



National Health Service Act 2006

2006 CHAPTER 41

PART 2 **E+W**

HEALTH SERVICE BODIES

[^{F1}CHAPTER A1 **E+W**

[^{F2}NHS ENGLAND]

[^{F1}General duties of [^{F2}NHS England]

Textual Amendments

- F1** Pt. 2 Ch. A1 inserted (27.3.2012 for specified purposes, 1.10.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. **23(1)**, 306(1)(d)(4); S.I. 2012/1831, art. 2(2) (with art. 4); S.I. 2012/2657, art. 2(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

13C **Duty to promote NHS Constitution** **E+W**

- (1) [^{F2}NHS England] must, in the exercise of its functions—
- act with a view to securing that health services are provided in a way which promotes the NHS Constitution, and
 - promote awareness of the NHS Constitution among patients, staff and members of the public.
- (2) In this section, “patients” and “staff” have the same meaning as in Chapter 1 of Part 1 of the Health Act 2009 (see section 3(7) of that Act).

Changes to legislation: National Health Service Act 2006, Cross Heading: General duties of NHS England is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

13D Duty as to effectiveness, efficiency etc. **E+W**

[^{F2}NHS England] must exercise its functions effectively, efficiently and economically.

13E Duty as to improvement in quality of services **E+W**

- (1) [^{F2}NHS England] must exercise its functions with a view to securing continuous improvement in the quality of services provided to individuals for or in connection with—
 - (a) the prevention, diagnosis or treatment of illness, or
 - (b) the protection or improvement of public health.
- (2) In discharging its duty under subsection (1), [^{F2}NHS England] must, in particular, act with a view to securing continuous improvement in the outcomes that are achieved from the provision of the services.
- (3) The outcomes relevant for the purposes of subsection (2) include, in particular, outcomes which show—
 - (a) the effectiveness of the services,
 - (b) the safety of the services, and
 - (c) the quality of the experience undergone by patients.
- (4) In discharging its duty under subsection (1), [^{F2}NHS England] must have regard to—
 - (a) any document published by the Secretary of State for the purposes of this section, and
 - (b) the quality standards prepared by NICE under section 234 of the Health and Social Care Act 2012.

^{F3}13F Duty as to promoting autonomy **E+W**

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Textual Amendments

- F3** S. 13F omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), [ss. 73\(1\)\(b\)](#), 186(6); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

13G Duty as to reducing inequalities **E+W**

- [^{F2}NHS England] must, in the exercise of its functions, have regard to the need to—
- (a) reduce inequalities between [^{F4}persons] with respect to their ability to access health services, and
 - (b) reduce inequalities between patients with respect to the outcomes achieved for them by the provision of health services [^{F5}(including the outcomes described in section 13E(3))].

Textual Amendments

- F4** Word in [s. 13G\(a\)](#) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 6\(a\)](#), 186(6); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

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F5 Words in s. 13G(b) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 6(b), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

13H Duty to promote involvement of each patient **E+W**

[^{F2}NHS England] must, in the exercise of its functions, promote the involvement of patients, and their carers and representatives (if any), in decisions which relate to—

- (a) the prevention or diagnosis of illness in the patients, or
- (b) their care or treatment.

13I Duty as to patient choice **E+W**

[^{F2}NHS England] must, in the exercise of its functions, act with a view to enabling patients to make choices with respect to aspects of health services provided to them.

13J Duty to obtain appropriate advice **E+W**

[^{F2}NHS England] must obtain advice appropriate for enabling it effectively to ^{F6}(1) discharge its functions from persons who (taken together) have a broad range of professional expertise in—

- (a) the prevention, diagnosis or treatment of illness, and
- (b) the protection or improvement of public health.

[^{F7}(2) Subsection (1) does not apply in relation to NHS England’s education and training functions (see section 102 of the Care Act 2014 for the obtaining of advice in relation to those functions).]

