

*Draft Regulations laid before Parliament under section 183(4)(c) of the Health and Care Act 2022, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**NATIONAL HEALTH SERVICE  
SOCIAL CARE  
PUBLIC HEALTH  
TRANSFER OF FUNCTIONS**

The Health and Social Care Information  
Centre (Transfer of Functions, Abolition and  
Transitional Provisions) Regulations 2023

*Made - - - - \*\*\*  
Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 103, 105 and 183(1) and (2) of the Health and Care Act 2022<sup>(1)</sup>.

In accordance with section 103(2) of that Act, the Secretary of State considers that these Regulations serve the purpose of improving the exercise of public functions, having regard to efficiency, effectiveness, economy and securing appropriate accountability to Ministers.

In accordance with section 103(4)(c) of that Act, the Secretary of State considers that the Health and Social Care Information Centre<sup>(2)</sup> is redundant as a result of the transfer of its functions under these Regulations.

In accordance with section 108(1) of that Act, the Secretary of State has obtained the consent of the Scottish Ministers, the Welsh Ministers and the Northern Ireland Department of Health.

In accordance with section 108(3) of that Act, the Secretary of State has consulted the Health and Social Care Information Centre and NHS England, and such other persons as the Secretary of State considered appropriate.

In accordance with section 108(4) of that Act, the Secretary of State has considered whether it is appropriate to carry out further consultation with respect to changes which appeared appropriate as a result of consultation under section 108, and considers that it is not.

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(1) 2022 c. 31.

(2) The Health and Social Care Information Centre was established under section 252(1) of the Health and Social Care Act 2012 (c. 7). In July 2016, the Centre informally adopted the operating name “NHS Digital”.

In accordance with section 183(4)(c) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

### **Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023.

(2) Subject to paragraphs (3) and (4), these Regulations come into force the day after the day on which they are made.

(3) The following come into force at the same time as section 2 of the Access to Medical Treatments (Innovation) Act 2016 (database of innovative treatments)<sup>(3)</sup>—

- (a) paragraph 17(5)(e) of the Schedule insofar as it inserts paragraph (c) of the definition of “relevant data functions” into section 253(3) of the 2012 Act;
- (b) paragraph 19 of the Schedule;
- (c) regulation 2(1) insofar as it relates to the provisions commenced by paragraphs (a) and (b).

(4) The following come into force at the same time as section 98 of the Health and Care Act 2022 (collection of information from private health care providers)—

- (a) paragraph 17(11)(a)(iii) of the Schedule;
- (b) regulation 2(1) insofar as it relates to that paragraph.

(5) Except as provided in paragraphs (6) and (7), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(6) The following extend to England and Wales only—

- (a) regulation 2(2);
- (b) regulations 3 to 5.

(7) An amendment, repeal or revocation made by these Regulations has the same extent as the provision amended, repealed or revoked.

(8) In these Regulations—

“the 2012 Act” means the Health and Social Care Act 2012<sup>(4)</sup>;

“the Information Centre” means the Health and Social Care Information Centre, the body corporate established under section 252 of the 2012 Act;

“NHS England” means the body corporate established under section 1H of the National Health Service Act 2006<sup>(5)</sup>.

### **Transfer of functions, consequential provision and abolition**

2.—(1) The Schedule contains—

- (a) amendments that transfer functions of the Information Centre to NHS England, and

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<sup>(3)</sup> 2016 c. 9.

<sup>(4)</sup> 2012 c. 7 (“the 2012 Act”).

<sup>(5)</sup> 2006 c. 41. Section 1H was inserted by section 9(1) of the 2012 Act. Section 1 of, and Schedule 1 to, the Health and Care Act 2022 (c. 31) (“the 2022 Act”) renamed the National Health Service Commissioning Board, the body corporate established under section 1H, “NHS England”, and made consequential amendments. Under paragraph 1(3) of Schedule 1 to the 2022 Act, a reference to the NHS Commissioning Board in any enactment (apart from the 2022 Act) passed before the day on which section 1 of that Act comes into force (1 July 2022), and in any instrument or other document made before that day, is to be read, in relation to any time on or after that day, as a reference to NHS England.

- (b) consequential and related amendments.
- (2) The Information Centre is abolished.

### **Transitional and saving provision: directions**

#### **3.—(1) Where—**

- (a) a direction given by NHS England to the Information Centre contains provision that is made by virtue of section 254(1) or 260(2)(d) or (3) of the 2012 Act, and
- (b) that provision is in force immediately before this regulation comes into force,

the provision is to be treated, on and after the day on which this regulation comes into force, as if contained in a direction given by the Secretary of State to NHS England by virtue of section 254(1) or 260(2)(d) or (3) of the 2012 Act (as the case may be).

#### **(2) Where—**

- (a) a direction given by the Secretary of State or NHS England to the Information Centre contains provision that is made by virtue of—
  - (i) section 254(6) of the 2012 Act,
  - (ii) section 255(5) or (6) of the 2012 Act,
  - (iii) section 262(1), (3) or (5) of the 2012 Act, or
  - (iv) section 277C(3) of the 2012 Act, and
- (b) that provision is in force immediately before this regulation comes into force,

the provision is to be treated on and after the day on which this regulation comes into force as if contained in a direction given by the Secretary of State to NHS England by virtue of section 13ZC of the National Health Service Act 2006.

### **Final report on exercise of Information Centre's functions**

**4.—(1)** NHS England must, as soon as practicable, prepare a report on how the Information Centre has exercised its functions during the period beginning with 1st April 2022 and ending immediately before this regulation comes into force.

#### **(2) NHS England must—**

- (a) lay a copy of the report before Parliament, and
- (b) once it has done so, send a copy of it to the Secretary of State.

### **Final accounts for Information Centre**

**5.—(1)** NHS England must, as soon as practicable, prepare accounts for the Information Centre in respect of the period beginning with 1st April 2022 and ending immediately before this regulation comes into force.

(2) NHS England must send copies of the accounts to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State may direct.

#### **(3) The Comptroller and Auditor General must—**

- (a) examine, certify and report on the accounts;
- (b) lay copies of them and the report before Parliament.

**Transitional provision**

6.—(1) NHS England may do anything which appears to it to be necessary or appropriate for the winding up of the affairs of the Information Centre.

(2) Any act, omission or other thing (including legal proceedings) done or which, at the coming into force of this regulation, is in the process of being done by or in relation to the Information Centre in respect of, or in connection with, the exercise of its functions, is to be treated as an act, omission or thing done or in the process of being done, and may be continued, by or in relation to NHS England.

(3) Any enactment, instrument or other document passed or made before the coming into force of this regulation has effect, so far as is necessary for the purposes of or in consequence of these Regulations as if references to (and references which are to be read as references to) the Information Centre were or included references to NHS England.

