



# Health and Social Care Act 2012

## CHAPTER 7

### HEALTH AND SOCIAL CARE ACT 2012

#### PART 1

##### THE HEALTH SERVICE IN ENGLAND

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- 1 Secretary of State's duty to promote comprehensive health service
- 2 The Secretary of State's duty as to improvement in quality of services
- 3 The Secretary of State's duty as to the NHS Constitution
- 4 The Secretary of State's duty as to reducing inequalities
- 5 The Secretary of State's duty as to promoting autonomy
- 6 The Secretary of State's duty as to research
- 7 The Secretary of State's duty as to education and training
- 8 Secretary of State's duty as to reporting on and reviewing treatment of providers
- 9 The NHS Commissioning Board
- 10 Clinical commissioning groups

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- 11 The Secretary of State's duty as to protection of public health
- 12 Duties as to improvement of public health
- 13 Duties of clinical commissioning groups as to commissioning certain health services
- 14 Power of clinical commissioning groups as to commissioning certain health services
- 15 Power to require Board to commission certain health services
- 16 Secure psychiatric services
- 17 Other services etc. provided as part of the health service

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- 18 Regulations as to the exercise by local authorities of certain public health functions
- 19 Regulations relating to EU obligations
- 20 Regulations as to the exercise of functions by the Board or clinical commissioning groups
- 21 Functions of Special Health Authorities
- 22 Exercise of public health functions of the Secretary of State

*Further provision about the Board*

- 23 The NHS Commissioning Board: further provision
- 24 Financial arrangements for the Board

*Further provision about clinical commissioning groups*

- 25 Clinical commissioning groups: establishment etc.
- 26 Clinical commissioning groups: general duties etc.
- 27 Financial arrangements for clinical commissioning groups
- 28 Requirement for primary medical services provider to belong to clinical commissioning group

*Further provision about local authorities' role in the health service*

- 29 Other health service functions of local authorities under the 2006 Act
- 30 Appointment of directors of public health
- 31 Exercise of public health functions of local authorities
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*Abolition of Strategic Health Authorities and Primary Care Trusts*

- 33 Abolition of Strategic Health Authorities
- 34 Abolition of Primary Care Trusts

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- 36 Procedural requirements in connection with fluoridation of water supplies
- 37 Fluoridation of water supplies: transitional provision

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- 38 Approval functions
- 39 Discharge of patients
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- 43 Independent mental health advocates
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- 73 Functions under Part 4 of the Enterprise Act 2002
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### CHAPTER 3

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## **CHAPTER 7**

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- 190 Scrutiny functions of local authorities
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196 Other functions of Health and Wellbeing Boards

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200 Care Trusts

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206 Pharmaceutical needs assessments  
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208 Lists of performers of pharmaceutical services and assistants etc.

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210 Training etc. of approved mental health professionals in England  
211 Orders regulating social care workers in England: further provision

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213 Regulation of social workers in England  
214 The Health and Care Professions Council  
215 Functions of the Council in relation to social work in England  
216 Appeals in cases involving social workers in England  
217 Approval of courses for approved mental health professionals  
218 Exercise of function of approving courses, etc.  
219 Arrangements with other health or social care regulators  
220 References in enactments to registered health professionals, etc.



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- 227 Appointments to regulatory bodies
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230 Consequential provisions and savings, etc.

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231 Abolition of the Office of the Health Professions Adjudicator

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- 236 Advice or guidance to the Secretary of State or the Board

#### *Functions: advice, guidance etc.*

- 237 Advice, guidance, information and recommendations
- 238 NICE recommendations: appeals
- 239 Training
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- 241 Commissioning guidance

#### *Functions: other*

- 242 NICE's charter
- 243 Additional functions
- 244 Arrangements with other bodies
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- 247 Interpretation of this Part
- 248 Dissolution of predecessor body

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249 Consequential and transitional provision

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254 Powers to direct Information Centre to establish information systems

255 Powers to request Information Centre to establish information systems

256 Requests for collection under section 255: confidential information

257 Requests under section 255: supplementary

258 Information systems: supplementary

259 Powers to require and request provision of information

260 Publication of information

261 Other dissemination of information

262 Other dissemination: directions and requests under sections 254 and 255

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264 Information Register

265 Advice or guidance

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266 Assessment of quality of information

267 Power to establish accreditation scheme

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268 Database of quality indicators

269 Power to confer functions in relation to identification of GPs

270 Additional functions

271 Arrangements with other bodies

272 Failure by Information Centre to discharge any of its functions

273 Protection from personal liability

*General and supplementary*

274 Powers of Secretary of State or Board to give directions

275 Interpretation of this Chapter

276 Dissolution of predecessor body

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277 Consequential provision

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280 The National Information Governance Board for Health and Social Care  
281 The National Patient Safety Agency  
282 The NHS Institute for Innovation and Improvement  
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#### *Information relating to births and deaths etc.*

284 Special notices of births and deaths  
285 Provision of information by Registrar General  
286 Provision of information by Registrar General: Wales  
287 Provision of statistical information by Statistics Board

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289 Care Quality Commission: duty to co-operate with Monitor  
290 Other duties to co-operate  
291 Breaches of duties to co-operate

#### *The Care Quality Commission*

292 Requirement for Secretary of State to approve remuneration policy etc.  
293 Conduct of reviews etc.  
294 Failure to discharge functions

#### *Arrangements with devolved authorities etc.*

295 Arrangements between the Board and Northern Ireland Ministers  
296 Arrangements between the Board and Scottish Ministers etc.  
297 Relationships between the health services  
298 Advice or assistance to public authorities in the Isle of Man or Channel Islands

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299 Certificate of consent of community patients to treatment

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300 Transfer schemes  
301 Transfer schemes: supplemental  
302 Subsequent property transfer schemes

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SCHEDULE 2 — Clinical commissioning groups

SCHEDULE 3 — Pharmaceutical remuneration

SCHEDULE 4 — Amendments of the National Health Service Act 2006

#### PART 1 — THE HEALTH SERVICE IN ENGLAND

- 1 (1) For section 2 substitute— General power The Secretary of State, the Board or a clinical commissioning...
- 2 (1) Section 6 (performance of functions outside England) is amended...
- 3 (1) Section 6A (reimbursement of cost of services provided in...
- 4 (1) Section 6B (prior authorisation for the purposes of section...
- 5 (1) In section 8 (Secretary of State's directions to health...
- 6 (1) Section 9 (NHS contracts) is amended as follows.
- 7 In section 11 (arrangements to be treated as NHS contracts),...
- 8 (1) Section 12 (arrangements with other bodies) is amended as...
- 9 After section 12 insert— Commissioning arrangements by the Board or...
- 10 (1) Section 12A (direct payments for health care) is amended...
- 11 (1) Section 12B (regulations about direct payments) is amended as...
- 12 In section 12D (arrangements with other bodies relating to direct...

#### PART 2 — NHS BODIES

- 13 In section 28 (special health authorities), omit subsection (6).
- 14 In section 29 (exercise of Special Health Authority functions), in...
- 15 Omit Chapter 5B of Part 2 (trust special administrators: Primary...
- 16 In section 67 (effect of intervention orders), in subsection (1)—...
- 17 In section 70 (transfer of residual liabilities)—
- 18 (1) Section 71 (schemes for meeting losses and liabilities in...
- 19 In section 73 (directions and regulations), in subsection (1) omit...
- 20 Omit Schedule 2.
- 21 Omit Schedule 3.
- 22 (1) Schedule 4 (NHS trusts) is amended as follows.
- 23 (1) Schedule 6 (special health authorities established under section 28)...

#### PART 3 — LOCAL AUTHORITIES

- 24 In section 74 (supply of goods and services by local...
- 25 In section 76 (power of local authorities to make payments),...
- 26 In section 77 (Care Trusts), in each of subsections (1)(a),...