Textual Amendments

F6 S. 13J renumbered as s. 13J(1) (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), Sch. 1 para. 9(5) (a) (with reg. 7)

F7 S. 13J(2) inserted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), Sch. 1 para. 9(5)(b) (with reg. 7)

13K Duty to promote innovation **E+W**

- (1) [^{F2}NHS England] must, in the exercise of its functions, promote innovation in the provision of health services (including innovation in the arrangements made for their provision).
- (2) [^{F2}NHS England] may make payments as prizes to promote innovation in the provision of health services.
- (3) A prize may relate to—
 - (a) work at any stage of innovation (including research);
 - (b) work done at any time (including work before the commencement of section 23 of the Health and Social Care Act 2012).

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13L Duty in respect of research **E+W**

[^{F2}NHS England] must, in the exercise of its functions, [^{F8}facilitate or otherwise] promote—

- (a) research on matters relevant to the health service, and
- (b) the use in the health service of evidence obtained from research.

Textual Amendments

F8 Words in s. 13L inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 7(2)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

13M Duty as to promoting education and training **E+W**

[^{F2}NHS England] must, in exercising its functions [^{F9}other than its education and training functions], have regard to the need to promote education and training for the persons mentioned in section 1F(1) so as to assist ^{F10}... in the discharge of the duty under that section.

Textual Amendments

F9 Words in s. 13M inserted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 9(6)(a)** (with reg. 7)

F10 Words in s. 13M omitted (1.4.2023) by virtue of [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 9(6)(b)** (with reg. 7)

13N Duty as to promoting integration **E+W**

- (1) [^{F2}NHS England] must exercise its functions with a view to securing that health services are provided in an integrated way where it considers that this would—
 - (a) improve the quality of those services (including the outcomes that are achieved from their provision),
 - (b) reduce inequalities between persons with respect to their ability to access those services, or
 - (c) reduce inequalities between persons with respect to the outcomes achieved for them by the provision of those services.
- (2) [^{F2}NHS England] must exercise its functions with a view to securing that the provision of health services is integrated with the provision of health-related services or social care services where it considers that this would—
 - (a) improve the quality of the health services (including the outcomes that are achieved from the provision of those services),
 - (b) reduce inequalities between persons with respect to their ability to access those services, or
 - (c) reduce inequalities between persons with respect to the outcomes achieved for them by the provision of those services.

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[Subsections (1) and (2) do not apply in relation to the exercise of NHS England’s ^{F11}(2A) education and training functions.]

(3) [^{F2}NHS England] must encourage [^{F12}integrated care boards] to enter into arrangements with local authorities in pursuance of regulations under section 75 where it considers that this would secure—

- (a) that health services are provided in an integrated way and that this would have any of the effects mentioned in subsection (1)(a) to (c), or
- (b) that the provision of health services is integrated with the provision of health-related services or social care services and that this would have any of the effects mentioned in subsection (2)(a) to (c).

(4) In this section—

“health-related services” means services that may have an effect on the health of individuals but are not health services or social care services;

“social care services” means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970 [^{F13}or for the purposes of the Social Services and Well-being (Wales) Act 2014]).

[For the purposes of this section, the provision of housing accommodation is a health-^{F14}(5) related service.]

Textual Amendments

- F11** S. 13N(2A) inserted (1.4.2023) by The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 1 para. 9(7)** (with reg. 7)
- F12** Words in s. 13N(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 97**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F13** Words in s. 13N(4) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **238**
- F14** S. 13N(5) inserted (1.4.2015) by Care Act 2014 (c. 23), **ss. 3(6)**, 127(1); S.I. 2015/993, art. 2(a) (with transitional provisions in S.I. 2015/995)

^{F15}13NA **Duty to have regard to wider effect of decisions** **E+W**

(1) In making a decision about the exercise of its functions, NHS England must have regard to all likely effects of the decision in relation to—

- (a) the health and well-being of the people of England;
- (b) the quality of services provided to individuals—
 - (i) by relevant bodies, or
 - (ii) in pursuance of arrangements made by relevant bodies,for or in connection with the prevention, diagnosis or treatment of illness, as part of the health service in England;
- (c) efficiency and sustainability in relation to the use of resources by relevant bodies for the purposes of the health service in England.