(4) Documents or forms printed for use in connection with a function transferred by these Regulations may be used in connection with that function even though they contain, or are to be read as containing, references to the Information Centre; and for the purposes of the use of any such documents or forms after the coming into force of these Regulations, those references are to be read as references to NHS England.

Address  
Date

*Name*  
Parliamentary Under Secretary of State,  
Department of Health and Social Care

## SCHEDULE

Regulation 2(1)

### Consequential Amendments

## PART 1

### Amendments to Primary Legislation

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

1. In the Schedule to the Public Bodies (Admission to Meetings) Act 1960(6), in paragraph 1, omit sub-paragraph (o).

#### **Parliamentary Commissioner Act 1967**

2. In Schedule 2 to the Parliamentary Commissioner Act 1967(7), omit “Health and Social Care Information Centre.”.

#### **Superannuation Act 1972**

3. In Schedule 1 to the Superannuation Act 1972(8), omit “Health and Social Care Information Centre.”.

#### **House of Commons Disqualification Act 1975**

4. In Schedule 1 to the House of Commons Disqualification Act 1975(9), in Part 2, omit “The Health and Social Care Information Centre.”.

#### **National Health Service (Scotland) Act 1978**

5.—(1) The National Health Service (Scotland) Act 1978(10) is amended as follows.

(2) In section 17A—

- (a) in subsection (1)(b), for “(s)” substitute “(r)”;
- (b) in subsection (2)—
  - (i) at the end of paragraph (q) insert “and”;
  - (ii) omit paragraph (s) and the “and” before it;
- (c) in subsection (11) for “, (r) or (s)” substitute “or (r)”.

#### **Access to Health Records Act 1990**

6. In section 11 of the Access to Health Records Act 1990(11), in the definition of “health service body”, for paragraph (f) substitute—

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- (6) 1960 c. 67. Sub-paragraph (o) was inserted by paragraph 1 of Schedule 19 to the 2012 Act.
  - (7) 1967 c. 13. Schedule 2 was substituted by S.I. 2011/2986 and amended by paragraph 2 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.
  - (8) 1972 c. 11. Schedule 1 was amended by S.I. 2005/3171; there are other amendments but none is relevant.
  - (9) 1975 c. 24. Part 2 was amended by paragraph 3 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.
  - (10) 1978 c. 29. Section 17A was inserted by section 30 of the National Health Service and Community Care Act 1990 (c. 19) and amended by paragraph 2 of Schedule 21 to the 2012 Act; there are other amendments but none is relevant.
  - (11) 1990 c. 23. The definition was amended by paragraph 5 of Schedule 21 to the 2012 Act; there are other amendments but none is relevant.

“(f) NHS England;”.

### **Value Added Tax Act 1994**

7. In section 41 of the Value Added Tax Act 1994(12), in subsection (7), omit paragraph (g).

### **Employment Rights Act 1996**

8.—(1) The Employment Rights Act 1996(13) is amended as follows.

(2) In section 49B, in subsection (7), omit paragraph (i).

(3) In section 50, in subsection (8), omit paragraph (ad).

(4) In section 218, in subsection (10), omit paragraph (cd).

### **Freedom of Information Act 2000**

9. In Schedule 1 to the Freedom of Information Act 2000(14), in Part 6, omit “The Health and Social Care Information Centre.”.

### **National Health Service Act 2006**

10.—(1) The National Health Service Act 2006(15) is amended as follows.

(2) In section 9, in subsection (4), omit paragraph (kb).

(3) In section 13U—

(a) omit the “and” at the end of subsection (2)(b);

(b) at the end of subsection (2)(c) insert—

“, and

(d) how effectively it discharged its relevant data functions (as defined by section 253(3) of the Health and Social Care Act 2012).”.

(4) In section 71, in subsection (2), omit paragraph (db).

(5) In section 72, omit subsection (3).

(6) In section 247C, in subsection (2), omit paragraph (e).

(7) In section 253—

(a) in subsection (1A), omit paragraph (c);

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(12) 1994 c. 23. Section 41(7) was amended by section 191(1) of the Finance Act 2013 (c. 29) and section 107 of the Finance Act 2014 (c. 26); there are other amendments but none is relevant.

(13) 1996 c. 18. Section 49B was inserted by section 149(1) and (2) of the Small Business, Enterprise and Employment Act 2015 (c. 26); there are amendments to subsection (7) but none is relevant. Sections 50(8) and 218(10) were amended by paragraph 6 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.

(14) 2000 c. 36. The relevant entry was inserted by paragraph 8 of Schedule 19 to the 2012 Act; there are other amendments to Part 6 but none is relevant.

(15) 2006 c. 41. Section 9(4) was amended by paragraph 9 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant. Section 13U was inserted section 23 of the 2012 Act and amended by sections 4 and 7 of the 2022 Act; there are other amendments but none is relevant. Section 71(2) was amended by paragraph 9 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant. Section 72(3) was inserted by paragraph 9 of Schedule 19 to the 2012 Act. Section 247C was inserted by section 52 of the 2012 Act; there are amendments to subsection (2) but none is relevant. Section 253(1A) was inserted by section 47(3) of the 2012 Act; there are amendments but none is relevant. Section 264B was inserted by section 8 of the Health Service Medical Supplies (Costs) Act 2017 (c. 23); there are amendments but none is relevant. Section 270(1) was amended by section 285(1) and (2) of the 2012 Act; there are other amendments but none is relevant. There are amendments to section 271 but none is relevant. Schedule A1 was inserted by Schedule 1 to the 2012 Act and amended by section 17(1) and (3) of the 2022 Act. Schedule 1B was inserted by Schedule 2 to the 2022 Act.

- (b) in subsection (2), for “within subsection (1A)(a) to (c)” substitute “within any paragraph of subsection (1A) other than paragraph (d)”.
- (8) In section 264B—
  - (a) in subsection (1), omit paragraph (c);
  - (b) in subsection (3)(a), for “(1)(a) to (c)” substitute “(1)(a) or (b)”.
- (9) In section 270, in subsection (1), omit paragraph (f).
- (10) In section 271, after subsection (3) insert—
  - “(4) Subsection (1) does not apply in relation to the exercise of functions by a Minister of the Crown in relation to NHS England so far as concerns its relevant data functions (as defined by section 253(3) of the Health and Social Care Act 2012).”.
- (11) In Schedule A1, in paragraph 9A(4)(b), omit sub-paragraph (vi).
- (12) In Schedule 1B, in Part 2, in paragraph 19(4)(b), omit sub-paragraph (vi).

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

**11.** In section 7 of the National Health Service (Wales) Act 2006(16), in subsection (4), omit paragraph (kb).

### **Statistics and Registration Service Act 2007**

**12.** In section 42 of the Statistics and Registration Service Act 2007(17), in subsection (4A), omit paragraph (i).

### **Health and Social Care Act 2008**

**13.** In section 64 of the Health and Social Care Act 2008(18), in subsection (2), omit paragraph (f) and the “or” before it.