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- 27 In section 78 (directed partnership agreements), in subsection (3)—  
28 (1) Section 80 (supply of goods and services by the...  
29 (1) Section 81 (conditions of supply under section 80) is...  
PART 4 — MEDICAL SERVICES  
30 (1) Section 83 (duty relating to primary medical services) is...  
31 (1) Section 84 (general medical services contracts: introductory) is  
amended...  
32 In section 86 (persons eligible to enter into general medical...  
33 In section 87 (general medical services contracts: payments), in  
subsection...  
34 (1) In section 89 (general medical services contracts: required terms),...  
35 (1) Section 91 (persons performing primary medical services) is  
amended...  
36 (1) Section 92 (arrangements by Strategic Health Authorities for the...  
37 (1) Section 93 (participants in section 92 arrangements) is amended...  
38 (1) Section 94 (regulations about section 92 arrangements) is amended...  
39 Omit section 95 (transfer of liabilities relating to section 92...  
40 (1) Section 96 (assistance and support) is amended as follows...  
41 (1) Section 97 (Local Medical Committees) is amended as follows....  
PART 5 — DENTAL SERVICES  
42 (1) Section 99 (duty relating to primary dental services) is...  
43 (1) Section 100 (general dental services contracts: introductory) is  
amended...  
44 In section 102 (persons eligible to enter into general dental...  
45 In section 103 (general dental services contracts: payments), in  
subsection...  
46 In section 104 (general dental services contracts: required terms), in...  
47 (1) Section 106 (persons performing primary dental services) is  
amended...  
48 (1) Section 107 (arrangements by Strategic Health Authorities for the...  
49 (1) Section 108 (participants in section 107 arrangements) is amended...  
50 (1) Section 109 (regulations about section 107 arrangements) is  
amended...  
51 Omit section 110 (transfer of liabilities relating to section 107...  
52 (1) Section 112 (assistance and support) is amended as follows....  
53 (1) Section 113 (Local Dental Committees) is amended as follows....  
PART 6 — OPHTHALMIC SERVICES  
54 (1) Section 115 (duty relating to primary ophthalmic services) is...  
55 (1) Section 117 (general ophthalmic services contracts: introductory) is  
amended...  
56 In section 118 (persons eligible to enter into general ophthalmic...  
57 In section 119 (exclusion of contractors), for “a Primary Care...  
58 In section 120 (general ophthalmic services contracts: payments), in  
subsection...  
59 In section 121 (general ophthalmic services contracts: other required  
terms),...  
60 (1) Section 123 (persons performing primary ophthalmic services) is  
amended...  
61 (1) Section 124 (primary ophthalmic services: assistance and support)  
is...  
62 (1) Section 125 (Local Optical Committees) is amended as follows....  
PART 7 — PHARMACEUTICAL SERVICES

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- 63 (1) Section 126 (arrangements for pharmaceutical services) is amended as...
- 64 (1) Section 127 (arrangements for additional pharmaceutical services) is amended...
- 65 (1) Section 128 (terms and conditions of arrangements under section...
- 66 (1) Section 129 (regulations as to pharmaceutical services) is amended...
- 67 In section 130 (regulations about appeals from decisions on applications...
- 68 (1) Section 131 (power to charge fee to applicants) is...
- 69 (1) Section 132 (persons authorised to provide pharmaceutical services) is...
- 70 (1) Section 133 (inadequate provision of pharmaceutical services) is amended...
- 71 (1) Section 134 (pilot schemes) is amended as follows.
- 72 In section 136 (designation of priority neighbourhoods or premises), in...
- 73 In section 137 (reviews of pilot schemes), in subsection (3)(a),...
- 74 (1) Section 138 (variation and termination of pilot schemes) is...
- 75 (1) Section 140 (funding of preparatory work) is amended as...
- 76 (1) In section 144 (local pharmaceutical services schemes)—
- 77 (1) Section 148 (conditional inclusion in pharmaceutical lists) is amended...
- 78 (1) Section 150A (notices and penalties) is amended as follows....
- 79 (1) Section 151 (disqualification of practitioners) is amended as follows....
- 80 (1) Section 152 (contingent removal) is amended as follows.
- 81 In section 154 (suspension), in subsections (1), (3), (4), (6)(b)...
- 82 (1) Section 155 (suspension pending removal) is amended as follows....
- 83 (1) Section 157 (review of decisions) is amended as follows....
- 84 (1) Section 158 (appeals) is amended as follows.
- 85 (1) Section 159 (national disqualification) is amended as follows.
- 86 In section 160 (notification of decisions), for “a Primary Care...
- 87 In section 161 (withdrawal from lists), in paragraphs (a) and...
- 88 (1) Section 162 (regulations about decisions under Chapter 6 of...
- 89 (1) Section 164 (remuneration for persons providing pharmaceutical services) is...
- 90 (1) Section 166 (indemnity cover) is amended as follows.
- 91 (1) Section 167 (local pharmaceutical committees) is amended as follows....
- 92 (1) Schedule 11 (pilot schemes) is amended as follows.
- 93 (1) Schedule 12 (LPS schemes) is amended as follows.
- PART 8 — CHARGING
- 94 In section 176 (dental charging)— (a) in subsection (3), for...
- 95 In section 177 (exemptions from dental charging), in subsection (4),...
- 96 (1) Section 180 (payments in respect of costs of optical...
- 97 (1) Section 181 (provision supplementary to section 180) is amended...
- 98 (1) Section 183 (payment of travelling expenses) is amended as...
- 99 In section 185 (charges for more expensive supplies), in subsection...
- 100 In section 186 (charges for repairs and replacements in certain...
- 101 In section 187 (charges for designated services or facilities) for...
- 102 In section 188 (sums otherwise payable to those providing services),...
- PART 9 — FRAUD ETC.
- 103 (1) Section 195 (compulsory disclosure of documents) is amended as...

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- 104 (1) Section 196 (persons and bodies about which provision is...  
105 (1) Section 197 (notice requiring production of documents) is  
amended...  
106 In section 201 (disclosure of information), in subsection (3)(a) for...  
107 (1) Section 210 (interpretation of Part 10) is amended as...  
PART 10 — PROPERTY AND FINANCE  
108 (1) Section 211 (acquisition, use and maintenance of property) is...  
109 In section 213 (transfers of trust property), in subsection (2)(c)—...  
110 (1) Section 214 (transfer of functions and property to or...  
111 (1) Section 215 (trustees and property under section 222) is...  
112 In section 216 (application of trust property: further provisions), in...  
113 In section 217 (trusts: supplementary provisions), in subsection (1)—...  
114 In section 218 (private trusts for hospitals), in subsection (4)—...  
115 In section 220 (trust property previously held for general hospital...  
116 (1) Section 222 (power to raise money) is amended as...  
117 (1) In section 223 (formation of companies), in each of...  
118 Omit section 224 (means of meeting expenditure of Strategic Health...  
119 (1) Section 226 (financial duties of Strategic Health Authorities and...  
120 (1) Section 227 (resource limits for Strategic Health Authorities and...  
121 Omit sections 228 to 231 (funding of Primary Care Trusts...  
122 In section 234 (special arrangement as to payment of remuneration),...  
123 (1) Section 236 (payment for medical examination before application  
for...  
124 Omit Schedule 14 (further provision about expenditure of Primary  
Care...  
125 (1) Schedule 15 (accounts and audits) is amended as follows...  
PART 11 — PUBLIC INVOLVEMENT AND SCRUTINY  
126 (1) Section 242 (public involvement and consultation) is amended as...  
127 Omit sections 242A and 242B (duties of Strategic Health Authorities...  
PART 12 — MISCELLANEOUS  
128 After section 254 insert— Support functions of the Secretary of...  
129 (1) Section 256 (power of Primary Care Trusts to make...  
130 In section 257 (payments in respect of voluntary organisations under...  
131 (1) Section 258 (university clinical teaching and research) is amended...  
132 (1) Section 259 (sale of medical practices) is amended as...  
133 Omit section 268 (persons displaced by health service development),  
and...  
134 In section 271 (territorial limit of exercise of functions), in...  
135 After section 271 insert— Services to be treated as services...  
136 (1) Section 272 (orders, regulations, rules and directions) is amended...  
137 (1) Section 273 (further provision about orders and directions) is...  
138 (1) Section 275 (interpretation) is amended as follows.  
139 (1) Section 276 (index of defined expressions) is amended as...

