duty to establish mechanisms for providing financial assistance), in each of subsections (1) to (6), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I155** Sch. 5 para. 78 not in force at Royal Assent, see [s. 186\(6\)](#)

**I156** [Sch. 5 para. 78](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

79 (1) Section 135 (power to establish fund) is amended as follows

(2) In subsection (1), for “Monitor” substitute “NHS England”.

(3) In subsection (2)—

(a) for “Monitor” substitute “NHS England”;

(b) for “commissioners” substitute “integrated care boards”.

(4) In each of subsections (3) and (5) to (8), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I157** Sch. 5 para. 79 not in force at Royal Assent, see [s. 186\(6\)](#)

**I158** [Sch. 5 para. 79](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

80 In section 136 (applications), in each of subsections (1) to (3) and (6) to (9), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I159** Sch. 5 para. 80 not in force at Royal Assent, see [s. 186\(6\)](#)

**I160** [Sch. 5 para. 80](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

81 In section 137 (grants and loans), in each of subsections (1) and (3) to (5), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I161** Sch. 5 para. 81 not in force at Royal Assent, see [s. 186\(6\)](#)

**I162** [Sch. 5 para. 81](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

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- 82 (1) Section 138 (power to impose charges on commissioners) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Secretary of State may by regulations confer power on NHS England to require integrated care boards to pay charges relating to such of NHS England’s regulatory functions as relate to securing the continued provision of health care services for the purposes of the NHS.
- (1A) In subsection (1) “regulatory functions”, in relation to NHS England, has the meaning given by section 13SB(2) of the National Health Service Act 2006.”
- (3) In subsection (3)(c), for “Monitor” substitute “NHS England”.
- (4) In subsection (4), for “Monitor”, in both places it occurs, substitute “NHS England”.
- (5) For subsection (5) substitute—
- “(5) Before making regulations under this section, the Secretary of State must consult NHS England.”

**Commencement Information**

**I163** Sch. 5 para. 82 not in force at Royal Assent, see [s. 186\(6\)](#)

**I164** Sch. 5 para. 82 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 83 (1) Section 139 (imposition of levy) is amended as follows.
- (2) In subsection (2)—
- (a) for “Monitor” substitute “NHS England”;
- (b) in paragraph (b), for “commissioners” substitute “integrated care boards”.
- (3) In subsection (3), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I165** Sch. 5 para. 83 not in force at Royal Assent, see [s. 186\(6\)](#)

**I166** Sch. 5 para. 83 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 84 In section 140 (power of Secretary of State to set limit on levy and charges), in subsections (1)(a) and (2), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I167** Sch. 5 para. 84 not in force at Royal Assent, see [s. 186\(6\)](#)

**I168** Sch. 5 para. 84 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

- 85 (1) Section 141 (consultation) is amended as follows.
- (2) In subsection (1), for “Monitor” substitute “NHS England”.
- (3) In subsection (3)—
- (a) for “Monitor” substitute “NHS England”;
- (b) omit paragraph (b).

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(4) In subsections (4), (5)(a), (6) and (8), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I169** Sch. 5 para. 85 not in force at Royal Assent, see **s. 186(6)**

**I170** Sch. 5 para. 85 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

86 In section 143 (amount payable), in each of subsections (1), (4) to (6) and (8), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I171** Sch. 5 para. 86 not in force at Royal Assent, see **s. 186(6)**

**I172** Sch. 5 para. 86 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

87 In section 144 (investment principles and reviews), in each of subsections (1) to (3), (4)(b) and (6), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I173** Sch. 5 para. 87 not in force at Royal Assent, see **s. 186(6)**

**I174** Sch. 5 para. 87 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

88 In section 145 (borrowing), in subsections (1) and (2), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I175** Sch. 5 para. 88 not in force at Royal Assent, see **s. 186(6)**

**I176** Sch. 5 para. 88 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

89 In section 146 (shortfall or excess of available funds, etc), in each of subsections (1) to (3), for “Monitor” substitute “NHS England”.

**Commencement Information**

**I177** Sch. 5 para. 89 not in force at Royal Assent, see **s. 186(6)**

**I178** Sch. 5 para. 89 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

90 (1) Section 148 (service of documents) is amended as follows.

(2) In subsection (6)(a), for “Monitor” substitute “NHS England”.

(3) Omit subsection (9).

**Commencement Information**

**I179** Sch. 5 para. 90 not in force at Royal Assent, see **s. 186(6)**

**I180** Sch. 5 para. 90 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

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- 91 In section 149 (electronic communications), in each of subsections (2) to (5), for “Monitor”, in each place it occurs, substitute “NHS England”.