### **Health Act 2009**

**14.** In section 2 of the Health Act 2009(19), in subsection (2), omit paragraph (db).

### **Corporation Tax Act 2010**

**15.** In section 986 of the Corporation Tax Act 2010(20), in the table, omit the entry for the Health and Social Care Information Centre.

### **Equality Act 2010**

**16.** In Schedule 19 to the Equality Act 2010(21), in Part 1, omit “The Health and Social Care Information Centre.”.

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(16) 2006 c. 42. Section 7(4) was amended by paragraph 10 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.

(17) 2007 c. 18. Section 42 was amended by section 287(2) of the 2012 Act; there are other amendments but none is relevant.

(18) 2008 c. 14. Section 64(2) was amended by paragraph 11 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.

(19) 2009 c. 21. Section 2(2) was amended by paragraph 12 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.

(20) 2010 c. 4. The relevant entry was inserted by section 37 of the Finance Act 2013 (c.29); there are other amendments to the table but none is relevant.

(21) 2010 c. 15. The relevant entry was inserted by paragraph 13 of Schedule 19 to the 2012 Act; there are other amendments to Part 1 but none is relevant.

**Health and Social Care Act 2012**

17.—(1) The 2012 Act<sup>(22)</sup> is amended as follows.

(2) In Part 9, for the heading to Chapter 2 substitute “NHS ENGLAND: HEALTH AND SOCIAL CARE INFORMATION ETC.”.

(3) In the italic cross-heading above section 252, omit “Establishment and”.

(4) Omit section 252.

(5) In section 253—

(a) for the heading substitute “NHS England data functions: general”;

(b) in subsection (1)—

(i) for the words before paragraph (a) substitute “NHS England must have regard to the following when exercising its relevant data functions other than those under the Medicines and Medical Devices Act 2021—”;

(ii) omit paragraph (c);

(c) for subsection (2) substitute—

“(2) NHS England must seek to minimise the burdens it imposes on others when exercising its relevant data functions other than those under the Medicines and Medical Devices Act 2021.”;

(d) omit subsection (2A);

(e) in subsection (3), at the appropriate place insert—

““relevant data functions”, in relation to NHS England, means functions conferred on NHS England by or under—

(a) this Chapter and Chapter 3;

(b) regulations 15 and 16 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;

(c) section 2 of the Access to Medical Treatments (Innovation) Act 2016;

(d) sections 7A and 19 of the Medicines and Medical Devices Act 2021.”.

(6) In section 254—

(a) in the heading, for “Information Centre” substitute “NHS England”;

(b) in subsection (1)—

(i) omit “or NHS England”;

(ii) for “the Information Centre” substitute “NHS England”;

(c) omit subsection (3);

(d) in subsection (5)—

(i) omit “or (as the case may be) NHS England”;

(ii) for “the Information Centre” substitute “NHS England”;

(e) omit subsections (6) and (7).

<sup>(22)</sup> Section 253 was amended by section 122(1) and (2) of the Care Act 2014 (c. 23) and by section 97(1) and (2) of, and Schedule 1 to, the 2022 Act. Section 254 was amended by Schedule 1 to the 2022 Act. There are amendments to section 255 but none is relevant. Section 259 was amended by section 98 of the 2022 Act. Section 260 was amended by Schedule 1 to the 2022 Act. Section 261 was amended by section 122(1) and (3) of the Care Act 2014 and by section 97(1) and (3) of the 2022 Act. Section 262A was inserted by section 122(1) and (4) of the Care Act 2014. There are amendments to section 263 but none is relevant. Sections 265 and 268 were amended by Schedule 1 to the 2022 Act. Section 274 was amended by paragraph 20 of Schedule 1 to the 2022 Act. There are other amendments but none is relevant. Section 277C was inserted by section 99 of the 2022 Act. There are amendments to sections 275, 290(3) and 304(12) but none is relevant.



- (7) In section 255—
- (a) in the heading, for “Information Centre” substitute “NHS England”;
  - (b) in subsection (1), for “the Information Centre” substitute “NHS England”;
  - (c) in subsection (3) for “The Information Centre” or “the Centre” substitute “NHS England”;
  - (d) omit subsections (5) and (6);
  - (e) in subsection (7), for “the Information Centre” substitute “NHS England”;
  - (f) in subsection (8), for “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”.
- (8) In section 256, for “the Information Centre”, wherever occurring, substitute “NHS England”.
- (9) In section 257, for “The Information Centre”, “the Information Centre”, or “the Centre”, wherever occurring, substitute “NHS England”.
- (10) In section 258, for “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”.
- (11) In section 259—
- (a) in subsection (1)—
    - (i) in the words before paragraph (a), for “The Information Centre” substitute “NHS England”;
    - (ii) in paragraph (a), for “the Centre”, wherever occurring, substitute “NHS England”;
    - (iii) in paragraphs (aa) and (b) (as substituted by section 98 of the Health and Care Act 2022), for “the Centre”, wherever occurring, substitute “NHS England”;
  - (b) in subsections (3) to (9), for “The Information Centre”, “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”.
- (12) In section 260—
- (a) in subsection (1), for “The Information Centre”, or “the Centre” substitute “NHS England”;
  - (b) in subsection (2)—
    - (i) for “the Centre”, wherever occurring, substitute “NHS England”;
    - (ii) in paragraph (d), omit “or NHS England”;
  - (c) in subsection (4)—
    - (i) in the words before paragraph (a)—
      - (aa) for “the Information Centre” or “the Centre” substitute “NHS England”;
      - (bb) omit “a direction under section 254 or”;
    - (ii) in paragraph (a), omit “direction or”;
  - (d) in subsections (5) and (6), for “the Information Centre”, or “the Centre”, wherever occurring, substitute “NHS England”.
- (13) In section 261—
- (a) in subsection (1), for “The Information Centre” substitute “NHS England”;
  - (b) in subsections (1A) to (3), for “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”;
  - (c) in subsection (4), for “The Information Centre”, or “the Centre” substitute “NHS England”;
  - (d) in subsection (5), for “The Information Centre” substitute “NHS England”;