#### SCHEDULE 5 — Part 1: amendments of other enactments

##### *Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)*

- 1 In section 1 of the Voluntary Hospitals (Paying Patients) Act...

##### *National Assistance Act 1948 (c. 29)*

- 2 The National Assistance Act 1948 is amended as follows.

*Status: Point in time view as at 01/12/2012.*

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3 (1) Section 24 (local authority's liability for provision of accommodation)...

4 In section 26 (provision of accommodation in premises maintained by...

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

5 In Part 1 of Schedule 2 to the Reserve and...

*Public Records Act 1958 (c. 51)*

6 In Schedule 1 to the Public Records Act 1958 (bodies...

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

7 In the Schedule to the Public Bodies (Admission to Meetings)...

*Parliamentary Commissioner Act 1967 (c. 13)*

8 In Schedule 3 to the Parliamentary Commissioner Act 1967 (matters...

*Abortion Act 1967 (c. 87)*

9 In section 1 of the Abortion Act 1967 (location of...

*Leasehold Reform Act 1967 (c. 88)*

10 In section 28 of the Leasehold Reform Act 1967 (land...

*Health Services and Public Health Act 1968 (c. 46)*

11 The Health Services and Public Health Act 1968 is amended...

12 (1) Section 63 (provision of instruction for officers of hospital...

13 In section 64 (financial assistance to certain voluntary organisations),  
in...

*Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*

14 In section 3 of the Employers' Liability (Compulsory Insurance) Act...

*Local Authority Social Services Act 1970 (c. 42)*

15 In Schedule 1 to the Local Authority Social Services Act...

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

16 (1) Section 17 of the Chronically Sick and Disabled Persons...

*Local Government Act 1972 (c. 70)*

17 In section 113 of the Local Government Act 1972 (placing...

*Local Government Act 1974 (c. 7)*

18 In section 26 of the Local Government Act 1974 (matters...

*Health and Safety at Work etc. Act 1974 (c. 37)*

19 (1) Section 60 of the Health and Safety at Work...



*Status: Point in time view as at 01/12/2012.*

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*House of Commons Disqualification Act 1975 (c. 24)*

20 In Part 3 of Schedule 1 to the House of...

*Acquisition of Land Act 1981 (c. 67)*

21 The Acquisition of Land Act 1981 is amended as follows...  
22 In section 16 (land excluded from compulsory purchase), in subsection...  
23 In section 17 (special parliamentary procedure applying to compulsory purchase...

*Mental Health Act 1983 (c. 20)*

24 The Mental Health Act 1983 is amended as follows.  
25 In section 19 (regulations as to transfers of patients), in...  
26 In section 23 (discharge of patients), in subsection (5)(a)—  
27 In section 32 (regulations for purposes of Part 2 of...  
28 (1) Section 39 (power of court to request information from...  
29 In section 134 (patients' correspondence), in subsection (3)(e)—  
30 In section 139 (protection for acts done in pursuance of...  
31 (1) In section 145 (interpretation), in subsection (1)—

*Public Health (Control of Disease) Act 1984 (c. 22)*

32 In section 13 of the Public Health (Control of Disease)...

*Dentists Act 1984 (c. 24)*

33 The Dentists Act 1984 is amended as follows.  
34 In section 26B (guidance for dentists), in subsection (8) omit...  
35 In section 36M (guidance for dental care professionals), in subsection...  
36 In section 40 (definition of “business of dentistry”), in subsection...  
37 In section 50D (rules: consultation), in subsection (4) omit paragraph...

*Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

38 The Disabled Persons (Services, Consultation and Representation) Act 1986 is...  
39 In section 2 (rights of authorised representatives of disabled persons) —...  
40 In section 7 (persons discharged from hospital), in subsection (9)—...  
41 In section 11 (reports to Parliament)— (a) in subsection (1ZA)...  
42 In section 16 (interpretation), in subsection (1)—

*Dartford-Thurrock Crossing Act 1988 (c. 20)*

43 In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption...

*Copyright, Designs and Patents Act 1988 (c. 48)*

44 In section 48 of the Copyright, Designs and Patents Act...

*Health and Medicines Act 1988 (c. 49)*

45 In section 7 of the Health and Medicines Act 1988...

*Status: Point in time view as at 01/12/2012.*

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*Road Traffic Act 1988 (c. 52)*

46 In section 144 of the Road Traffic Act 1988 (exception...

*Children Act 1989 (c. 41)*

47 The Children Act 1989 is amended as follows.  
48 In section 21 (provision of accommodation for children in police...  
49 In section 24 (persons qualifying for advice and assistance), in...  
50 In section 24C (information), in subsection (2)—  
51 In section 27 (co-operation between authorities), in subsection (3)—  
52 In section 29 (recoupment of cost of providing services), in...  
53 In section 47 (local authority's duty to investigate), in subsection...  
54 In section 80 (inspection of children's homes)—  
55 In section 85 (children accommodated by health authorities)—  
56 (1) Section 105 (interpretation) is amended as follows.

*Local Government and Housing Act 1989 (c. 42)*

57 In section 2 of the Local Government and Housing Act...

*National Health Service and Community Care Act 1990 (c. 19)*

58 The National Health Service and Community Care Act 1990 is...  
59 In section 47 (assessment of needs for community care services),...  
60 In section 49 (transfer of staff to local authorities), in...  
61 In section 60 (removal of crown immunities), in subsection (7)—...

*Access to Health Records Act 1990 (c. 23)*

62 The Access to Health Records Act 1990 is amended as...  
63 In section 1, in subsection (2) (meaning of "holder" in...  
64 In section 11 (interpretation)— (a) in the definition of "health...

*London Local Authorities Act 1991 (c. xiii)*

65 In section 4 of the London Local Authorities Act 1991...

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

66 In section 279 of the Trade Union and Labour Relations...

*Health Service Commissioners Act 1993 (c. 46)*

67 The Health Service Commissioners Act 1993 is amended as follows....  
68 In section 2 (health service bodies subject to investigation), in...  
69 In section 2A (health service providers subject to investigation), in...  
70 (1) Section 14 (reports etc. by the Commissioner) is amended...

*Health Authorities Act 1995 (c. 17)*

71 In Schedule 2 to the Health Authorities Act 1995 (property,...

*Employment Rights Act 1996 (c. 18)*

72 The Employment Rights Act 1996 is amended as follows.  
73 In section 43K (extension of meaning of "worker" etc for...  
74 In section 50 (right to time off for public duties),...

*Status: Point in time view as at 01/12/2012.*

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75 In section 218 (change of employer), in subsection (10)—

*Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

76 In section 3 of the Housing Grants, Construction and Regeneration...

*Education Act 1996 (c. 56)*

77 The Education Act 1996 is amended as follows.

78 (1) Section 322 (duty of certain bodies to help local...

79 (1) Section 332 (duty of certain NHS bodies to notify...

80 In section 579 (general interpretation), in subsection (1) in the...

*Audit Commission Act 1998 (c. 18)*

81 In section 33 of the Audit Commission Act 1998, in...

*Data Protection Act 1998 (c. 29)*

82 In section 69 of the Data Protection Act 1998 (meaning...

*Crime and Disorder Act 1998 (c. 37)*

83 The Crime and Disorder Act 1998 is amended as follows....

84 In section 5 (authorities responsible for crime and disorder strategies),...

85 In section 38 (local provision of youth justice services), in...

86 In section 39 (Youth Offending Teams), in subsection (3)(b)—

87 In that section, in subsection (5)(d)— (a) after “nominated by”...

88 In section 41 (the Youth Justice Board), in subsection (10)—...

89 In section 42 (supplementary provisions), in subsection (3)—

90 In section 115, in subsection (2) (disclosure of information to...

*Health Act 1999 (c. 8)*

91 The Health Act 1999 is amended as follows.

92 In section 61 (English and Scottish border provisions)—

93 In Schedule 4 (amendments relating to Primary Care Trusts)—

*Greater London Authority Act 1999 (c. 29)*

94 In section 309E of the Greater London Authority Act 1999,...

*Care Standards Act 2000 (c. 14)*

95 In section 121 of the Care Standards Act 2000 (interpretation),...

*Government Resources and Accounts Act 2000 (c. 20)*

96 (1) Section 14 of the Government Resources and Accounts Act...