**Commencement Information**

**I181** Sch. 5 para. 91 not in force at Royal Assent, see [s. 186\(6\)](#)

**I182** Sch. 5 para. 91 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 92 (1) Section 150 is amended as follows.

(2) In subsection (1)—

- (a) for the definition of “anti-competitive behaviour” substitute—  
 ““anti-competitive behaviour” means behaviour which would (or would be likely to) prevent, restrict or distort competition and a reference to preventing anti-competitive behaviour includes a reference to eliminating or reducing the effects (or potential effects) of the behaviour;”;
- (b) for the definitions of “health care” and “health care service” substitute—  
 ““health care” means all forms of health care provided for individuals, whether relating to physical or mental health, with a reference in this Part to “health care services” being read accordingly; and for the purposes of this Part it does not matter if a health care service is also an adult social care service;”;
- (c) for the definition of “the NHS” substitute—  
 ““the NHS” means the comprehensive health service continued under section 1(1) of the National Health Service Act 2006, except the part of it that is provided in pursuance of the public health functions (within the meaning of that Act) of the Secretary of State or local authorities;”.

(3) After subsection (1) insert—

“(1A) A reference in this Part to the provision of health care services for the purposes of the NHS is a reference to their provision for those purposes in accordance with the National Health Service Act 2006.”

**Commencement Information**

**I183** Sch. 5 para. 92 not in force at Royal Assent, see [s. 186\(6\)](#)

**I184** Sch. 5 para. 92 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 93 In section 175 (objective of trust special administration), omit subsection (2).

**Commencement Information**

**I185** Sch. 5 para. 93 not in force at Royal Assent, see [s. 186\(6\)](#)

**I186** Sch. 5 para. 93 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 94 (1) Section 254 (powers to direct Information Centre to establish information systems) is amended as follows.

(2) In subsection (3) for “NHS Services” substitute “health services”.

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(3) Omit subsection (4).

**Commencement Information**

**I187** Sch. 5 para. 94 not in force at Royal Assent, see [s. 186\(6\)](#)

**I188** Sch. 5 para. 94 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

95 In section 255 (powers to request Information Centre to establish information systems), in subsection (9), omit paragraph (a).

**Commencement Information**

**I189** Sch. 5 para. 95 not in force at Royal Assent, see [s. 186\(6\)](#)

**I190** Sch. 5 para. 95 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

96 (1) In section 288 (duty to co-operate with Care Quality Commission) is amended as follows.

(2) In subsection (1), for “Monitor” substitute “NHS England”.

(3) In subsection (2)(a)—

- (a) for “Monitor”, in each place it occurs, substitute “NHS England”;
- (b) after “any” insert “relevant”.

(4) After subsection (2) insert—

“(2A) In subsection (2)(a) “relevant information” means information held by NHS England in connection with—

- (a) its regulatory functions, within the meaning given by section [13SB\(2\)](#) of the National Health Service Act 2006, or
- (b) its functions under section [27A](#) of the National Health Service Act 2006 Act (NHS trusts: oversight and support).”

**Commencement Information**

**I191** Sch. 5 para. 96 not in force at Royal Assent, see [s. 186\(6\)](#)

**I192** Sch. 5 para. 96 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

97 (1) Section 290 (other duties to co-operate) is amended as follows.

(2) Omit subsection (1).

(3) In subsection (3), omit paragraph (a).

(4) Omit subsections (5) and (6).

**Commencement Information**

**I193** Sch. 5 para. 97 not in force at Royal Assent, see [s. 186\(6\)](#)

**I194** Sch. 5 para. 97 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

98 In section 291 (breaches of duties to co-operate), in subsection (2)—

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- (a) in paragraph (a), for “Monitor” substitute “NHS England”;
- (b) for paragraph (b), substitute—
  - “(b) the duty under section 290(2),”;
- (c) in paragraph (a), for “Monitor” substitute “NHS England”.

#### Commencement Information

**I195** Sch. 5 para. 98 not in force at Royal Assent, see [s. 186\(6\)](#)

**I196** [Sch. 5 para. 98](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

- 99 (1) Section 304 (regulations, orders and directions) is amended as follows.
- (2) In subsection (5), omit paragraph (a).
  - (3) In subsection (12)(a), omit sub-paragraph (i).

#### Commencement Information

**I197** Sch. 5 para. 99 not in force at Royal Assent, see [s. 186\(6\)](#)

**I198** [Sch. 5 para. 99](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

- 100 (1) Schedule 11 (further provision about Monitor’s enforcement powers) is amended as follows.
- (2) In the heading, for “Monitor’s” substitute “NHS England’s”.
  - (3) In the following provisions for “Monitor”, in each place it occurs, substitute “NHS England”—
    - (a) paragraph 1(1), (2)(a), (d) and (e) and (4);
    - (b) paragraph 2(1), (2), (3)(a) and (5);
    - (c) paragraph 3(1) and (4)(b) and (c);
    - (d) paragraph 4;
    - (e) paragraph 5(1), (2), (5) and (6);
    - (f) paragraph 6(1) and (4)(b);
    - (g) paragraph 7(1);
    - (h) paragraph 8;
    - (i) paragraph 9(1), (2) and (3);
    - (j) paragraph 10(1) and (2);
    - (k) paragraph 11;
    - (l) paragraph 12(1), (2), (3) and (4);
    - (m) paragraph 13(1);
    - (n) paragraph 14.
  - (4) In paragraph 13(3), for “Monitor’s” substitute “NHS England’s”.