- (e) in subsection (7), for “the Information Centre” substitute “NHS England”;
- (f) for subsection (8) substitute—
  - “(8) For the purposes of this section, the provision by NHS England of information which it has obtained by complying with a direction under section 254 to the Secretary of State is to be treated as dissemination by NHS England of that information to the Secretary of State.
  - (9) For the purposes of this section and section 262, the provision by NHS England of information which it has obtained by complying with a request under section 255 to the person who made the request is to be treated as dissemination by NHS England of that information to that person.”.
- (14) In section 262—
  - (a) omit subsections (1) to (3);
  - (b) in subsection (4), for “the Information Centre” substitute “NHS England”;
  - (c) in subsection (5)—
    - (i) omit “direction under section 254 may require, and a”;
    - (ii) for “the Information Centre” substitute “NHS England”;
    - (iii) omit “direction or”.
  - (d) for subsection (7), substitute—
    - “(7) A request made to NHS England in accordance with this section to disseminate information may include a request about the persons to whom the information is to be disseminated and the form, manner and timing of dissemination.”.
- (15) In section 262A—
  - (a) omit “under this Act”;
  - (b) for “, the Information Centre” substitute “obtained in connection with the exercise of its relevant data functions, NHS England”.
- (16) In section 263—
  - (a) in subsection (1), for “The Information Centre” substitute “NHS England”;
  - (b) in subsection (3)—
    - (i) for “the Information Centre” substitute “NHS England”;
    - (ii) at the end of paragraph (a) insert “and”;
    - (iii) omit paragraph (b) (together with the final “and”);
    - (iv) in paragraph (c), for “the Centre” substitute “NHS England”;
  - (c) for subsection (4) substitute—
    - “(4) NHS England must not publish the code without the approval of the Secretary of State.”;
  - (d) in subsection (5), for “The Information Centre” substitute “NHS England”;
  - (e) omit subsection (8).
- (17) In section 264, for “The Information Centre” substitute “NHS England”.
- (18) In section 265—
  - (a) in subsection (1)—
    - (i) in the words before paragraph (a), for “The Information Centre” substitute “NHS England”;

- (ii) in paragraph (b)—
    - (aa) in the words before sub-paragraph (i), omit “or NHS England”;
    - (bb) in sub-paragraph (i), omit “or (as the case may be) NHS England”;
  - (b) in subsection (2), omit paragraph (b);
  - (c) in subsection (3), for “the Information Centre” substitute “NHS England”.
- (19) In section 266, in the words before paragraph (a), for “The Information Centre” substitute “NHS England”.
- (20) In section 267, in subsection (2), for “the Information Centre” substitute “NHS England”.
- (21) In section 268, for “the Information Centre”, wherever occurring, substitute “NHS England”.
- (22) In section 269, in subsection (1), for “the Information Centre” substitute “NHS England”.
- (23) In section 270—
- (a) for “The Information Centre”, “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”;
  - (b) after subsection (3) insert—

“(4) Nothing in this section is to be read as limiting any power that NHS England has apart from this section to do the things listed in subsection (1).”.
- (24) Omit sections 271 to 273.
- (25) In section 274—
- (a) for subsection (1) substitute—

“(1) Regulations may make provision conferring powers on the Secretary of State to give directions—

    - (a) requiring a health or social care body to exercise such of NHS England’s relevant data functions as may be specified;
    - (b) requiring NHS England or another health or social care body to exercise such information functions of the Secretary of State as may be specified;
    - (c) requiring NHS England to exercise such of the information functions of any health or social care body as may be specified;
    - (d) requiring NHS England to exercise such systems delivery functions of the Secretary of State as may be specified.”;
  - (b) after subsection (1) insert—

“(1A) Regulations may make provision conferring powers on NHS England to give directions requiring a health or social care body to exercise such information functions of NHS England as may be specified.”;
  - (c) in subsection (2)—
    - (i) omit “or NHS England”;
    - (ii) omit “or (as the case may be) NHS England”;
  - (d) after subsection (2) insert—

“(2A) A function required to be exercised by a direction given by NHS England by virtue of subsection (1A) is subject to directions given by NHS England about the exercise of the function.”;
  - (e) in subsection (3), for “the Information Centre” substitute “NHS England”;
  - (f) omit subsection (4);

- (g) in subsection (5)—
    - (i) after “(1)(a)” insert “or (1A)”;
    - (ii) for “the Information Centre” substitute “NHS England”;
  - (h) in subsection (6), for “the Information Centre” substitute “NHS England”;
  - (i) omit subsection (7);
  - (j) in subsection (8), omit “or (as the case may be) NHS England”;
  - (k) in subsection (9)—
    - (i) in the definition of “specified”, for “subsection (1)” substitute “subsection (1) or (1A)”;
    - (ii) for the definition of “systems delivery function” substitute—

“systems delivery function” means a function which is exercisable in relation to the development or operation of information or communications systems in connection with the provision of health services or of adult social care in England.”.
- (26) After section 274 insert—
- “274A. Secretary of State’s guidance about NHS England data functions**
- (1) The Secretary of State must publish guidance for NHS England about the exercise of—
    - (a) its relevant data functions, and
    - (b) its other functions in connection with its relevant data functions.
  - (2) Before publishing guidance under this section the Secretary of State must consult NHS England and any other persons that the Secretary of State considers appropriate in relation to the guidance.
  - (3) NHS England must have regard to guidance published under this section.”.
- (27) In section 275, at the appropriate place insert—
- ““relevant data functions” has the meaning given by section 253(3);”.
- (28) In section 277C—
- (a) in subsection (1), for “the Health and Social Care Information Centre” substitute “NHS England”;
  - (b) for subsection (3) substitute—

“(3) The Secretary of State may give directions to a Special Health Authority about the exercise of any functions that it is directed to exercise under subsection (2) (including directions as to the processing of information that the Authority obtains in exercising those functions).”.
  - (c) after subsection (3) insert—

“(4) For power to give directions to NHS England as to the exercise of functions, see section 13ZC of the National Health Service Act 2006.”.
- (29) In section 290, in subsection (3), omit paragraph (c).
- (30) In section 304, in subsection (12) —
- (a) in paragraph (a)(v), for “Information Centre” substitute “NHS England”;
  - (b) omit paragraph (a)(vi);
  - (c) in paragraph (a)(vii), for “Information Centre” substitute “NHS England”;
  - (d) omit paragraph (a)(viii).

(31) Omit Schedule 18.

#### Care Act 2014

**18.**—(1) The Care Act 2014<sup>(23)</sup> is amended as follows.

(2) In section 111, in subsection (1), for paragraph (c) substitute—

“(c) NHS England, but only insofar as its functions relating to health or social care research are relevant data functions (as defined by section 253(3) of the Health and Social Care Act 2012);”.

(3) In Schedule 7, in paragraph 8(1)(c)—

(a) for “the Health and Social Care Information Centre” substitute “NHS England”;

(b) in paragraph (i)—

(i) for “the Centre” substitute “NHS England”;

(ii) at the end insert “, so far as those functions relate to information obtained by NHS England in connection with the exercise of its relevant data functions (as defined by section 253(3) of the Health and Social Care Act 2012)”;

(c) in paragraph (ii), for “the Centre of information” substitute “NHS England of such information”.

