

## SCHEDULE

### Consequential Amendments

## PART 1

### Amendments to Primary Legislation

#### Health and Social Care Act 2012

17.—(1) The 2012 Act(1) is amended as follows.

(2) In Part 9, for the heading to Chapter 2 substitute “NHS ENGLAND: HEALTH AND SOCIAL CARE INFORMATION ETC.”.

(3) In the italic cross-heading above section 252, omit “Establishment and”.

(4) Omit section 252.

(5) In section 253—

(a) for the heading substitute “NHS England data functions: general”;

(b) in subsection (1)—

(i) for the words before paragraph (a) substitute “NHS England must have regard to the following when exercising its relevant data functions other than those under the Medicines and Medical Devices Act 2021—”;

(ii) omit paragraph (c);

(c) for subsection (2) substitute—

“(2) NHS England must seek to minimise the burdens it imposes on others when exercising its relevant data functions other than those under the Medicines and Medical Devices Act 2021.”;

(d) omit subsection (2A);

(e) in subsection (3), at the appropriate place insert—

““relevant data functions”, in relation to NHS England, means functions conferred on NHS England by or under—

(a) this Chapter and Chapter 3;

(b) regulations 15 and 16 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;

(c) section 2 of the Access to Medical Treatments (Innovation) Act 2016;

(d) sections 7A and 19 of the Medicines and Medical Devices Act 2021.”.

(6) In section 254—

(a) in the heading, for “Information Centre” substitute “NHS England”;

(b) in subsection (1)—

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(1) Section 253 was amended by section 122(1) and (2) of the Care Act 2014 (c. 23) and by section 97(1) and (2) of, and Schedule 1 to, the 2022 Act. Section 254 was amended by Schedule 1 to the 2022 Act. There are amendments to section 255 but none is relevant. Section 259 was amended by section 98 of the 2022 Act. Section 260 was amended by Schedule 1 to the 2022 Act. Section 261 was amended by section 122(1) and (3) of the Care Act 2014 and by section 97(1) and (3) of the 2022 Act. Section 262A was inserted by section 122(1) and (4) of the Care Act 2014. There are amendments to section 263 but none is relevant. Sections 265 and 268 were amended by Schedule 1 to the 2022 Act. Section 274 was amended by paragraph 20 of Schedule 1 the 2022 Act. There are other amendments but none is relevant. Section 277C was inserted by section 99 of the 2022 Act. There are amendments to sections 275, 290(3) and 304(12) but none is relevant.

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- (i) omit “or NHS England”;
  - (ii) for “the Information Centre” substitute “NHS England”;
- (c) omit subsection (3);
- (d) in subsection (5)—
  - (i) omit “or (as the case may be) NHS England”;
  - (ii) for “the Information Centre” substitute “NHS England”;
- (e) omit subsections (6) and (7).
- (7) In section 255—
  - (a) in the heading, for “Information Centre” substitute “NHS England”;
  - (b) in subsection (1), for “the Information Centre” substitute “NHS England”;
  - (c) in subsection (3) for “The Information Centre” or “the Centre” substitute “NHS England”;
  - (d) omit subsections (5) and (6);
  - (e) in subsection (7), for “the Information Centre” substitute “NHS England”;
  - (f) in subsection (8), for “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”.
- (8) In section 256, for “the Information Centre”, wherever occurring, substitute “NHS England”.
- (9) In section 257, for “The Information Centre”, “the Information Centre”, or “the Centre”, wherever occurring, substitute “NHS England”.
- (10) In section 258, for “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”.
- (11) In section 259—
  - (a) in subsection (1)—
    - (i) in the words before paragraph (a), for “The Information Centre” substitute “NHS England”;
    - (ii) in paragraph (a), for “the Centre”, wherever occurring, substitute “NHS England”;
    - (iii) in paragraphs (aa) and (b) (as substituted by section 98 of the Health and Care Act 2022), for “the Centre”, wherever occurring, substitute “NHS England”;
  - (b) in subsections (3) to (9), for “The Information Centre”, “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”.
- (12) In section 260—
  - (a) in subsection (1), for “The Information Centre”, or “the Centre” substitute “NHS England”;
  - (b) in subsection (2)—
    - (i) for “the Centre”, wherever occurring, substitute “NHS England”;
    - (ii) in paragraph (d), omit “or NHS England”;
  - (c) in subsection (4)—
    - (i) in the words before paragraph (a)—
      - (aa) for “the Information Centre” or “the Centre” substitute “NHS England”;
      - (bb) omit “a direction under section 254 or”;
    - (ii) in paragraph (a), omit “direction or”;

(d) in subsections (5) and (6), for “the Information Centre”, or “the Centre”, wherever occurring, substitute “NHS England”.

(13) In section 261—

- (a) in subsection (1), for “The Information Centre” substitute “NHS England”;
- (b) in subsections (1A) to (3), for “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”;
- (c) in subsection (4), for “The Information Centre”, or “the Centre” substitute “NHS England”;
- (d) in subsection (5), for “The Information Centre” substitute “NHS England”;
- (e) in subsection (7), for “the Information Centre” substitute “NHS England”;
- (f) for subsection (8) substitute—

“(8) For the purposes of this section, the provision by NHS England of information which it has obtained by complying with a direction under section 254 to the Secretary of State is to be treated as dissemination by NHS England of that information to the Secretary of State.