*Local Government Act 2000 (c. 22)*

97 In section 21C of the Local Government Act 2000 (reports...

*Regulation of Investigatory Powers Act 2000 (c. 23)*

98 In section 4 of the Regulation of Investigatory Powers Act...

*Status: Point in time view as at 01/12/2012.*

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*>Freedom of Information Act 2000 (c. 36)*

99 In Part 3 of Schedule 1 to the Freedom of...

*International Development Act 2002 (c. 1)*

100 In Schedule 1 to the International Development Act 2002 (statutory...

*National Health Service Reform and Health Care Professions Act 2002 (c. 17)*

101 The National Health Service Reform and Health Care Professions Act...

102 Omit Schedule 1 (English health authorities: change of name to...

103 Omit Schedule 2 (consequential amendments concerning the reallocation of functions...

*Adoption and Children Act 2002 (c. 38)*

104 The Adoption and Children Act 2002 is amended as follows....

105 In section 4 (assessments etc for adoption support services), in...

106 In section 8 (bodies which cannot be adoption support agencies),...

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

107 In section 133(4) of the Nationality, Immigration and Asylum Act...

*Community Care (Delayed Discharges etc.) Act 2003 (c. 5)*

108 The Community Care (Delayed Discharges etc.) Act 2003 is amended...

109 In section 1 (meaning of “NHS body” and “qualifying hospital...

110 In section 9 (dispute resolution)— (a) in subsection (1) omit...

*Licensing Act 2003 (c. 17)*

111 The Licensing Act 2003 is amended as follows.

112 In section 5(3) (statement of licensing policy)—

113 In section 13(4) (authorised persons, interested parties and responsible authorities)—...

114 In section 16 (applicant for premises licence), in subsection (3),...

115 In section 69(4) (authorised persons, interested parties and responsible authorities)—...

116 In section 172B(4) (procedural requirements for early morning alcohol restriction...

*Sexual Offences Act 2003 (c. 42)*

117 In section 42 of the Sexual Offences Act 2003 (care...

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

118 The Health and Social Care (Community Health and Standards) Act...

119 In section 71 (reporting to Secretary of State and regulator)—...

120 In section 113 (complaints about health care), in subsection (1),...

121 In section 148 (interpretation of Part 2), in the definition...

122 In section 160 (provision of information)— (a) in subsection (1),...

123 In section 165 (power to apply provisions about recovery of...

*Status: Point in time view as at 01/12/2012.*

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*Criminal Justice Act 2003 (c. 44)*

124 In section 325 of the Criminal Justice Act 2003 (arrangements...

*Carers (Equal Opportunities) Act 2004 (c. 15)*

125 (1) Section 3 of the Carers (Equal Opportunities) Act 2004...

*Domestic Violence, Crime and Victims Act 2004 (c. 28)*

126 In section 9 of the Domestic Violence, Crime and Victims...

*Children Act 2004 (c. 31)*

127 The Children Act 2004 is amended as follows.

128 In section 10 (co-operation to improve wellbeing), in subsection (4)—...

129 In section 11 (arrangements to safeguard and promote welfare), in...

130 In section 12A (establishment of children's trust boards), after subsection...

131 In section 13 (establishment of Local Safeguarding Children Boards), in...

*Civil Contingencies Act 2004 (c. 36)*

132 (1) Schedule 1 to the Civil Contingencies Act 2004 (lists...

*Mental Capacity Act 2005 (c. 9)*

133 The Mental Capacity Act 2005 is amended as follows.

134 In section 35 (appointment of independent mental capacity advocates)—

135 In section 64 (interpretation), in subsection (1) in the definition...

136 (1) Schedule A1 (hospital and care home residents: deprivation of...

*Childcare Act 2006 (c. 21)*

137 In section 4 of the Childcare Act 2006 (duty of...

*Emergency Workers (Obstruction) Act 2006 (c. 39)*

138 In section 1 of the Emergency Workers (Obstruction) Act 2006...

*National Health Service (Consequential Provisions) Act 2006 (c. 43)*

139 In Schedule 1 to the National Health Service (Consequential Provisions)...

*NHS Redress Act 2006 (c. 44)*

140 The NHS Redress Act 2006 is amended as follows.

141 In section 1, in subsection (3)— (a) after paragraph (a)...

142 In section 18 (interpretation), in subsection (1) omit the definition...

*Safeguarding Vulnerable Groups Act 2006 (c. 47)*

143 The Safeguarding Vulnerable Groups Act 2006 is amended as follows...

144 In section 6 (regulated activity providers)— (a) omit subsection (8D),...

145 In section 17 (NHS employment) in subsection (3)—

146 In section 22 (controlled activity relating to vulnerable adults), in...

*Status: Point in time view as at 01/12/2012.*

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*Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)*

147 In section 6 of the Corporate Manslaughter and Corporate Homicide...

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

148 The Local Government and Public Involvement in Health Act 2007...  
149 (1) Section 222 (arrangements relating to local care services) is...  
150 In section 224 (duties of services-providers to respond to local...  
151 In section 225 (duties of services-providers to allow entry by...  
152 In section 227 (annual reports), in subsection (4)(b)—

*Criminal Justice and Immigration Act 2008 (c. 4)*

153 In section 119 of the Criminal Justice and Immigration Act...

*Health and Social Care Act 2008 (c. 14)*

154 The Health and Social Care Act 2008 is amended as...  
155 In section 30 (urgent procedure for cancellation), in subsection (3)—...  
156 In section 39 (bodies required to be notified of certain...  
157 In section 46 (reviews and investigations)— (a) omit subsection (1),...  
158 In section 48 (special reviews and investigations)—  
159 In section 49 (power to extend periodic review function), in...  
160 In section 54 (studies as to economy, efficiency etc)—  
161 In section 59 (additional functions) at the end insert—  
162 In section 64 (power to require documents and information), in...  
163 In section 70 (co-operation between the Care Quality Commission and...  
164 In section 72 (provision of material to the Comptroller and...  
165 In section 81 (publication of programme of reviews etc), in...  
166 (1) Section 97 (general interpretation of Part 1) is amended...  
167 In section 153 (directions to certain NHS bodies) in subsection...

*Education and Skills Act 2008 (c. 25)*

168 The Education and Skills Act 2008 is amended as follows...  
169 In section 16 (supply of information by public bodies), in...  
170 In section 77 (supply of information by public bodies), in...

*Autism Act 2009 (c. 15)*

171 In section 4 of the Autism Act 2009 (interpretation), in...

*Local Democracy, Economic Development and Construction Act 2009 (c. 20)*

172 In section 123 of the Local Democracy, Economic Development and...

*Health Act 2009 (c. 21)*

173 The Health Act 2009 is amended as follows.  
174 In each of the following provisions for “NHS services” substitute...  
175 (1) Section 2 (duty to have regard to NHS constitution)...  
176 (1) Section 3 (availability and review of NHS constitution) is...  
177 (1) Section 8 (duty of providers to publish information) is...  
178 In section 9 (supplementary provision about the duty to publish...  
179 In section 36 (disclosure of information by Her Majesty's Revenue...

*Status: Point in time view as at 01/12/2012.*

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*Equality Act 2010 (c. 15)*

- 180 The Equality Act 2010 is amended as follows.  
181 In section 1 (public sector duty regarding socio-economic inequalities),  
in...  
182 In Part 1 of Schedule 19 (bodies subject to public...

*Child Poverty Act 2010 (c. 9)*

- 183 In section 20 of the Child Poverty Act 2010 (partner...

*Charities Act 2011 (c. 25)*

- 184 In section 149 of the Charities Act 2011 (audit or...

SCHEDULE 6 — Part 1: transitional provision

*Interpretation*

- 1 (1) This paragraph applies for the purposes of this Schedule....

*Modification of requirements as to consultation*

- 2 (1) If, at any time before the commencement of section...

