



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 9

#### HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

### CHAPTER 2

#### [<sup>F1</sup>NHS ENGLAND: HEALTH AND SOCIAL CARE INFORMATION ETC.]

#### *General and supplementary*

#### **274 Powers of Secretary of State or [<sup>F1</sup>NHS England] to give directions**

[<sup>F2</sup>(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.]

[<sup>F3</sup>(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 <sup>F4</sup>... by virtue of subsection (1) is subject to directions given by the Secretary of State <sup>F5</sup>... about the exercise of the function.

*Changes to legislation: Health and Social Care Act 2012, Section 274 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*

[<sup>F6</sup>(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 [<sup>F7</sup>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.

<sup>F8</sup>(4) .....

(5) A power conferred under subsection (1)(a) [<sup>F9</sup>or (1A)] must provide that a direction must include provision requiring the body in question to provide [<sup>F10</sup>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 [<sup>F11</sup>NHS England] for things done in the exercise of the function in respect of which the direction is given.

<sup>F12</sup>(7) .....

(8) A power conferred under subsection (1)(d) must provide that the giving of a direction does not prevent the Secretary of State <sup>F13</sup>... 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;

[<sup>F14</sup>“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 [<sup>F15</sup>subsection (1) or (1A)];

[<sup>F16</sup>“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)

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### 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)

**Changes to legislation:**

Health and Social Care Act 2012, Section 274 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 :**

- 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\(5\)](#)