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STATUTORY INSTRUMENTS

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**2013 No. 160**

**The Health and Social Care Act 2012 (Commencement No.4, Transitional, Savings and Transitory Provisions) Order 2013**

**Saving and transitional provision in relation to the commencement of provisions relating to the Health and Social Care Information Centre**

9.—(1) Where, before 1st April 2013, the Health and Social Care Information Centre, in connection with the effective provision of services under the 2006 Act, has been directed by the Secretary of State to establish, develop, operate, manage or maintain a system—

(a) to identify information that is required and by whom it is required; or

(b) for the collection and dissemination of the information referred to in sub-paragraph (a), on or after that date, the Information Centre is to operate the system as if the Secretary of State or (as the case may be) the National Health Service Commissioning Board had directed the Information Centre to do so in accordance with section 254 of the 2012 Act (powers to direct Information Centre to establish information systems).

(2) A direction under the 2005 Directions to provide and maintain the NHS Central Register is to be treated as a direction to which paragraph (1) applies.

(3) Paragraph (1) does not apply in relation to a direction under the 2005 Directions to establish, operate, manage or disseminate information in relation to a database of quality indicators.

(4) Where, before 1st April 2013, the Health and Social Care Information Centre, in connection with the effective provision of services under the 2006 Act, has been requested by the Secretary of State—

(a) to provide advice and guidance as to standards to be observed in relation to the collection, analysis, use and management of information necessary for the provision of such services; or

(b) to provide advice to the Secretary of State on any other matter,

but has not provided the advice or guidance, paragraph (5) applies.

(5) In the circumstances described in paragraph (4), on or after 1st April 2013, the Information Centre must provide the advice and guidance as if the request had been made in accordance with section 265(1)(b) of the 2012 Act (advice or guidance).

(6) Any system established, developed, operated or managed or any information collected or disseminated by the Health and Social Care Information Centre pursuant to a direction of the Secretary of State before 1st April 2013 is to be treated on and after the relevant date as if it were a system that the Secretary of State or the Board had directed the Information Centre to establish or operate under section 254 of the 2012 Act.

(7) The NHS Central Register is to be treated as a system to which paragraph (6) applies.

(8) Paragraph (6) does not apply to a database of quality indicators established, operated, managed or disseminated by the Health and Social Care Information Centre pursuant to a direction of the Secretary of State under the 2005 Directions.

(9) Any advice or guidance given as to standards to be observed in relation to the collection, analysis, use and management of information necessary for the provision of services under the 2006 Act by the Health and Social Care Information Centre before 1st April 2013 is to be treated on and after that date as advice or guidance given by the Information Centre pursuant to section 265(1)(a) of the Act to the persons mentioned in that paragraph.

(10) Any advice requested or notified by the Secretary of State on any matter other than as described in paragraph (9), including in relation to practitioners' remuneration, and given to the Secretary of State or an advisory committee of the Department of Health by the Health and Social Care Information Centre before 1st April 2013 is to be treated on and after that date as advice or guidance given by the Information Centre pursuant to section 265(1)(b) of the Act to the persons specified in sub-paragraph (b).

(11) Anything done by the Health and Social Care Information Centre in relation to the preparation of a code in respect of the practice to be followed in relation to the collection, analysis, publication and other dissemination of confidential information concerning or connected with the provision of health services before 1st April 2013 is to be treated on and after that date as having been done by the Information Centre in pursuance of its functions under section 263 of the Act (code of practice on confidential information).

(12) In this article—

- (a) “the 2005 Directions” means the Health and Social Care Information Centre Directions 2005<sup>(1)</sup>;
- (b) “the Health and Social Care Information Centre” means the Special Health Authority known as the Health and Social Care Information Centre.

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(1) The Health and Social Care Information Centre Directions 2005 (“the 2005 Directions”) were signed on 24th March 2005: the 2005 Directions have been amended by the Health and Social Care Information Centre (Amendment) Directions 2008 (“the 2008 Directions”) which were signed on 31st March 2008. The 2005 Directions and the 2008 Directions can be obtained by applying in writing to James Doughty, Department of Health, Zone 5B, Skipton House, London SE1 6LH.