#### Access to Medical Treatments (Innovation) Act 2016

**19.** In section 2 of the Access to Medical Treatments (Innovation) Act 2016<sup>(24)</sup>—

(a) in subsection (1), for “the Health and Social Care Information Centre (“the HSCIC”)” substitute “NHS England”;

(b) in subsections (3), (4) and (6), for “the HSCIC”, wherever occurring, substitute “NHS England”.

#### Data Protection Act 2018

**20.** In section 204 of the Data Protection Act 2018<sup>(25)</sup>, in subsection (4), for paragraph (g) substitute—

“(g) NHS England;”.

#### Medicines and Medical Devices Act 2021

**21.**—(1) The Medicines and Medical Devices Act 2021<sup>(26)</sup> is amended as follows.

(2) In section 7A—

(a) in subsection (1), for “the Health and Social Care Information Centre (“the Information Centre”)” substitute “NHS England”;

(b) in subsections (2) to (4), (6) and (8) to (11), for “the Information Centre”, wherever occurring, substitute “NHS England”.

(3) In section 19—

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<sup>(23)</sup> 2014 c. 23.

<sup>(24)</sup> 2016 c. 9.

<sup>(25)</sup> 2018 c. 12.

<sup>(26)</sup> 2021 c. 3. Section 7A was inserted by section 101(3) of the Health and Care Act 2022 (c. 31). Section 19 was amended by section 101(4)(a)(i) and (ii), and (b) of that Act.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 No. 98*

- (a) in subsection (1), for “the Health and Social Care Information Centre (“the Information Centre”)” substitute “NHS England”;
  - (b) in subsections (2), (3) and (6), for “the Information Centre”, wherever occurring, substitute “NHS England”.
- (4) In section 43, in subsection (3), for “(constitution and functions etc of the Health and Social Care Information Centre)” substitute “(NHS England: health and social care information etc.)”.

## **Health and Care Act 2022**

22. In Schedule 15 to the Health and Care Act 2022, in paragraph 8, omit sub-paragraph (5)(b).

## **PART 2**

### **Amendments to Secondary Legislation**

#### **Health and Personal Social Services (Northern Ireland) Order 1991**

23. In article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991(27), in paragraph (2), omit sub-paragraph (ib).

#### **Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992**

24. In regulation 7A of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(28), in paragraph (2), omit sub-paragraph (ae).

#### **Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992**

25. In regulation 7A of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(29), in paragraph (2), omit sub-paragraph (ed).

#### **Redundancy Payments (National Health Service) (Modification) Order 1993**

26. In Schedule 1 to the Redundancy Payments (National Health Service) (Modification) Order 1993(30), omit paragraph 2E.

#### **Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994**

27. In regulation 1 of the Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994(31), in paragraph (2), in the definition of “health service body”, after paragraph (ab) insert—

“(ac) NHS England;”.

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(27) *S.I. 1991/194 (N.I. 1)*. Amended by paragraph 43 of Schedule 21 to the 2012 Act; there are other amendments but none is relevant.

(28) *S.I. 1992/2645*. Regulation 7A was inserted by *S.I. 2001/161* and amended by *S.I. 2013/235*; there are other amending instruments but none is relevant.

(29) *S.R. 1992 No. 466*. Regulation 7A was inserted by *S.R. 2001 No. 16* and amended by *S.I. 2013/235*; there are other amending instruments but none is relevant.

(30) *S.I. 1993/3167*. Amended by *S.I. 2013/235*; there are other amending instruments but none is relevant.

(31) *S.R. 1994 No. 63*. Amended by *S.I. 2013/235*; there are other amending instruments but none is relevant.

### **National Health Service Litigation Authority (Establishment and Constitution) Order 1995**

28. In article 1 of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995(32), in paragraph (2), in the definition of “NHS Body”, omit “the Health and Social Care Information Centre,”.

### **Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996**

29. In article 1 of the Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996(33), in paragraph (2)(b), omit paragraph (viie).

### **National Health Service (Liabilities to Third Parties Scheme) Regulations 1999**

30. In regulation 3 of the National Health Service (Liabilities to Third Parties Scheme) Regulations 1999(34), omit paragraph (ad).

### **National Health Service (Property Expenses Scheme) Regulations 1999**

31. In regulation 3 of the National Health Service (Property Expenses Scheme) Regulations 1999(35), omit paragraph (ad).

### **National Health Service Central Register (Scotland) Regulations 2006**

32.—(1) The National Health Service Central Register (Scotland) Regulations 2006(36) are amended as follows.

(2) In Schedule 1, in entry 8 in the table, in column 1, for paragraph (a) substitute—

“(a) NHS England; or”.

(3) In Schedule 2, in entry 3 in the table, in column 2, for “the Health and Social Care Information Centre established under section 252 of the Health and Social Care Act 2012” substitute “NHS England”.

### **Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009**

33. In regulation 1 of the Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009(37), in paragraph (2)—

(a) in the definition of “former health service body”, after “Primary Care Trust” insert “, the Health and Social Care Information Centre”;

(b) in the definition of “health service body”, omit paragraph (a)(ivd).

### **Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009**

34. In regulation 1 of the Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009(38), in paragraph (2)—

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(32) S.I. 1995/2800. Amended by S.I. 2013/295, 2014/3090 and 2015/137.

(33) S.I. 1996/1023. Amended by S.I. 2013/235; there are other amending instruments but none is relevant.

(34) S.I. 1999/873. Amended by S.I. 2013/235 and 2018/756; there are other amending instruments but none is relevant.

(35) S.I. 1999/874. Amended by S.I. 2013/235 and 2018/757; there are other amending instruments but none is relevant.

(36) S.S.I. 2006/484. Amended by S.S.I. 2011/265 and S.I. 2013/235; there are other amending instruments but none is relevant.

(37) S.R. 2009 No. 93. Amended by S.I. 2013/235; there are other amending instruments but none is relevant.

(38) S.R. 2009 No. 97. Amended by S.I. 2013/235; there are other amending instruments but none is relevant.

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- (a) in the definition of “former health service body”, after “Primary Care Trust” insert “, the Health and Social Care Information Centre”;
- (b) in the definition of “health service body”, omit paragraph (a)(ivd).

#### **Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009**

**35.** In regulation 1 of the Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009(39), in paragraph (2)—

- (a) in the definition of “former health service body”, after “Primary Care Trust” insert “, the Health and Social Care Information Centre”;
- (b) in the definition of “health service body”, omit paragraph (a)(ivd).

#### **Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009**

**36.** In regulation 1 of the Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009(40), in paragraph (2)—

- (a) in the definition of “former health service body”, after “Primary Care Trust” insert “, the Health and Social Care Information Centre”;
- (b) in the definition of “health service body”, omit paragraph (a)(ivd).

