



Health and Care Act 2022

CHAPTER 31

HEALTH AND CARE ACT 2022

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Status: Point in time view as at 28/06/2022.

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- 143 Virginity testing offences in Scotland: penalties and supplementary

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- 144 Offence of virginity testing: Northern Ireland

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- 150 Offence of aiding or abetting etc a person to carry out hymenoplasty:
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- 151 Hymenoplasty offences in England and Wales: penalties

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- 152 Offence of carrying out hymenoplasty: Scotland
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- 155 Hymenoplasty offences in Scotland: penalties and supplementary

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- 156 Offence of carrying out hymenoplasty: Northern Ireland
- 157 Offence of offering to carry out hymenoplasty: Northern Ireland
- 158 Offence of aiding or abetting etc a person to carry out hymenoplasty:
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169 Medical examiners

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172 Advertising of less healthy food and drink

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

SCHEDULE 2 — Integrated care boards: constitution etc

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

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

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

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

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

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

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

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

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

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

SCHEDULE 5 — Abolition of Monitor and transfer of its functions

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

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

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

SCHEDULE 6 — Intervention powers over the reconfiguration of NHS services

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

- 1 Value Added Tax Act 1994

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

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

PART 1 — AMENDMENTS ABOUT TRUST SPECIAL ADMINISTRATORS

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

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

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

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

SCHEDULE 10 — The NHS payment scheme

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

SCHEDULE 11 — Patient choice: undertakings by integrated care boards

SCHEDULE 12 — Removal of functions relating to competition etc

- 1 Company Directors Disqualification Act 1986

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

SCHEDULE 13 — The Health Services Safety Investigations Body

PART 1 — CONSTITUTION

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

SCHEDULE 14 — Prohibition on disclosure of HSSIB material: exceptions

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

SCHEDULE 15 — Consequential amendments relating to Part 4

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

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

SCHEDULE 16 — Virginity testing and hymenoplasty: consequential amendments

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

SCHEDULE 17 — Storage of gametes and embryos

PART 1 — AMENDMENTS TO HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

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

SCHEDULE 18 — Advertising of less healthy food and drink

PART 1 — PROGRAMME SERVICES: WATERSHED

- 1 Television programme services
 - 2 On-demand programme services
- ##### PART 2 — ONLINE SERVICES: PROHIBITION
- 3 In the Communications Act 2003, after Part 4B insert— PART...
- ##### PART 3 — CONSEQUENTIAL AMENDMENTS
- 4 The Communications Act 2003 is amended as follows.
 - 5 In section 368C (on-demand programme services: duties of the appropriate...
 - 6 In section 402(2) (instruments subject to negative procedure) —

SCHEDULE 19 — Licensing of cosmetic procedures

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- 1 Introduction
- 2 Grant of licence
- 3 The regulations may make provision requiring a local authority not...
- 4 Licence conditions
- 5 Duration of licence etc
- 6 Reviews and appeals
- 7 Offences
- 8 Financial penalties
- 9 Enforcement
- 10 Fees
- 11 Guidance
- 12 Interpretation

Status:

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