#### Commencement Information

**I199** Sch. 5 para. 100 not in force at Royal Assent, see [s. 186\(6\)](#)

**I200** [Sch. 5 para. 100](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))



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- I89** Sch. 5 para. 45 not in force at Royal Assent, see **s. 186(6)**
- I90** Sch. 5 para. 45 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I91** Sch. 5 para. 46 not in force at Royal Assent, see **s. 186(6)**
- I92** Sch. 5 para. 46 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I93** Sch. 5 para. 47 not in force at Royal Assent, see **s. 186(6)**
- I94** Sch. 5 para. 47 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I95** Sch. 5 para. 48 not in force at Royal Assent, see **s. 186(6)**
- I96** Sch. 5 para. 48 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I97** Sch. 5 para. 49 not in force at Royal Assent, see **s. 186(6)**
- I98** Sch. 5 para. 49 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I99** Sch. 5 para. 50 not in force at Royal Assent, see **s. 186(6)**
- I100** Sch. 5 para. 50 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 6, 13, 29, 30)
- I101** Sch. 5 para. 51 not in force at Royal Assent, see **s. 186(6)**
- I102** Sch. 5 para. 51 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I103** Sch. 5 para. 52 not in force at Royal Assent, see **s. 186(6)**
- I104** Sch. 5 para. 52 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I105** Sch. 5 para. 53 not in force at Royal Assent, see **s. 186(6)**
- I106** Sch. 5 para. 53 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I107** Sch. 5 para. 54 not in force at Royal Assent, see **s. 186(6)**
- I108** Sch. 5 para. 54 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I109** Sch. 5 para. 55 not in force at Royal Assent, see **s. 186(6)**
- I110** Sch. 5 para. 55 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I111** Sch. 5 para. 56 not in force at Royal Assent, see **s. 186(6)**
- I112** Sch. 5 para. 56 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I113** Sch. 5 para. 57 not in force at Royal Assent, see **s. 186(6)**
- I114** Sch. 5 para. 57 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I115** Sch. 5 para. 58 not in force at Royal Assent, see **s. 186(6)**
- I116** Sch. 5 para. 58 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I117** Sch. 5 para. 59 not in force at Royal Assent, see **s. 186(6)**
- I118** Sch. 5 para. 59 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I119** Sch. 5 para. 60 not in force at Royal Assent, see **s. 186(6)**
- I120** Sch. 5 para. 60 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I121** Sch. 5 para. 61 not in force at Royal Assent, see **s. 186(6)**
- I122** Sch. 5 para. 61 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I123** Sch. 5 para. 62 not in force at Royal Assent, see **s. 186(6)**
- I124** Sch. 5 para. 62 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I125** Sch. 5 para. 63 not in force at Royal Assent, see **s. 186(6)**
- I126** Sch. 5 para. 63 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I127** Sch. 5 para. 64 not in force at Royal Assent, see **s. 186(6)**
- I128** Sch. 5 para. 64 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I129** Sch. 5 para. 65 not in force at Royal Assent, see **s. 186(6)**
- I130** Sch. 5 para. 65 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I131** Sch. 5 para. 66 not in force at Royal Assent, see **s. 186(6)**
- I132** Sch. 5 para. 66 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I133** Sch. 5 para. 67 not in force at Royal Assent, see **s. 186(6)**
- I134** Sch. 5 para. 67 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I135** Sch. 5 para. 68 not in force at Royal Assent, see **s. 186(6)**
- I136** Sch. 5 para. 68 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I137** Sch. 5 para. 69 not in force at Royal Assent, see **s. 186(6)**
- I138** Sch. 5 para. 69 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