#### **Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (English language text)**

**37.—**(1) The English language text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(41) is amended as follows.

(2) In regulation 2—

- (a) in the definition of “former health service body” (“cyn gorff gwasanaeth iechyd”), for “or Primary Care Trust”, substitute “, Primary Care Trust or the Health and Social Care Information Centre”;
- (b) in the definition of “health service body” (“corff gwasanaeth iechyd”), omit “the Health and Social Care Information Centre,”.

#### **Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (Welsh language text)**

**38.—**(1) The Welsh language text of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(42) (Rheoliadau Byrddau Iechyd Lleol (Cyfansoddiad, Aelodaeth a Gweithdrefnau) (Cymru) 2009) is amended as follows.

(2) In regulation 2—

- (a) in the definition of “cyn gorff gwasanaeth iechyd” (“former health service body”), for “neu Ymddiriedolaeth Gofal Sylfaenol” substitute “, Ymddiriedolaeth Gofal Sylfaenol neu'r Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol”;
- (b) in the definition of “corff gwasanaeth iechyd” (“health service body”), omit “y Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol,”.

(39) S.R. 2009 No. 98. Amended by S.I. 2013/235; there are other amending instruments but none is relevant.

(40) S.R. 2009 No. 395. Amended by S.I. 2013/235; there are other amending instruments but none is relevant.

(41) S.I. 2009/779 (W. 67). Amended by S.I. 2013/235 and 2022/634; there are other amending instruments but none is relevant.

(42) S.I. 2009/779 (W. 67). Amended by S.I. 2013/235 and 2022/634; there are other amending instruments but none is relevant.



### **Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (English language text)**

**39.**—(1) The English language text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(**43**) is amended as follows.

(2) In regulation 1, in paragraph (2)—

- (a) in the definition of “former health service body” (“cyn gorff gwasanaeth iechyd”), for “or Primary Care Trust” substitute “, Primary Care Trust or the Health and Social Care Information Centre”;
- (b) in the definition of “health service body” (“corff gwasanaeth iechyd”), omit paragraph (g).

### **Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (Welsh language text)**

**40.**—(1) The Welsh language text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(**44**) (Rheoliadau Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru (Aelodaeth a Gweithdrefn) 2009) is amended as follows.

(2) In regulation 1, in paragraph (2)—

- (a) in the definition of “cyn gorff gwasanaeth iechyd” (“former health service body”), for “neu Ymddiriedolaeth Gofal Sylfaenol” substitute “, Ymddiriedolaeth Gofal Sylfaenol neu’r Ganolfan Gwybodaeth Iechyd a Gofal Cymdeithasol”;
- (b) in the definition of “corff gwasanaeth iechyd” (“health service body”), omit paragraph (e).

### **National Health Service (Quality Accounts) Regulations 2010**

**41.**—(1) The National Health Service (Quality Accounts) Regulations 2010(**45**) are amended as follows.

(2) In regulation 1, in paragraph (2)—

- (a) omit the definition of “Health and Social Care Information Centre”;
- (b) at the appropriate place insert—

““NHS England” means the body corporate established under section 1H of the National Health Service Act 2006;”.

(3) In the Schedule, for “the Health and Social Care Information Centre”, wherever occurring, substitute “NHS England”.

### **Education (Student Support) Regulations 2011**

**42.** In regulation 38 of the Education (Student Support) Regulations 2011(**46**), in paragraph (7) (e), omit paragraph (ic).

### **Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012**

**43.** In regulation 2 of the Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012(**47**)—

(43) [S.I. 2009/1385 \(W. 141\)](#). Amended by [S.I. 2013/235](#) and [2022/634](#); there are other amending instruments but none is relevant.

(44) [S.I. 2009/1385 \(W. 141\)](#). Amended by [S.I. 2013/235](#) and [2022/634](#); there are other amending instruments but none is relevant.

(45) [S.I. 2010/279](#). Amended by [S.I. 2012/3081](#); there are other amending instruments but none is relevant.

(46) [S.I. 2011/1986](#). Amended by [S.I. 2013/235](#); there are other amending instruments but none is relevant.

(47) [S.R. 2012 No. 324](#). Amended by [S.I. 2013/235](#); there are other amending instruments but none is relevant.

- (a) in the definition of “former health service body”, after “Primary Care Trust” insert “, the Health and Social Care Information Centre”;
- (b) in the definition of “health service body”, omit paragraph (a)(iid).

### **Human Medicines Regulations 2012**

**44.** In regulation 219 of the Human Medicines Regulations 2012<sup>(48)</sup>, in paragraph (5), in the definition of “electronic prescription service”, for “the Health and Social Care Information Centre” to the end substitute “NHS England, the body corporate established under section 1H of the National Health Service Act 2006.”.

### **National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013**

**45.**—(1) The National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013<sup>(49)</sup> are amended as set out in paragraphs (2) to (8).

(2) In the title, for “the Health and Social Care Information Centre (Functions)” substitute “NHS England (Information Functions)”.

(3) In regulation 1, in paragraph (1), for “the Health and Social Care Information Centre (Functions)” substitute “NHS England (Information Functions)”.

(4) For the heading to Part 3 substitute “NHS England”.

(5) Omit regulations 24 to 30.

(6) For regulation 31 substitute—

#### **“Identification of GPs**

**31.**—(1) NHS England must, if it considers it appropriate to do so, assign a prescribing number in respect of a general medical practitioner whose name is included in a medical performers list.

(2) Before assigning a prescribing number under paragraph (1), NHS England must carry out checks to verify the identity of the practitioner.

(3) The checks may include—

(a) the full name of the practitioner; and

(b) the reference number shown against the name of the general medical practitioner in the General Practitioner Register kept by the General Medical Council.

(4) In this regulation—

“medical performers list” means a list of medical practitioners maintained by NHS England in accordance with regulations made under section 91 of the 2006 Act;

“prescribing number” means the individual number issued by NHS England in accordance with this regulation and used in connection with—

(a) prescribing by a general medical practitioner,

(b) the management and monitoring of such prescribing, and

(c) other purposes connected with the health services in England;”.

(7) In regulation 32—

<sup>(48)</sup> S.I. 2012/1916. Amended by S.I. 2015/259; there are other amending instruments but none is relevant.

<sup>(49)</sup> S.I. 2013/259. There are amendments but none is relevant.

- (a) in the heading, omit “or Board”;
  - (b) in paragraph (1)—
    - (i) omit “or the Board”;
    - (ii) for “the Information Centre” substitute “NHS England”;
    - (iii) for “the Centre” substitute “it”;
    - (iv) omit “or (as the case may be) the Board”;
  - (c) for paragraph (2) substitute—

“(2) The giving of a direction under paragraph (1) may include provision about payments by the Secretary of State to NHS England for things done in the exercise of the function in respect of which the direction is given.”;
  - (d) in paragraph (3), omit “or (as the case may be) the Board”.
- (8) Omit regulation 33.

