



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.]

Functions: information systems

259 Powers to require and request provision of information

- (1) [^{F1}NHS England] may—
 - (a) require any person mentioned in subsection (2) to provide it with any information which [^{F2}NHS England] considers it necessary or expedient for [^{F2}NHS England] to have for the purposes of any function it exercises by virtue of this Chapter, and
 - (b) request any other person to provide it with such information.
- (2) Those persons are—
 - (a) a health or social care body;
 - (b) any person (other than a public body) who provides health services, or adult social care in England, pursuant to arrangements made with a public body exercising functions in connection with the provision of such services or care.
- (3) But [^{F3}NHS England] may not impose a requirement under subsection (1)(a) for the purpose of complying with a confidential collection request falling within section 256(2)(c).
- (4) In such a case, [^{F3}NHS England] may, however, request any person mentioned in subsection (2) to provide it with any information which [^{F3}NHS England] considers

Changes to legislation: Health and Social Care Act 2012, Section 259 is up to date with all changes known to be in force on or before 29 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

- it necessary or expedient for [F3NHS England] to have for the purpose of complying with the request.
- (5) A requirement under subsection (1)(a) must be complied with by providing the information to [F3NHS England] in such form and manner, and within such period, as [F3NHS England] may specify.
- (6) If [F3NHS England] considers it appropriate to do so, [F3NHS England] may make a payment to any person who has provided information to [F3NHS England] pursuant to a request made under subsection (1)(b) in respect of the costs to that person of doing so.
- (7) If [F3NHS England] considers it appropriate to do so, [F3NHS England] may make a payment to any person mentioned in subsection (2)(b) who has provided information to [F3NHS England] pursuant to a request made under subsection (4) in respect of the costs to that person of doing so.
- (8) [F3NHS England] must publish a procedure for notifying persons of requirements imposed, and requests made, under this section.
- (9) In imposing requirements under this section [F3NHS England] must co-operate with any other person who is authorised to require the provision of information by a person mentioned in subsection (2).
- (10) The provision of information under this section—
- (a) does not breach any obligation of confidence owed by the person providing it, but
 - (b) is subject to any express restriction on disclosure imposed by or under another Act (other than any restriction which allows disclosure if authorised by or under an Act).
- (11) In this Chapter “health or social care body” means a public body which exercises functions in connection with the provision of health services or of adult social care in England.

Textual Amendments

- F1** Words in s. 259(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(11)(a)(i)** (with reg. 3)
- F2** Words in s. 259(1)(a) 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(11)(a)(ii)** (with reg. 3)
- F3** Words in s. 259(3)-(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(11)(b)** (with reg. 3)

Modifications etc. (not altering text)

- C1** Pt. 9 Ch. 2: power to amend conferred (1.7.2022) by [2021 c. 3, s 43\(3\)](#) (as inserted by [Health and Care Act 2022 \(c. 31\)](#), **ss. 101(5)(b)**, 186(6); [S.I. 2022/734](#), reg. 2(a), **Sch.** (with regs. 13, 29, 30))

Commencement Information

- I1** S. 259 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)

Changes to legislation:

Health and Social Care Act 2012, Section 259 is up to date with all changes known to be in force on or before 29 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.

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Changes and effects yet to be applied to :

- s. 259(1)(a) word omitted by [2022 c. 31 s. 98\(a\)](#)
- s. 259(1)(b) 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(2) words substituted by [2022 c. 31 s. 98\(c\)](#)
- s. 259(4) omitted by [2022 c. 31 s. 98\(d\)](#)
- s. 259(5) words inserted by [2022 c. 31 s. 98\(e\)](#)
- s. 259(7) omitted by [2022 c. 31 s. 98\(f\)](#)
- s. 259(9) words inserted by [2022 c. 31 s. 98\(g\)](#)
- 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\(5\)](#)