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- I139 Sch. 5 para. 70 not in force at Royal Assent, see **s. 186(6)**
- I140 Sch. 5 para. 70 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I141 Sch. 5 para. 71 not in force at Royal Assent, see **s. 186(6)**
- I142 Sch. 5 para. 71 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I143 Sch. 5 para. 72 not in force at Royal Assent, see **s. 186(6)**
- I144 Sch. 5 para. 72 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I145 Sch. 5 para. 73 not in force at Royal Assent, see **s. 186(6)**
- I146 Sch. 5 para. 73 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I147 Sch. 5 para. 74 not in force at Royal Assent, see **s. 186(6)**
- I148 Sch. 5 para. 74 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I149 Sch. 5 para. 75 not in force at Royal Assent, see **s. 186(6)**
- I150 Sch. 5 para. 75 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I151 Sch. 5 para. 76 not in force at Royal Assent, see **s. 186(6)**
- I152 Sch. 5 para. 76 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I153 Sch. 5 para. 77 not in force at Royal Assent, see **s. 186(6)**
- I154 Sch. 5 para. 77 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I155 Sch. 5 para. 78 not in force at Royal Assent, see **s. 186(6)**
- I156 Sch. 5 para. 78 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I157 Sch. 5 para. 79 not in force at Royal Assent, see **s. 186(6)**
- I158 Sch. 5 para. 79 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I159 Sch. 5 para. 80 not in force at Royal Assent, see **s. 186(6)**
- I160 Sch. 5 para. 80 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I161 Sch. 5 para. 81 not in force at Royal Assent, see **s. 186(6)**
- I162 Sch. 5 para. 81 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I163 Sch. 5 para. 82 not in force at Royal Assent, see **s. 186(6)**
- I164 Sch. 5 para. 82 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I165 Sch. 5 para. 83 not in force at Royal Assent, see **s. 186(6)**
- I166 Sch. 5 para. 83 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I167 Sch. 5 para. 84 not in force at Royal Assent, see **s. 186(6)**
- I168 Sch. 5 para. 84 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I169 Sch. 5 para. 85 not in force at Royal Assent, see **s. 186(6)**
- I170 Sch. 5 para. 85 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I171 Sch. 5 para. 86 not in force at Royal Assent, see **s. 186(6)**
- I172 Sch. 5 para. 86 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I173 Sch. 5 para. 87 not in force at Royal Assent, see **s. 186(6)**
- I174 Sch. 5 para. 87 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I175 Sch. 5 para. 88 not in force at Royal Assent, see **s. 186(6)**
- I176 Sch. 5 para. 88 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I177 Sch. 5 para. 89 not in force at Royal Assent, see **s. 186(6)**
- I178 Sch. 5 para. 89 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I179 Sch. 5 para. 90 not in force at Royal Assent, see **s. 186(6)**
- I180 Sch. 5 para. 90 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I181 Sch. 5 para. 91 not in force at Royal Assent, see **s. 186(6)**
- I182 Sch. 5 para. 91 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I183 Sch. 5 para. 92 not in force at Royal Assent, see **s. 186(6)**
- I184 Sch. 5 para. 92 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I185 Sch. 5 para. 93 not in force at Royal Assent, see **s. 186(6)**
- I186 Sch. 5 para. 93 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I187 Sch. 5 para. 94 not in force at Royal Assent, see **s. 186(6)**
- I188 Sch. 5 para. 94 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I189 Sch. 5 para. 95 not in force at Royal Assent, see **s. 186(6)**
- I190 Sch. 5 para. 95 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I191 Sch. 5 para. 96 not in force at Royal Assent, see **s. 186(6)**

**Changes to legislation:** There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5. (See end of Document for details)

- I192** Sch. 5 para. 96 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I193** Sch. 5 para. 97 not in force at Royal Assent, see **s. 186(6)**
- I194** Sch. 5 para. 97 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I195** Sch. 5 para. 98 not in force at Royal Assent, see **s. 186(6)**
- I196** Sch. 5 para. 98 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I197** Sch. 5 para. 99 not in force at Royal Assent, see **s. 186(6)**
- I198** Sch. 5 para. 99 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- I199** Sch. 5 para. 100 not in force at Royal Assent, see **s. 186(6)**
- I200** Sch. 5 para. 100 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

#### *Local Audit and Accountability Act 2014*

- 101 In Schedule 6 to the Local Audit and Accountability Act 2014 (codes of audit practice and guidance), in paragraph 10(4)(a), for “Monitor” substitute “NHS England”.

##### **Commencement Information**

- I201** Sch. 5 para. 101 not in force at Royal Assent, see **s. 186(6)**
- I202** Sch. 5 para. 101 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

#### *Mental Health Units (Use of Force) Act 2018*

- 102 In section 9 of the Mental Health Units (Use of Force) Act 2018 (investigation of deaths or serious injuries), omit paragraph (b).

##### **Commencement Information**

- I203** Sch. 5 para. 102 not in force at Royal Assent, see **s. 186(6)**
- I204** Sch. 5 para. 102 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

#### *Domestic Abuse Act 2021*

- 103 In section 15 of the Domestic Abuse Act 2021 (duty to co-operate with the Domestic Abuse Commissioner), in subsection (3), omit paragraph (q).

##### **Commencement Information**

- I205** Sch. 5 para. 103 not in force at Royal Assent, see **s. 186(6)**
- I206** Sch. 5 para. 103 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 5.