
Changes to legislation: Health and Social Care Act 2012, Cross Heading: Health Act 2009 (c. 21) is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

PART 1: AMENDMENTS OF OTHER ENACTMENTS

Health Act 2009 (c. 21)

173 The Health Act 2009 is amended as follows.

Commencement Information

- I1** Sch. 5 para. 173 in force at 1.10.2012 for specified purposes by [S.I. 2012/1831, art. 2\(2\)](#)
I2 Sch. 5 para. 173 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](#))

174 In each of the following provisions for “NHS services” substitute “health services”—

- (a) the title to Part 1,
- (b) section 2(3), (4)(a) and (b), (5)(a) and (b) and (7), and
- (c) the definitions of “carers”, “patients” and “staff” in section 3(7).

Commencement Information

- I3** Sch. 5 para. 174 in force at 1.4.2013 by [S.I. 2013/160, art. 2\(2\)](#) (with [arts. 7-9](#))

175 (1) Section 2 (duty to have regard to NHS constitution) is amended as follows.

(2) In subsection (1), for “NHS functions” substitute “health service functions”.

(3) In subsection (2)—

- (a) omit paragraph (a),
- (b) omit paragraph (b), and
- (c) before paragraph (d) insert—
 - “(ca) the National Health Service Commissioning Board;
 - (cb) clinical commissioning groups;
 - (cc) local authorities (within the meaning of section 2B of the National Health Service Act 2006);”.

(4) In subsection (3), for “an “NHS function”” substitute “a “health service function””.

(5) In subsection (4)—

- (a) before paragraph (a) insert—
 - “(za) provides health services under arrangements made by the National Health Service Commissioning Board or a clinical commissioning group under or by virtue of section 3, 3A,

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- 3B or 4 of, or Schedule 1 to, the National Health Service Act 2006,”
- (b) omit the word “or” at the end of paragraph (a), and
 - (c) after paragraph (b) insert “, or
 - (c) provides health services under arrangements made by a local authority for the purposes of its functions under or by virtue of section 2B or 6C(1) of, or Schedule 1 to, that Act.”
- (6) In subsection (5) for “subsection (4)(a) or (b)” substitute “subsection (4)(za), (a), (b) or (c)”.

Commencement Information

- I4** Sch. 5 para. 175(1) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**
- I5** Sch. 5 para. 175(1)(3)(c) 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](#))
- I6** Sch. 5 para. 175(2)(3)(a)(b)(4)-(6) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))
- I7** Sch. 5 para. 175(3)(c) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

- 176 (1) Section 3 (availability and review of NHS constitution) is amended as follows.
- (2) In subsection (3), omit paragraph (d).
 - (3) Omit subsection (8).

Commencement Information

- I8** Sch. 5 para. 176 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 177 (1) Section 8 (duty of providers to publish information) is amended as follows.
- (2) In subsection (1) for “NHS services” (in each place where it occurs) substitute “relevant health services”.
 - (3) Omit subsection (2)(a).
 - (4) In subsection (3) for paragraphs (a) to (c) substitute—
 - “(a) provides health services as mentioned in section 2(4)(za) or (a), or
 - (b) in pursuance of a contract, agreement or arrangements as mentioned in section 2(4)(za) or (a), makes arrangements for another person to provide health services.”
 - (5) For subsection (6) substitute—
 - “(6) In this section—
 - “health services” has the same meaning as in Chapter 1;
 - “relevant health services” means health services the provision of which is arranged by the National Health Service Commissioning Board or a clinical commissioning group under or by virtue of section 3, 3A, 3B or 4 of, or Schedule 1 to, the National Health Service Act 2006 or under or by virtue of Parts 4 to 7 of that Act.”

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Commencement Information

I9 Sch. 5 para. 177 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

178 In section 9 (supplementary provision about the duty to publish information), in subsection (3), for “a Strategic Health Authority” substitute “Monitor”.

Commencement Information

I10 Sch. 5 para. 178 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

179 In section 36 (disclosure of information by Her Majesty's Revenue and Customs), in subsection (3) after paragraph (a) insert—
“(aa) the National Health Service Commissioning Board;”.

Commencement Information

I11 Sch. 5 para. 179 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

Changes to legislation:

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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\(5\)](#)