(9) A reference in any legislation to the National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013 is to be treated as a reference to the National Institute for Health and Care Excellence (Constitution and Functions) and NHS England (Information Functions) Regulations 2013.

#### **Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013**

**46.**—(1) The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013<sup>(50)</sup> are amended as follows.

(2) In regulation 8, omit the definition of “the Information Centre”.

(3) In regulations 15 to 17, for “the Information Centre”, wherever occurring (including the headings), substitute “NHS England”.

#### **National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013**

**47.**—(1) The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013<sup>(51)</sup> are amended as follows.

(2) In regulation 2, in paragraph (1)—

(a) in the definition of “Electronic Prescription Service”, for “the Information Centre” substitute “NHS England”;

(b) omit the definitions of “Information Centre” and “NHS Digital directory of services”;

(c) at the appropriate place insert—

““NHS England directory of services” means the directory of services, maintained by NHS England, which is accessed by NHS urgent and emergency care services if a patient is in need of urgent assistance from a health care professional or urgent access to health care advice;”;

(d) in the definitions of “NHSmail” and “PDS patient details”, for “the Information Centre” substitute “NHS England”.

(3) In Schedule 4—

<sup>(50)</sup> S.I. 2013/218. Amended by S.I. 2018/378 and 2021/974; there are other amending instruments but none is relevant.

<sup>(51)</sup> S.I. 2013/349. Amended by S.I. 2020/1126 and 2018/1114; there are other amending instruments but none is relevant.

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- (a) in paragraph 7(5), for “the Information Centre” substitute “NHS England”;
- (b) in paragraph 29C(3), for “NHS Digital directory of services” substitute “NHS England directory of services”.
- (4) In Schedule 5, in paragraph 6(3)(c), for “the Information Centre” substitute “NHS England”.
- (5) In Schedule 6, in paragraph 4(c), for “the Information Centre” substitute “NHS England”.
- (6) In Schedule 7, in paragraph 5(5), for “the Information Centre” substitute “NHS England”.

### **National Health Service (Clinical Negligence Scheme) Regulations 2015**

**48.** In regulation 4 of the National Health Service (Clinical Negligence Scheme) Regulations 2015(**52**), in paragraph (1), omit sub-paragraph (g).

### **National Health Service (Charges for Drugs and Appliances) Regulations 2015**

**49.**—(1) The National Health Service (Charges for Drugs and Appliances) Regulations 2015(**53**) are amended as follows.

- (2) In regulation 2—
  - (a) in the definitions of “Electronic Prescription Service” and “PDS patient details”, for “the Information Centre” substitute “NHS England”;
  - (b) omit the definition of “Information Centre”.
- (3) In regulation 3, in paragraph (5B)(b), for “the Information Centre” substitute “NHS England”.
- (4) In regulation 4, in paragraph (3)(b)(ii), for “the Information Centre” substitute “NHS England”.

### **Town and Country Planning (General Permitted Development) (England) Order 2015**

**50.** In Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(**54**), in Part 12A, in paragraph A.3(1), in the definition of “health service body”, omit paragraph (f).

### **False or Misleading Information (Specified Care Providers and Specified Information) Regulations 2015**

**51.**—(1) The False or Misleading Information (Specified Care Providers and Specified Information) Regulations 2015(**55**) are amended as follows.

- (2) In regulation 1, in paragraph (2)—
  - (a) omit the definition of “the Information Centre”;
  - (b) at the appropriate place insert—

““NHS England” means the body corporate established under section 1H of the National Health Service Act 2006;”.
- (3) In regulation 3, in paragraph (a)—
  - (a) for “the Information Centre” substitute “NHS England”;
  - (b) for “the Centre’s” substitute “NHS England’s”.
- (4) In the Schedule, in paragraphs 2 to 5—

(52) [S.I. 2015/559](#). Amended by [S.I. 2022/634](#).

(53) [S.I. 2015/570](#). Amended by [S.I. 2018/1114](#); there are other amending instruments but none is relevant.

(54) [S.I. 2015/596](#). Amended by [S.I. 2020/412](#).

(55) [S.I. 2015/988](#).

- (a) for “the Information Centre” substitute “NHS England”;
- (b) for “the Centre’s” substitute “NHS England’s”.

### **National Health Service (General Medical Services Contracts) Regulations 2015**

**52.**—(1) The National Health Service (General Medical Services Contracts) Regulations 2015<sup>(56)</sup> are amended as follows.

(2) In regulation 3, in paragraph (1), in the definitions of “Electronic Prescription Service” and “nominated dispenser”, for “the Health and Social Care Information Centre” substitute “NHS England”.

(3) In regulation 27A, in paragraph (3)(a), for “the Health and Social Care Information Centre” substitute “NHS England”.

(4) In regulation 58, in paragraph (1), for “the Health and Social Care Information Centre” substitute “NHS England”.

(5) In regulation 74B, in paragraph (3), for “the Health and Social Care Information Centre” or “NHS Digital” substitute “NHS England”.

(6) In regulation 74C, in the words before the Table, for “the Health and Social Care Information Centre” or “NHS Digital” substitute “NHS England”.

(7) In regulation 74D, in paragraph (1), for “the Health and Social Care Information Centre”, wherever occurring, substitute “NHS England”.

(8) In regulation 74E—

- (a) in the heading, for “NHS Digital” substitute “NHS England”;
- (b) for “the Health and Social Care Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”.

(9) In regulation 74F, in paragraph (3), in the opening words, for “NHS Digital” substitute “NHS England”.

(10) In regulation 74H—

- (a) in paragraph (1), at the end insert “(the functions of the Health and Social Care Information Centre under the Directions were transferred to NHS England by the Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023)”;
- (b) in paragraph (3), for “the Health and Social Care Information Centre” or “the Centre” substitute “NHS England”.

### **National Health Service (Personal Medical Services Agreements) Regulations 2015**

**53.**—(1) The National Health Service (Personal Medical Services Agreements) Regulations 2015<sup>(57)</sup> are amended as follows.

(2) In regulation 3, in the definitions of “Electronic Prescription Service” and “nominated dispenser”, for “the Health and Social Care Information Centre” substitute “NHS England”.

(3) In regulation 21A, in paragraph (3)(a), for “the Health and Social Care Information Centre” substitute “NHS England”.

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<sup>(56)</sup> *S.I. 2015/1862*. Amended by *S.I. 2017/908, 2020/911* and *2021/995*. There are other amending instruments but none is relevant.

<sup>(57)</sup> *S.I. 2015/1879*. Amended by *S.I. 2017/908, 2020/911* and *2021/995*. There are other amending instruments but none is relevant.

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(4) In regulation 51, in paragraph (1), in the opening words, for “the Health and Social Care Information Centre” substitute “NHS England”.

(5) In regulation 67B, in paragraph (3), for “the Health and Social Care Information Centre” or “NHS Digital” substitute “NHS England”.