*Directions under section 7 of the 2006 Act*

- 3 (1) This paragraph applies if section 21 is commenced before...  
4 (1) This paragraph applies if section 21 is commenced before...  
5 (1) Sub-paragraph (2) applies in relation to any direction given...  
6 Any reference in paragraphs 3 to 5 to the commencement...

*Exercise of Secretary of State's functions in relation to Primary Care Trusts*

- 7 (1) The Secretary of State may, at any time during...

*Conditional establishment of clinical commissioning groups*

- 8 (1) Regulations may make provision authorising the Board to grant...

*Exercise of functions of clinical commissioning groups during initial period*

- 9 (1) This paragraph applies to a clinical commissioning group if...

*Preparatory work by clinical commissioning groups*

- 10 (1) This paragraph applies to a clinical commissioning group which...

*Arrangements between PCTs and clinical commissioning groups during initial period*

- 11 (1) A Primary Care Trust may at any time during...

*Power to make payments to the Board during initial period*

- 12 (1) The Secretary of State may make payments to the...

*Support for clinical commissioning groups during initial period*

- 13 (1) A Primary Care Trust may provide assistance or support...

*Status: Point in time view as at 01/12/2012.*

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## SCHEDULE 7 — Abolition of the Health Protection Agency: consequential amendments

### *Parliamentary Commissioner Act 1967 (c. 13)*

- 1 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

### *Superannuation Act 1972 (c. 11)*

- 2 In Schedule 1 to the Superannuation Act 1972 (kinds of...

### *Local Government Act 1972 (c. 70)*

- 3 In section 113 of the Local Government Act 1972 (placing...

### *Health and Safety at Work etc. Act 1974 (c. 37)*

- 4 The Health and Safety at Work etc. Act 1974 is...  
5 In section 16 (approval of codes of practice), in subsection...  
6 In section 50 (exercise of certain powers to make regulations),...

### *House of Commons Disqualification Act 1975 (c. 24)*

- 7 In Part 3 of Schedule 1 to the House of...

### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 8 In Part 3 of Schedule 1 to the Northern Ireland...

### *Employment Rights Act 1996 (c. 18)*

- 9 In section 218 of the Employment Rights Act 1996 (change...

### *Freedom of Information Act 2000 (c. 36)*

- 10 In Part 6 of Schedule 1 to the Freedom of...

### *International Development Act 2002 (c. 1)*

- 11 In Schedule 1 to the International Development Act 2002 (statutory...

### *Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 12 (1) Section 133(4) of the Nationality, Immigration and Asylum Act...

### *Scottish Public Services Ombudsman Act 2002 (asp 11)*

- 13 The Scottish Public Services Ombudsman Act 2002 is amended as...  
14 In section 7 (matters which may be investigated: restrictions), omit...  
15 In Part 2 of Schedule 2 (persons liable to investigation),...

### *Civil Contingencies Act 2004 (c. 36)*

- 16 In Schedule 1 to the Civil Contingencies Act 2004, in...

### *National Health Service Act 2006 (c. 41)*

- 17 The National Health Service Act 2006 is amended as follows....



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- 18 In section 9 (NHS contracts), in subsection (4) omit paragraph...  
19 In section 71 (schemes for meeting losses and liabilities of...

*National Health Service (Wales) Act 2006 (c. 42)*

- 20 The National Health Service (Wales) Act 2006 is amended as...  
21 In section 7 (NHS contracts), in subsection (4) omit paragraph...  
22 In section 30 (schemes for meeting losses and liabilities of...

*National Health Service (Consequential Provisions) Act 2006 (c. 43)*

- 23 In Schedule 1 to the National Health Service (Consequential Provisions)...

*Health and Social Care Act 2008 (c. 14)*

- 24 In section 159 (functions of Health Protection Agency in relation...

*Health and Personal Social Services (Northern Ireland) Order 1991 (No. 194 (N.I. 1))*

- 25 In article 8 of the Health and Personal Social Services...

SCHEDULE 8 — Monitor

*Membership*

- 1 (1) Monitor is to consist of— (a) a chair appointed...

*The chief executive and other executive members: appointment and status*

- 2 (1) The chief executive and the other executive members of...

*Non-executive members: tenure*

- 3 (1) A person holds and vacates office as a non-executive...

*Suspension from office*

- 4 (1) This paragraph applies where a person is suspended under...  
5 (1) Where a person is suspended from office as the...

*Payment of non-executive members*

- 6 (1) Monitor must pay to its non-executive members such remuneration...

*Staff*

- 7 (1) Monitor may appoint such persons to be employees of...

*Superannuation*

- 8 (1) Sub-paragraph (2) applies where a person who is an...

*Committees*

- 9 (1) Monitor may appoint such committees and sub-committees as it...

*Status: Point in time view as at 01/12/2012.*

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#### *Procedure*

- 10 (1) Monitor may regulate its own procedure.

#### *Exercise of functions*

- 11 (1) Monitor must exercise its functions effectively, efficiently and economically....

#### *Assistance*

- 12 (1) Monitor may arrange for persons to assist it in...

#### *Borrowing*

- 13 (1) Monitor may, with the consent of the Secretary of...

#### *Acquiring information*

- 14 (1) Monitor may obtain, compile and keep under review information...

#### *General power*

- 15 Monitor may do anything which appears to it to be...

#### *Finance*

- 16 (1) The Secretary of State may make payments to Monitor...

#### *Accounts of NHS foundation trusts*

- 17 (1) Monitor must prepare in respect of each financial year...

#### *Accounts of Monitor*

- 18 (1) Monitor must keep proper accounts and proper records in...  
19 (1) Monitor must prepare annual accounts in respect of each...  
20 (1) The Secretary of State may, with the approval of...

#### *Reports and other information*

- 21 (1) As soon as practicable after the end of each...

#### *Recommendations by Committees in Parliament*

- 22 Monitor must respond in writing to any recommendation about its...

#### *Seal and evidence*

- 23 (1) The application of Monitor's seal must be authenticated by...

#### *Status*

- 24 (1) Monitor must not be regarded as the servant or...

### SCHEDULE 9 — Requirements under section 77: undertakings

#### *Procedure*

- 1 (1) Monitor must publish a procedure for entering into section...

*Status: Point in time view as at 01/12/2012.*

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- 2 (1) Where Monitor accepts a section 77 undertaking, Monitor must...

*Variation of terms*

- 3 The terms of a section 77 undertaking (including, in particular,...

*Compliance certificates*

- 4 (1) Where Monitor is satisfied that a section 77 undertaking...

- 5 (1) An appeal lies to the First-tier Tribunal against a...

*Inaccurate, incomplete or misleading information*

- 6 Where Monitor is satisfied that a person who has given...

SCHEDULE 10 — References by Monitor to the Competition Commission

*Variation of reference*

- 1 (1) Monitor may, at any time, by notice given to...

*Monitor's opinion of public interest etc.*

- 2 Monitor may specify in a reference, or a variation under...

*Publication etc. of reference*

- 3 As soon as practicable after making a reference, or a...

*Information*

- 4 (1) Monitor must, for the purpose of assisting the Competition...

*Time limits*

- 5 (1) A reference must specify a period within which the...

*Reports on references*

- 6 (1) In making a report on a reference, the Competition...

*Changes following report*

- 7 (1) This paragraph applies where a report of the Competition...

*Competition Commission's power to veto changes*

- 8 (1) The Competition Commission may, within the period of four...

*Disclosure etc.*

- 9 (1) Before making a report on a reference, giving or...

*Powers of investigation*

- 10 (1) The following sections of Part 3 of the Enterprise...

SCHEDULE 11 — Further provision about Monitor's enforcement powers

PART 1 — DISCRETIONARY REQUIREMENTS

*Status: Point in time view as at 01/12/2012.*

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#### *Procedure*

- 1 (1) Where Monitor proposes to impose a discretionary requirement on...
- 2 (1) After the end of the notice period Monitor must...
- 3 (1) A person may appeal to the First-tier Tribunal against...
- 4 Monitor may by notice to a person on whom a...

#### *Non-compliance penalties*

- 5 (1) If a person fails to comply with a compliance...
- 6 (1) A person may appeal to the First-tier Tribunal against...

#### *Recovery of financial penalties*

- 7 (1) Amounts payable to Monitor of the kind mentioned in...