(2) In subsection (1)—

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- (a) the reference to a decision does not include a reference to a decision about the services to be provided to a particular individual for or in connection with the prevention, diagnosis or treatment of illness;
 - (b) the reference to effects of a decision in relation to the health and well-being of the people of England includes a reference to its effects in relation to inequalities between the people of England with respect to their health and well-being;
 - (c) the reference to effects of a decision in relation to the quality of services provided to individuals includes a reference to its effects in relation to inequalities between individuals with respect to the benefits that they can obtain from those services.
- (3) In discharging the duty under this section, NHS England must have regard to guidance published by it under section [13NB](#).
- (4) In this section “relevant bodies” means—
- (a) NHS England,
 - (b) integrated care boards,
 - (c) NHS trusts established under section 25, and
 - (d) NHS foundation trusts.

Textual Amendments

F15 Ss. [13NA](#), [13NB](#) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 8**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

13NB Guidance about discharge of duty **E+W**

- (1) NHS England may publish guidance about the discharge of—
- (a) the duty imposed on it by section [13NA](#);
 - (b) the duty imposed on integrated care boards by section [14Z43](#);
 - (c) the duty imposed on NHS trusts by section [26A](#);
 - (d) the duty imposed on NHS foundation trusts by section [63A](#).
- (2) NHS England must consult any persons NHS England considers it appropriate to consult—
- (a) before first publishing guidance under this section, and
 - (b) before publishing any revised guidance containing changes that are, in the opinion of NHS England, significant.]

Textual Amendments

F15 Ss. [13NA](#), [13NB](#) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 8**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Duties as to climate change etc **E+W**

[^{F16}**13NC**

- (1) NHS England must, in the exercise of its functions, have regard to the need to—
- (a) contribute towards compliance with—

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- (i) section 1 of the Climate Change Act 2008 (UK net zero emissions target), and
 - (ii) section 5 of the Environment Act 2021 (environmental targets), and
 - (b) adapt to any current or predicted impacts of climate change identified in the most recent report under section 56 of the Climate Change Act 2008.
- (2) In discharging the duty under this section, NHS England must have regard to guidance published by it under section [13ND](#).

Textual Amendments

F16 Ss. [13NC](#), [13ND](#) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), ss. [9](#), [186\(6\)](#); S.I. [2022/734](#), reg. [2\(a\)](#), Sch. (with regs. [13](#), [29](#), [30](#))

13ND Guidance about discharge of duty under section [13NC](#) etc **E+W**

NHS England may publish guidance about the discharge of—

- (a) the duty imposed on it by section [13NC](#);
- (b) the duty imposed on integrated care boards by section [14Z44](#);
- (c) the duty imposed on NHS trusts by section [26B](#);
- (d) the duty imposed on NHS foundation trusts by section [63B](#).]

Textual Amendments

F16 Ss. [13NC](#), [13ND](#) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), ss. [9](#), [186\(6\)](#); S.I. [2022/734](#), reg. [2\(a\)](#), Sch. (with regs. [13](#), [29](#), [30](#))

13O Duty to have regard to impact on services in certain areas **E+W**

- (1) In making commissioning decisions, [^{F2}NHS England] must have regard to the likely impact of those decisions on the provision of health services to persons who reside in an area of Wales or Scotland that is close to the border with England.
- (2) In this section, “commissioning decisions”, in relation to [^{F2}NHS England], means decisions about the carrying out of its functions in arranging for the provision of health services.

13P Duty as respects variation in provision of health services **E+W**

[^{F2}NHS England] must not exercise its functions for the purpose of causing a variation in the proportion of services provided as part of the health service that is provided by persons of a particular description if that description is by reference to—

- (a) whether the persons in question are in the public or (as the case may be) private sector, or
- (b) some other aspect of their status.

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[**F17** **Duty to cooperate for education and training functions and specified**
13PA.functions **E+W**

- (1) NHS England must, in exercising its education and training functions, co-operate with the Secretary of State in the exercise of the public health functions of the Secretary of State.
- (2) Regulations may require NHS England and a person specified in those regulations to co-operate with each other in the exercise of—
 - (a) NHS England’s education and training functions;
 - (b) the functions of the specified person;
 - (c) such of the functions in paragraphs (a) or (b) as may be specified.]]

Textual Amendments

F17 S. 13PA inserted (1.4.2023) by [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 9(8)** (with reg. 7)

Changes to legislation:

National Health Service Act 2006, Cross Heading: General duties of NHS England is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)