



Health and Social Care Act 2012

2012 CHAPTER 7

PART 9

HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

CHAPTER 2

[^{F1}NHS ENGLAND: HEALTH AND SOCIAL CARE INFORMATION ETC.]

General and supplementary

274 Powers of Secretary of State or [^{F1}NHS England] to give directions

[^{F2}(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.]

[^{F3}(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.]

- (2) A function required to be exercised by a direction given by the Secretary of State ^{F4}... by virtue of subsection (1) is subject to directions given by the Secretary of State ^{F5}... about the exercise of the function.

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[^{F6}(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.]

- (3) A power conferred on the Secretary of State under subsection (1)(a) must provide that a direction may be given in respect of a function of [^{F7}NHS England] only if the function relates to information which is of a description prescribed in the regulations and—
- (a) in respect of which the Secretary of State may give a direction under section 254, or
 - (b) which the Secretary of State considers is information in respect of which a mandatory request may be made under section 255.

^{F8}(4)

(5) A power conferred under subsection (1)(a) [^{F9}or (1A)] must provide that a direction must include provision requiring the body in question to provide [^{F10}NHS England] with the information it needs to comply with the duty under section 264 (duty to publish information register).

(6) A power conferred on the Secretary of State under subsection (1)(d) must provide that a direction may include provision about payments by the Secretary of State to [^{F11}NHS England] for things done in the exercise of the function in respect of which the direction is given.

^{F12}(7)

(8) A power conferred under subsection (1)(d) must provide that the giving of a direction does not prevent the Secretary of State ^{F13}... from exercising the function in respect of which the direction is given.

(9) In this section—

“information function” means a function in relation to the collection, analysis, publication or other dissemination of information;

[^{F14}“NHS services” means services the provision of which is arranged by NHS England or an integrated care board (including services the provision of which is arranged by it in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006);]

“specified” means specified in a direction given under regulations made under [^{F15}subsection (1) or (1A)];

[^{F16}“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.]

Textual Amendments

- F1** Words in s. 274 heading substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 20**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** S. 274(1) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(a)** (with reg. 3)

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- F3** S. 274(1A) inserted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(b)** (with reg. 3)
- F4** Words in s. 274(2) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(c)(i)** (with reg. 3)
- F5** Words in s. 274(2) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(c)(ii)** (with reg. 3)
- F6** S. 274(2A) inserted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(d)** (with reg. 3)
- F7** Words in s. 274(3) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(e)** (with reg. 3)
- F8** S. 274(4) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(f)** (with reg. 3)
- F9** Words in s. 274(5) inserted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(g)(i)** (with reg. 3)
- F10** Words in s. 274(5) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(g)(ii)** (with reg. 3)
- F11** Words in s. 274(6) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(h)** (with reg. 3)
- F12** S. 274(7) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(i)** (with reg. 3)
- F13** Words in s. 274(8) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(j)** (with reg. 3)
- F14** Words in s. 274(9) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 9 para. 24**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F15** Words in s. 274(9) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(k)(i)** (with reg. 3)
- F16** Words in s. 274(9) substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 17(25)(k)(ii)** (with reg. 3)

Commencement Information

- I1** S. 274 partly in force; s. 274 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 274 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

[^{F17}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.

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- (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.]

Textual Amendments

- F17** S. 274A inserted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(26)** (with reg. 3)

275 Interpretation of this Chapter

In this Chapter—

- “adult social care” has the meaning given by section 253(3);
^{F18}
 ...
 “devolved authority” means—
- (a) the Scottish Ministers;
 - (b) the Welsh Ministers; and
 - (c) a Northern Ireland Minister;
- “health care” has the meaning given by section 255(10);
 “health or social care body” has the meaning given by section 259(11);
 “the health service” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act);
 “health services” has the meaning given by section 253(3);
 “mandatory request” has the meaning given by section 255(4);
 “Northern Ireland Minister” includes the First Minister, the deputy First Minister and a Northern Ireland Department;
- “public body” means a body or other person whose functions—
- (a) are of a public nature, or
 - (b) include functions of that nature,
- but in the latter case, the body or person is a public body to the extent only of those functions;
- [^{F19}“relevant data functions” has the meaning given by section 253(3);]
 “relevant person” has the meaning given by section 260(7).

Textual Amendments

- F18** Words in s. 275 omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 1 para. 21**; [S.I. 2022/734](#), reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F19** Words in s. 275 inserted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), **Sch. para. 17(27)** (with reg. 3)

Commencement Information

- I3** S. 275 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

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276 Dissolution of predecessor body

The Special Health Authority known as the Health and Social Care Information Centre is abolished.

Commencement Information

I4 S. 276 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

277 Consequential provision

Schedule 19 (which contains consequential provision) has effect.

Commencement Information

I5 S. 277 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

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

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

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)