(6) In regulation 67C, in the words before the Table, for “the Health and Social Care Information Centre”, wherever occurring, substitute “NHS England”.

(7) In regulation 67D, in paragraph (1), for “the Health and Social Care Information Centre”, wherever occurring, substitute “NHS England”.

(8) In regulation 67E—

(a) in the heading, for “NHS Digital” substitute “NHS England”;

(b) for “the Health and Social Care Information Centre”, “the Health and Social Care Centre” or “the Centre”, wherever occurring, substitute “NHS England”.

(9) In regulation 67F, in paragraph (3), in the opening words, for “NHS Digital” substitute “NHS England”.

(10) In regulation 67H—

(a) in paragraph (1), at the end insert “(the functions of the Health and Social Care Information Centre under the Directions were transferred to NHS England by the Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023)”;

(b) in paragraph (3), for “the Health and Social Care Information Centre” or “the Health and Social Care Centre” substitute “NHS England”.

#### **Education (Student Support) (Wales) Regulations 2017**

**54.** In regulation 23 of the Education (Student Support) (Wales) Regulations 2017(**58**), in paragraph (7)(e)(vi), omit “or the Health and Social Care Information Centre established under section 252 of that Act”.

#### **Trade Union (Facility Time Publication Requirements) Regulations 2017**

**55.** In Schedule 1 to the Trade Union (Facility Time Publication Requirements) Regulations 2017(**59**), Part 5, omit paragraph 105.

#### **Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017**

**56.** In Schedule 2 to the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017(**60**), in the list that appears below the heading “Health, social care and social security”, omit “The Health and Social Care Information Centre”.

#### **Education (Student Support) (Wales) Regulations 2018**

**57.** In regulation 44 of the Education (Student Support) (Wales) Regulations 2018(**61**), in paragraph (4), omit sub-paragraph (1).

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(58) S.I. 2017/47 (W. 21).

(59) S.I. 2017/328.

(60) S.I. 2017/353. There are amendments but none is relevant.

(61) S.I. 2018/191 (W. 42).

### **Health Service Products (Provision and Disclosure of Information) Regulations 2018**

**58.**—(1) The Health Service Products (Provision and Disclosure of Information) Regulations 2018(**62**) are amended as follows.

(2) In regulation 5, for “NHS Digital”, “NHS digital”, “HSCIC” or “the HSCIC”, wherever occurring (including the heading), substitute “NHS England”.

(3) In regulation 9, in paragraph (3)(b), for “NHS Digital” substitute “NHS England”.

(4) In regulation 14, in paragraph (3)(b), for “NHS Digital” substitute “NHS England”.

(5) In regulation 23, in paragraph (4)(b), for “NHS Digital” substitute “NHS England”.

(6) In regulation 26, in paragraph (5)(b), for “NHS Digital” substitute “NHS England”.

(7) In Schedule 1, in paragraph 1(1)—

(a) at the appropriate places insert—

““NHS England” means the body corporate established under section 1H of the National Health Service Act 2006;”;

““NHS England online gateway” in relation to information required to be provided to the Secretary of State by, or under, these Regulations, means a service provided on NHS England’s website for the provision of that information;”;

(b) omit the definitions of “HSCIC” and “NHS Digital online gateway”.

### **National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018**

**59.** In regulation 4 of the National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018(**63**), in paragraph (1), omit sub-paragraph (f).

### **National Health Service (Property Expenses Scheme) (England) Regulations 2018**

**60.**—(1) The National Health Service (Property Expenses Scheme) (England) Regulations 2018(**64**) are amended as follows.

(2) In regulation 4, in paragraph (1), omit sub-paragraph (f).

(3) After regulation 18 insert—

#### **“Provision that is consequential on the transfer of functions from the Health and Social Care Information Centre to NHS England**

**19.** An expense of the Health and Social Care Information Centre which—

(a) arose before the day on which regulation 1 of the Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 comes into force, and

(b) is an expense of the kind which may be claimed by a member under the Scheme, may be claimed on or after that date by NHS England.”.

### **Scottish Parliament (Disqualification) Order 2020**

**61.** In the Schedule to the Scottish Parliament (Disqualification) Order 2020(**65**), Part 1, in the list of entries, omit “Any member of the Health and Social Care Information Centre.”.

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(62) [S.I. 2018/677](#).

(63) [S.I. 2018/756](#).

(64) [S.I. 2018/757](#).

(65) [S.S.I. 2020/321](#).



**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 No. 98*

### **National Security and Investment Act 2021 (Notifiable Acquisition) (Specification of Qualifying Entities) Regulations 2021**

**62.** In Schedule 9 to the National Security and Investment Act 2021 (Notifiable Acquisition) (Specification of Qualifying Entities) Regulations 2021(**66**), in paragraph 2, in the Table, for “Health and Social Care Information Centre” substitute “NHS England”.

### **National Health Service (Joint Working and Delegation Arrangements) (England) Regulations 2022**

**63.** In regulation 2 of the National Health Service (Joint Working and Delegation Arrangements) (England) Regulations 2022(**67**)—

- (a) omit the “and” at the end of paragraph (a);
- (b) after paragraph (b) insert—

“; and

- (c) the definition of “relevant data functions” in section 253(3) (general duties) of the Health and Social Care Act 2012.”.

### **Gender Recognition (Disclosure of Information) (England) Order 2022**

**64.** In the Schedule to the Gender Recognition (Disclosure of Information) (England) Order 2022(**68**), for “the Health and Social Care Information Centre”, wherever occurring, substitute “NHS England”.

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## **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations abolish the Health and Social Care Information Centre (informally known as NHS Digital) (“the Information Centre”) and transfer its functions to NHS England. They also make associated consequential and transitional provision.

The Information Centre and NHS England are bodies corporate established under section 252 of the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”) and section 1H of the National Health Service Act 2006 (c. 41) respectively.

The transfer of functions is given effect by making amendments to the 2012 Act and to other pieces of primary and secondary legislation (see regulation 2 and the Schedule).

Regulation 2 abolishes the Information Centre.

Regulation 3 makes transitional and saving provision in relation to directions. It provides for directions given by NHS England to the Information Centre to be treated as given by the Secretary of State to NHS England. It also provides for certain directions given by the Secretary of State or NHS England to the Information Centre to be treated as if given under the corresponding provision of

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(66) S.I. 2021/1264.

(67) S.I. 2022/642.

(68) S.I. 2022/742.



the National Health Service Act 2006. Directions given by the Secretary of State to the Information Centre would continue in force (as the powers under which they were given continue in force); by virtue of regulation 6, those directions would be treated as given by the Secretary of State to NHS England.

Regulations 4 and 5 make transitional provision about final reports and accounts in relation to the Information Centre.

Regulation 6 makes transitional provision including in relation to legal proceedings, references in enactments and other instruments, and documents and forms.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.