#### *Payments of penalties etc. into Consolidated Fund*

- 8 Monitor must pay any sums it receives in respect of...

#### PART 2 — ENFORCEMENT UNDERTAKINGS

#### *Procedure*

- 9 (1) Monitor must publish a procedure for entering into enforcement...
- 10 (1) Where Monitor accepts an enforcement undertaking, Monitor must publish...

#### *Variation of terms*

- 11 The terms of an enforcement undertaking (including, in particular, the...

#### *Compliance certificates*

- 12 (1) Where Monitor is satisfied that an enforcement undertaking has...
- 13 (1) An appeal lies to the First-tier Tribunal against a...

#### *Inaccurate, incomplete or misleading information*

- 14 Where Monitor is satisfied that a person who has given...

#### SCHEDULE 12 — Procedure on references under section 120

#### *Contents etc. of reference*

- 1 (1) A reference under section 120 must specify—

#### *Representations by objectors*

- 2 (1) If an objector wishes to make representations to the...

#### *Functions of Commission in relation to reference*

- 3 (1) The following functions of the Competition Commission must be...

#### *Timetable for determination on reference*

- 4 (1) The group with the function of making a determination...

*Status: Point in time view as at 01/12/2012.*

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*Matters to be considered on determination*

- 5 (1) If the group with the function of determining a...

*Production of documents*

- 6 (1) The Competition Commission may by notice require a person...

*Oral hearings*

- 7 (1) For the purposes of this Schedule, an oral hearing...

*Written statements*

- 8 (1) The Commission may by notice require a person to...

*Defaults in relation to evidence*

- 9 (1) This paragraph applies if a person (“the defaulter”)—

*General provisions relating to evidence*

- 10 (1) No person may be compelled to give evidence under...

*Procedural rules*

- 11 (1) The Competition Commission may make rules of procedure for...

*Costs*

- 12 (1) A group that makes a determination on a reference...

*Power to modify time limits*

- 13 The Secretary of State may by order vary any period...

SCHEDULE 13 — Part 3: minor and consequential amendments

*General*

- 1 (1) Any reference in an instrument or document to the...

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 2 In the Schedule to the Public Bodies (Admission to Meetings)...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 3 (1) In Schedule 2 to the Parliamentary Commissioner Act 1967...

*Superannuation Act 1972 (c. 11)*

- 4 (1) In Schedule 1 to the Superannuation Act 1972 (kinds...

*House of Commons Disqualification Act 1975 (c. 24)*

- 5 (1) In Part 3 of Schedule 1 to the House...

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*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

6 (1) In Part 3 of Schedule 1 to the Northern...

*Freedom of Information Act 2000 (c. 36)*

7 In Part 6 of Schedule 1 to the Freedom of...

*National Health Service Act 2006 (c. 41)*

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

9 (1) Omit section 31 and Schedule 8 (continuation and constitution...

10 (1) Omit section 32 (general duty of regulator).

11 In section 275(1) (general interpretation), at the appropriate place, insert  
—...

12 In section 276 (index of defined expressions), in the entry...

*National Health Service (Wales) Act 2006 (c. 42)*

13 In section 184(2)(b) of the National Health Service (Wales) Act...

*Health and Social Care Act 2008 (c. 14)*

14 The Health and Social Care Act 2008 is amended as...

15 In section 30(3) (urgent applications for cancellation of registration of...

16 In section 39(1) (notice requirements in relation to certain matters),...

17 In section 59 (power for Secretary of State to confer...

*Health Act 2009 (c. 21)*

18 In section 2(2) of the Health Act 2009 (bodies required...

*Equality Act 2010 (c.15)*

19 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 14 — Abolition of NHS trusts in England: consequential amendments  
PART 1 — AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

- 1 .....
- 2 .....
- 3 .....
- 4 .....
- 5 .....
- 6 .....
- 7 .....
- 8 .....
- 9 .....
- 10 .....
- 11 .....
- 12 .....
- 13 .....
- 14 .....
- 15 .....
- 16 .....
- 17 .....
- 18 .....

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PART 2 — AMENDMENTS OF OTHER ACTS

*Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)*

41	.....
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*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

42	.....
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*Abortion Act 1967 (c. 87)*

43	.....
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*Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*

44	.....
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*Local Government Act 1972 (c. 70)*

45	.....
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*House of Commons Disqualification Act 1975 (c. 24)*

46	.....
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*Acquisition of Land Act 1981 (c. 67)*

47	.....
48	.....
49	.....

*Mental Health Act 1983 (c. 20)*

50	.....
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	<i>Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)</i>
51	.....
	<i>Copyright, Designs and Patents Act 1988 (c. 48)</i>
52	.....
	<i>Health and Medicines Act 1988 (c. 49)</i>
53	.....
	<i>Road Traffic Act 1988 (c. 52)</i>
54	.....
	<i>Access to Health Records Act 1990 (c. 23)</i>
55	.....
	<i>Water Industry Act 1991 (c. 56)</i>
56	.....
	<i>London Local Authorities Act 1991 (c. xiii)</i>
57	.....
	<i>Social Security Contributions and Benefits Act 1992 (c. 4)</i>
58	.....
59	.....
60	.....
61	.....
62	.....
	<i>Health Service Commissioners Act 1993 (c. 46)</i>
63	.....
	<i>Vehicle Excise and Registration Act 1994 (c. 22)</i>
64	.....
	<i>Value Added Tax Act 1994 (c. 23)</i>
65	.....
66	.....
67	.....
	<i>Employment Rights Act 1996 (c. 18)</i>
68	.....
69	.....
70	.....
	<i>Audit Commission Act 1998 (c. 18)</i>
71	.....



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72 .....  
73 .....

*Data Protection Act 1998 (c. 29)*

74 .....

*Health Act 1999 (c. 8)*

75 .....

*Greater London Authority Act 1999 (c. 29)*

76 .....

*Care Standards Act 2000 (c. 14)*

77 .....  
78 .....  
79 .....  
80 .....

*Freedom of Information Act 2000 (c. 36)*

81 .....

*International Development Act 2002 (c. 1)*

82 .....

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

83 .....

*Community Care (Delayed Discharges etc.) Act 2003 (c. 5)*

84 .....

*Finance Act 2003 (c. 14)*

85 .....  
86 .....  
87 .....

*Licensing Act 2003 (c. 17)*

88 .....

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

89 .....  
90 .....  
91 .....  
92 .....  
93 .....

*Finance Act 2004 (c. 12)*

94 .....

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*Domestic Violence, Crime and Victims Act 2004 (c. 28)*

95 .....

*Children Act 2004 (c. 31)*

96 .....

97 .....

98 .....

99 .....

*Civil Contingencies Act 2004 (c. 36)*

100 .....

*National Health Service (Wales) Act 2006 (c. 42)*

101 .....

*Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)*

102 .....

*Local Government and Public Involvement in Health Act 2007 (c. 28)*

103 .....

104 .....

105 .....

106 .....

*Criminal Justice and Immigration Act 2008 (c. 4)*

107 .....

*Health and Social Care Act 2008 (c. 14)*

108 .....

109 .....

110 .....

*Autism Act 2009 (c. 15)*

111 .....

*Health Act 2009 (c. 21)*

112 .....

113 .....

114 .....

*Corporation Tax Act 2010 (c. 4)*

115 .....

*Equality Act 2010 (c. 15)*

116 .....

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*Charities Act 2011 (c. 25)*

117 .....  
118 .....  
119 .....