(9) For the purposes of this section and section 262, the provision by NHS England of information which it has obtained by complying with a request under section 255 to the person who made the request is to be treated as dissemination by NHS England of that information to that person.”.

(14) In section 262—

- (a) omit subsections (1) to (3);
- (b) in subsection (4), for “the Information Centre” substitute “NHS England”;
- (c) in subsection (5)—
  - (i) omit “direction under section 254 may require, and a”;
  - (ii) for “the Information Centre” substitute “NHS England”;
  - (iii) omit “direction or”.
- (d) for subsection (7), substitute—

“(7) A request made to NHS England in accordance with this section to disseminate information may include a request about the persons to whom the information is to be disseminated and the form, manner and timing of dissemination.”.

(15) In section 262A—

- (a) omit “under this Act”;
- (b) for “, the Information Centre” substitute “obtained in connection with the exercise of its relevant data functions, NHS England”.

(16) In section 263—

- (a) in subsection (1), for “The Information Centre” substitute “NHS England”;
- (b) in subsection (3)—
  - (i) for “the Information Centre” substitute “NHS England”;
  - (ii) at the end of paragraph (a) insert “and”;
  - (iii) omit paragraph (b) (together with the final “and”);
  - (iv) in paragraph (c), for “the Centre” substitute “NHS England”;
- (c) for subsection (4) substitute—

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- “(4) NHS England must not publish the code without the approval of the Secretary of State.”;
- (d) in subsection (5), for “The Information Centre” substitute “NHS England”;
- (e) omit subsection (8).
- (17) In section 264, for “The Information Centre” substitute “NHS England”.
- (18) In section 265—
- (a) in subsection (1)—
- (i) in the words before paragraph (a), for “The Information Centre” substitute “NHS England”;
- (ii) in paragraph (b)—
- (aa) in the words before sub-paragraph (i), omit “or NHS England”;
- (bb) in sub-paragraph (i), omit “or (as the case may be) NHS England”;
- (b) in subsection (2), omit paragraph (b);
- (c) in subsection (3), for “the Information Centre” substitute “NHS England”.
- (19) In section 266, in the words before paragraph (a), for “The Information Centre” substitute “NHS England”.
- (20) In section 267, in subsection (2), for “the Information Centre” substitute “NHS England”.
- (21) In section 268, for “the Information Centre”, wherever occurring, substitute “NHS England”.
- (22) In section 269, in subsection (1), for “the Information Centre” substitute “NHS England”.
- (23) In section 270—
- (a) for “The Information Centre”, “the Information Centre” or “the Centre”, wherever occurring, substitute “NHS England”;
- (b) after subsection (3) insert—
- “(4) Nothing in this section is to be read as limiting any power that NHS England has apart from this section to do the things listed in subsection (1).”.
- (24) Omit sections 271 to 273.
- (25) In section 274—
- (a) for subsection (1) substitute—
- “(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.”;
- (b) after subsection (1) insert—
- “(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.”;

- (c) in subsection (2)—
    - (i) omit “or NHS England”;
    - (ii) omit “or (as the case may be) NHS England”;
  - (d) after subsection (2) insert—

“(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.”;
  - (e) in subsection (3), for “the Information Centre” substitute “NHS England”;
  - (f) omit subsection (4);
  - (g) in subsection (5)—
    - (i) after “(1)(a)” insert “or (1A)”;
    - (ii) for “the Information Centre” substitute “NHS England”;
  - (h) in subsection (6), for “the Information Centre” substitute “NHS England”;
  - (i) omit subsection (7);
  - (j) in subsection (8), omit “or (as the case may be) NHS England”;
  - (k) in subsection (9)—
    - (i) in the definition of “specified”, for “subsection (1)” substitute “subsection (1) or (1A)”;
    - (ii) for the definition of “systems delivery function” substitute—

“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.”.
- (26) After section 274 insert—

**“Secretary of State’s guidance about NHS England data functions**

**274A.**—(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.

(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.”.

- (27) In section 275, at the appropriate place insert—

““relevant data functions” has the meaning given by section 253(3);”.

- (28) In section 277C—

- (a) in subsection (1), for “the Health and Social Care Information Centre” substitute “NHS England”;
- (b) for subsection (3) substitute—

“(3) The Secretary of State may give directions to a Special Health Authority about the exercise of any functions that it is directed to exercise under subsection (2) (including

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directions as to the processing of information that the Authority obtains in exercising those functions).”.

(c) after subsection (3) insert—

“(4) For power to give directions to NHS England as to the exercise of functions, see section 13ZC of the National Health Service Act 2006.”.

(29) In section 290, in subsection (3), omit paragraph (c).

(30) In section 304, in subsection (12) —

(a) in paragraph (a)(v), for “Information Centre” substitute “NHS England”;

(b) omit paragraph (a)(vi);

(c) in paragraph (a)(vii), for “Information Centre” substitute “NHS England”;

(d) omit paragraph (a)(viii).

(31) Omit Schedule 18.