



# Health Act 2009

## 2009 CHAPTER 21

### PART 1

#### QUALITY AND DELIVERY OF NHS SERVICES IN ENGLAND

### CHAPTER 2

#### QUALITY ACCOUNTS

## 8 Duty of providers to publish information

- (1) Each of the bodies listed in subsection (2) must, in accordance with regulations made by the Secretary of State, publish in respect of each reporting period a document containing prescribed information relevant to the quality of—
  - (a) any NHS services that the body provides;
  - (b) any NHS services that, under arrangements made by the body, are provided by a person not listed in subsection (2) or (3);
  - (c) any services that are provided in England and for the provision of which the body provides assistance or support under section 124(1) of the National Health Service Act 2006 (c. 41) (primary ophthalmic services).
- (2) The bodies are—
  - (a) Primary Care Trusts;
  - (b) National Health Service trusts all or most of whose hospitals, establishments and facilities are in England;
  - (c) Special Health Authorities;
  - (d) NHS foundation trusts.
- (3) Each person who—
  - (a) provides NHS services as mentioned in section 2(4)(a),
  - (b) provides or assists in providing NHS services as mentioned in section 2(4)(b), or

*Status: Point in time view as at 01/04/2010.*

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- (c) makes arrangements as mentioned in section 2(5)(a) for another person to provide NHS services,  
 must, in accordance with regulations made by the Secretary of State, publish in respect of each reporting period a document containing prescribed information relevant to the quality of those services.
- (4) References in this section to the provision of services include references to the provision of services jointly with another person.
- (5) The Secretary of State may by regulations provide that subsection (1) or (3) does not apply to prescribed bodies, persons or services, or to bodies, persons or services of a prescribed description.
- (6) In this section “NHS services” has the same meaning as in Chapter 1.

**Modifications etc. (not altering text)**

- C1** S. 8(1) excluded (1.4.2010) by [The National Health Service \(Quality Accounts\) Regulations 2010 \(S.I. 2010/279\)](#), regs. 1(1), **2(1)**, 3(1)
- C2** S. 8(3) excluded (1.4.2010) by [The National Health Service \(Quality Accounts\) Regulations 2010 \(S.I. 2010/279\)](#), regs. 1(1), **2(1)**, 3(1)

**Commencement Information**

- I1** S. 8 partly in force; s. 8 in force for specified purposes at Royal Assent see s. 40(6)(a)
- I2** S. 8 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/30](#), **art. 4**

**9 Supplementary provision about the duty**

- (1) In this section “the provider” means the body or person required to publish a document under section 8.
- (2) For the purposes of that section a reporting period is—
- (a) the period of 12 months beginning with 1 April 2009, and
  - (b) each subsequent period of 12 months.
- (3) If the Care Quality Commission or a Strategic Health Authority notifies the provider of an error or omission in a document published under that section, the provider must within 21 days of the notification republish the document correcting the error or omission and including a statement explaining the correction.
- (4) A copy of any document published under that section must be sent by the provider to the Secretary of State in any form specified by the Secretary of State for the purpose of enabling the Secretary of State to make the document available to the public.
- (5) Regulations under subsection (1) or (3) of section 8 may in particular make provision—
- (a) as to the form of a document published under that section and its contents in addition to the prescribed information;
  - (b) imposing duties on the provider for the purpose of ensuring the accuracy of information;
  - (c) as to how and when a document must be published and when a copy must be sent under subsection (4);

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- (d) requiring the provider to have regard to guidance issued by the Secretary of State.
- (6) The provider must at the request of any person provide to that person a copy of any document published by the provider under section 8 relating to a reporting period ending not more than 2 years before the request.
- (7) While subsection (1) or (3) of section 8 applies to the provider, the provider must keep affixed, in a conspicuous place at each of the premises at which the provider provides services to which that subsection applies, a notice stating how the most recent document published by the provider under that section may be obtained.
- (8) Subsection (7) does not apply if—
  - (a) the provider does not have control of the premises, or
  - (b) the services are provided by means such that the persons receiving them do not do so at the premises.
- (9) In subsection (7) “premises” includes a vehicle or moveable structure.

#### Commencement Information

- I3** S. 9 partly in force; s. 9(5) in force for specified purposes at Royal Assent see s. 40(6)(a)
- I4** S. 9 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/30](#), [art. 4](#)

## 10 Regulations under section 8

- (1) The power to make regulations under section 8 is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under section 8 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power to make regulations under section 8—
  - (a) may be exercised so as to make the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
  - (b) may be exercised so as to make the same provision for all cases in relation to which the power is exercised, or different provision for different cases;
  - (c) may be exercised so as to make any such provision unconditionally or subject to any specified condition.

#### Commencement Information

- I5** S. 10 partly in force; s. 10 in force for specified purposes at Royal Assent see s. 40(6)(a)
- I6** S. 10 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/30](#), [art. 4](#)

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