SCHEDULE 15 — Part 7: consequential amendments and savings  
PART 1 — ABOLITION OF THE GENERAL SOCIAL CARE COUNCIL

*Amendments to the Care Standards Act 2000 (c. 14)*

- 1 The Care Standards Act 2000 is amended as follows.
- 2 In section 55(3)(g) (power to treat persons on certain social...
- 3 In section 56 (register of social care workers etc.)—
- 4 In section 57 (applications for registration), in subsection (1), for...
- 5 In section 58 (grant or refusal of registration), in subsection...
- 6 In section 58A (visiting social workers from relevant European States)  
—...
- 7 In section 59 (removal etc. from register), in subsection (1),...
- 8 In section 60 (rules about registration), for “A Council” substitute...
- 9 In section 61 (offence relating to use of title “social...
- 10 In section 62 (codes of practice)— (a) in subsection (1),...
- 11 In section 63 (approval of courses etc.)—
- 12 In section 64 (qualifications gained outside Council's area)—
- 13 In section 65(1) (power to make rules requiring registered persons...
- 14 In section 66 (visitors for certain social work courses)—
- 15 In section 67 (functions of the appropriate Minister)—
- 16 In section 68 (appeals to the Tribunal), in subsections (1)...
- 17 In section 69 (publication etc. of register), in subsection (1),...
- 18 Omit section 70 (abolition of the Central Council for Education...
- 19 In section 71 (rules), in subsections (1), (2), (3A) and...
- 20 In section 113 (default Ministerial powers), omit subsection (1).
- 21 In section 114 (schemes for the transfer of staff), in...
- 22 In section 118 (orders and regulations), in subsection (4), omit...
- 23 In section 121 (13) (index of defined expressions)—
- 24 In section 122 (commencement), omit “section 70(2) to (5) and”....
- 25 In section 123 (extent), omit subsection (3).
- 26 Schedule 1 (the Care Councils) is amended as follows.
- 27 Omit paragraph 1 (introductory).
- 28 In paragraph 2 (status)— (a) for “An authority” substitute “The...
- 29 In paragraph 3(1) (general powers), for “the Secretary of State,...
- 30 In paragraph 4 (general duty), for “an authority” substitute “the...
- 31 For paragraph 5 (membership)— (a) for “Each authority” substitute  
“The...
- 32 In paragraph 6 (appointment, procedure etc.)— (a) for “The Secretary...
- 33 (1) Paragraph 7 (remuneration and allowances) is amended as follows....
- 34 (1) Paragraph 8 (chief officer) is amended as follows.
- 35 (1) Paragraph 12 (staff) is amended as follows.
- 36 (1) Paragraph 13 (delegation of functions) is amended as follows....
- 37 In paragraph 14 (arrangements for the use of staff)—
- 38 In paragraph 16 (payments to authorities)— (a) for “The Secretary...
- 39 (1) Paragraph 18 (accounts) is amended as follows.
- 40 (1) Paragraph 19 (reports etc.) is amended as follows.
- 41 In paragraph 20 (application of seal)— (a) for “an authority”...

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- 42 In paragraph 21 (evidence), for “an authority” substitute “the Welsh...  
43 For the title to Schedule 1 substitute “The Welsh Council”....

*Amendments to the Health and Social Care Act 2008 (c. 14)*

- 44 The Health and Social Care Act 2008 is amended as...  
45 (1) In section 124 (regulation of social care workers)—  
46 Section 125 (standard of proof in proceedings relating to registration...  
47 (1) Section 126 (education and training of approved mental health...  
48 In section 171(4) (provisions which Welsh Ministers have power to...  
49 (1) Schedule 9 (regulation of social care workers) is amended...

*Amendments to other Acts*

- 50 In the following provisions, omit the entry for the General...  
51 In section 343 of the Income Tax (Earning and Pensions)...  
52 In section 41 of the Safeguarding Vulnerable Groups Act 2006...  
PART 2 — THE HEALTH AND CARE PROFESSIONS COUNCIL  
53 (1) A reference in any instrument or document to the...  
54 In Part 2 of Schedule 1 to the House of...  
55 In Part 2 of Schedule 1 to the Northern Ireland...  
56 In the following provisions, for “the Health Professions Council”  
substitute...  
57 In section 257(3) of the Armed Forces Act 2006 (definition...  
58 After section 30A(5) of the Protection of Vulnerable Groups  
(Scotland)...  
PART 3 — THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND  
SOCIAL CARE

*General*

- 59 (1) A reference in any instrument or document to the...

*Health Act 1999 (c. 8)*

- 60 In section 60(1) of the Health Act 1999—  
61 In paragraph 7(4) of Schedule 3 to that Act, for...

*National Health Service Reform and Health Care Professions Act 2002 (c. 17)*

- 62 In each of the following provisions of the National Health...  
63 In sections 26(6), 27(3) and 29(6) of, and paragraphs 1...  
64 Omit section 26(12) of that Act.  
65 In section 26A(2) of, and paragraph 1 of Schedule 7...  
66 For the title to Schedule 7 substitute “The Professional Standards...

*Other Acts, etc.*

- 67 In section 36A(1)(b) of the Dentists Act 1984 (professions  
complementary...  
68 In each of the following provisions, for “the Council for...  
69 (1) In each of the following provisions, omit the entry...  
PART 4 — THE OFFICE OF THE HEALTH PROFESSIONS ADJUDICATOR

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*Miscellaneous amendments*

- 70 In the Schedule to the Public Bodies (Admission to Meetings)...  
71 (1) Omit the entry for the Office of the Health...

*Amendments to the Health Act 1999 (c. 8)*

- 72 (1) The Health Act 1999 is amended as follows.

*Amendments to the National Health Service Reform  
and Health Care Professions Act 2002 (c. 17)*

- 73 (1) In section 29 of the National Health Service Reform...

*Amendments to the Health Act 2006 (c. 28)*

- 74 (1) Omit section 60(3)(b) of the Health Act 2006 (Appointments...

*Amendments to the Health and Social Care Act 2008 (c. 14)*

- 75 (1) The Health and Social Care Act 2008 is amended...

*Savings*

- 76 (1) If abolition is to occur at a time other...  
77 A reference in any document to the OHPA is, so...  
78 In paragraphs 76 and 77— “abolition” means the commencement of...

SCHEDULE 16 — The National Institute for Health and Care Excellence

*Membership, appointment, etc.*

- 1 (1) NICE consists of— (a) at least six members appointed...

*Tenure of non-executive office*

- 2 (1) The chair and other non-executive members—

*Suspension from non-executive office*

- 3 (1) This paragraph applies where a person is suspended under...  
4 (1) This paragraph applies where a person is suspended from...

*Remuneration etc. of non-executive members*

- 5 (1) NICE must pay to the non-executive members such remuneration...

*Staff*

- 6 (1) NICE may appoint such persons to be employees of...

*Committees*

- 7 (1) NICE may appoint such committees and sub-committees as it...

*Procedure*

- 8 (1) NICE may regulate its own procedure.

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### *Exercise of functions*

- 9 NICE may arrange for the exercise of its functions on...

### *General powers*

- 10 (1) NICE may do anything which appears to it to...

### *Finance*

- 11 (1) The Secretary of State may make payments to NICE...

### *Reports*

- 12 (1) As soon as practicable after the end of each...

### *Accounts*

- 13 (1) NICE must keep proper accounts and proper records in...  
14 (1) NICE must prepare annual accounts in respect of each...  
15 (1) The Secretary of State may, with the approval of...

### *Seal and evidence*

- 16 (1) The application of NICE's seal must be authenticated by...

### *Status*

- 17 (1) NICE must not be regarded as the servant or...

## SCHEDULE 17 — Part 8: consequential amendments

### *Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 1 In the Schedule to the Public Bodies (Admission to Meetings)...

### *Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

### *Local Government Act 1972 (c. 70)*

- 3 In section 113 of the Local Government Act 1972 (placing...

### *House of Commons Disqualification Act 1975 (c. 24)*

- 4 In Part 2 of Schedule 1 to the House of...

### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 5 In Part 2 of Schedule 1 to the Northern Ireland...

### *Employment Rights Act 1996 (c. 18)*

- 6 (1) The Employment Rights Act 1996 is amended as follows....

### *Data Protection Act 1998 (c. 29)*

- 7 In section 69 of the Data Protection Act 1998 (meaning...

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*Freedom of Information Act 2000 (c. 36)*

8 In Part 6 of Schedule 1 to the Freedom of...

*International Development Act 2002 (c. 1)*

9 In Schedule 1 to the International Development Act 2002 (bodies...

*National Health Service Act 2006 (c. 41)*

10 (1) The National Health Service Act 2006 is amended as...

*National Health Service (Wales) Act 2006 (c. 42)*

11 In section 7 of the National Health Service (Wales) Act...

*Health and Social Care Act 2008 (c. 14)*

12 (1) The Health and Social Care Act 2008 is amended...

*Health Act 2009 (c. 21)*

13 In section 2 of the Health Act 2009 (duty to...

*Equality Act 2010 (c. 15)*

14 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 18 — The Health and Social Care Information Centre

*Membership, appointment, etc.*

1 (1) The Information Centre consists of— (a) at least six...

*Tenure of non-executive office*

2 (1) The chair and other non-executive members—

*Suspension from non-executive office*

3 (1) This paragraph applies where a person is suspended under...

4 (1) This paragraph applies where a person is suspended from...

*Remuneration etc. of non-executive members*

5 (1) The Information Centre must pay to the non-executive members...

*Staff*

6 (1) The Information Centre may appoint such persons to be...

*Committees*

7 (1) The Information Centre may appoint such committees and sub-committees...

*Procedure*

8 (1) The Information Centre may regulate its own procedure.

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*Changes to legislation: Health and Social Care Act 2012 is up to date with all changes known to be in force on or before 05 August 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)*

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### *Exercise of functions*

- 9 The Information Centre may arrange for any function exercisable by...

### *General powers*

- 10 (1) The Information Centre may do anything which appears to...

### *Finance*

- 11 (1) The Secretary of State may make payments to the...

### *Reports*

- 12 (1) As soon as practicable after the end of each...

### *Accounts*

- 13 (1) The Information Centre must keep proper accounts and proper...  
14 (1) The Information Centre must prepare annual accounts in respect...  
15 (1) The Secretary of State may, with the approval of...

### *Seal and evidence*

- 16 (1) The application of the Information Centre's seal must be...

### *Status*

- 17 (1) The Information Centre must not be regarded as the...

## SCHEDULE 19 — Part 9: consequential amendments

### *Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 1 In the Schedule to the Public Bodies (Admission to Meetings)...

### *Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

### *House of Commons Disqualification Act 1975 (c. 24)*

- 3 In Part 2 of Schedule 1 to the House of...

### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 4 In Part 2 of Schedule 1 to the Northern Ireland...

### *Access to Health Records Act 1990 (c. 23)*

- 5 In section 11 of the Access to Health Records Act...

### *Employment Rights Act 1996 (c. 18)*

- 6 (1) The Employment Rights Act 1996 is amended as follows....

### *Data Protection Act 1998 (c. 29)*

- 7 In section 69 of the Data Protection Act 1998 (meaning...



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*Freedom of Information Act 2000 (c. 36)*

8 In Part 6 of Schedule 1 to the Freedom of...

*National Health Service Act 2006 (c. 41)*

9 (1) The National Health Service Act 2006 is amended as...

*National Health Service (Wales) Act 2006 (c. 42)*

10 (1) The National Health Service (Wales) Act 2006 is amended...

*Health and Social Care Act 2008 (c. 14)*

11 In section 64 of the Health and Social Care Act...

*Health Act 2009 (c. 21)*

12 In section 2 of the Health Act 2009 (duty to...

*Equality Act 2010 (c. 15)*

13 In Part 1 of Schedule 19 to the Equality Act...

SCHEDULE 20 — Part 10: consequential amendments and savings

PART 1 — THE ALCOHOL EDUCATION AND RESEARCH COUNCIL

*Consequential amendments*

- 1 Omit the entry for the Alcohol Education and Research Council...
- 2 Omit the entry in Part 3 of Schedule 1 to...
- 3 In consequence of the repeal made by section 278(2)—

*Savings*

- 4 (1) Anything which is in the process of being done...  
PART 2 — THE APPOINTMENTS COMMISSION

*Consequential amendments*

- 5 (1) Omit the entry for the Appointments Commission in each...
- 6 Omit paragraph 1A(4) of Schedule 1 (membership of governing Council)...
- 7 In consequence of the repeal made by section 279(2)—

*Savings*

- 8 (1) Anything which is in the process of being done...  
PART 3 — THE NATIONAL INFORMATION GOVERNANCE BOARD FOR  
HEALTH AND SOCIAL CARE

*Consequential amendments*

- 9 (1) Omit the entry for the National Information Governance Board...
- 10 (1) In section 271 of the National Health Service Act...
- 11 In consequence of the repeal made by section 280(2), omit...

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### *Savings*

12 (1) Anything which is in the process of being done...

#### SCHEDULE 21 — Amendments relating to relationships between the health services

##### *National Health Service (Scotland) Act 1978 (c. 29)*

- 1 The National Health Service (Scotland) Act 1978 is amended as...
- 2 (1) Section 17A (NHS contracts) is amended as follows.
- 3 (1) Section 17C (personal medical or dental services) is amended...
- 4 In section 17D (persons with whom agreements under section 17C...

##### *National Health Service Act 2006 (c. 41)*

- 5 The National Health Service Act 2006 is amended as follows....
- 6 In section 9 (NHS contracts), in subsection (4)—
- 7 After section 10 (provision about NHS contracts entered into by...
- 8 (1) In section 66 (intervention orders), for subsection (1) substitute—...
- 9 (1) Section 67 (effect of intervention orders) is amended as...
- 10 (1) In section 68 (default powers), for subsection (1) substitute—...
- 11 In section 78 (directed partnership arrangements), in subsection (3)—

##### *National Health Service (Wales) Act 2006 (c. 42)*

- 12 The National Health Service (Wales) Act 2006 is amended as...
- 13 In section 7 (NHS contracts), in subsection (4)—
- 14 After section 8 insert— Provision for bodies in Scotland (1) Subsection (2) applies where the Scottish Ministers are, or...
- 15 In section 10 (Welsh Ministers' arrangements with other bodies), in...
- 16 In section 13 (exercise of Local Health Board functions), in...
- 17 In section 17 (plans for improving health etc), in subsection...
- 18 In section 22 (special health authorities), omit subsection (6).
- 19 In section 26 (intervention orders), in subsection (1) after “other...
- 20 In section 27 (effect of intervention orders), in subsection (1)—...
- 21 In section 28 (default powers), in subsection (1) after “other...
- 22 In section 34 (power of local authorities to make payments),...
- 23 In section 36 (directed partnership arrangements), in subsection (3)—
- 24 (1) Section 38 (supply of goods and services by the...
- 25 In section 39 (conditions of supply under section 38), in...
- 26 In section 41 (duty to provide primary medical services), omit...
- 27 (1) Section 51 (persons with whom agreements for provision of...
- 28 In section 56 (primary dental services), omit subsection (4).
- 29 (1) Section 65 (persons with whom agreements for provision of...
- 30 In section 106 (provision about regulations under section 105), in...
- 31 (1) Section 115 (national disqualification) is amended as follows.
- 32 In section 131 (payment of travelling expenses), in paragraph (c)...
- 33 In section 144 (persons and bodies about which provision is...
- 34 In section 161 (transfers of trust property), in subsection (2)(c)—...
- 35 (1) Section 162 (transfer of functions and property to or...
- 36 In section 181 (payment for medical examination before application for...
- 37 In section 197 (university clinical teaching and research), in subsection...
- 38 (1) In section 206 (interpretation), in subsection (1)—

**Status:** Point in time view as at 01/12/2012.

**Changes to legislation:** Health and Social Care Act 2012 is up to date with all changes known to be in force on or before 05 August 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)

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- 39 In Schedule 2 (Local Health Boards), in paragraph 9—
- 40 (1) Schedule 3 (NHS trusts) is amended as follows.
- 41 (1) Schedule 5 (Special Health Authorities) is amended as follows....
- 42 (1) Schedule 10 (further provision about Community Health Councils) is...

*Health and Personal Social Services (Northern Ireland) Order 1991 (No. 194 (N.I. 1))*

- 43 (1) Article 8 of the Health and Personal Social Services...

SCHEDULE 22 — Property transfer schemes

SCHEDULE 23 — Staff transfer schemes

**Status:**

Point in time view as at 01/12/2012.

**Changes to legislation:**

Health and Social Care Act 2012 is up to date with all changes known to be in force on or before 05 August 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.