



Health Act 2009

2009 CHAPTER 21

PART 1

QUALITY AND DELIVERY OF ^[F1]HEALTH SERVICES] IN ENGLAND

CHAPTER 2

QUALITY ACCOUNTS

8 Duty of providers to publish information

- (1) Each of the bodies listed in subsection (2) must, in accordance with regulations made by the Secretary of State, publish in respect of each reporting period a document containing prescribed information relevant to the quality of—
 - (a) any ^[F1]relevant health services] that the body provides;
 - (b) any ^[F1]relevant health services] that, under arrangements made by the body, are provided by a person not listed in subsection (2) or (3);
 - (c) any services that are provided in England and for the provision of which the body provides assistance or support under section 124(1) of the National Health Service Act 2006 (c. 41) (primary ophthalmic services).
- (2) The bodies are—
 - ^{F2}(a)
 - (b) National Health Service trusts all or most of whose hospitals, establishments and facilities are in England;
 - (c) Special Health Authorities;
 - (d) NHS foundation trusts.
- (3) Each person who—
 - ^[F3](a) provides health services as mentioned in section 2(4)(za) or (a), or

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(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,]

must, in accordance with regulations made by the Secretary of State, publish in respect of each reporting period a document containing prescribed information relevant to the quality of those services.

(4) References in this section to the provision of services include references to the provision of services jointly with another person.

(5) The Secretary of State may by regulations provide that subsection (1) or (3) does not apply to prescribed bodies, persons or services, or to bodies, persons or services of a prescribed description.

[^{F4}(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 [^{F5}NHS England] or [^{F6}an integrated care board] 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.]

Textual Amendments

- F1** Words in s. 8(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 177\(2\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F2** S. 8(2)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 177\(3\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F3** S. 8(3)(a)(b) substituted for s. 8(3)(a)-(c) (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 177\(4\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F4** S. 8(6) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 177\(5\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F5** Words in s. 8 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F6** Words in s. 8(6) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 171](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Modifications etc. (not altering text)

- C1** S. 8(1) excluded (1.4.2010) by [The National Health Service \(Quality Accounts\) Regulations 2010 \(S.I. 2010/279\)](#), regs. 1(1), [2\(1\)](#), 3(1)
- C2** S. 8(3) excluded (1.4.2010) by [The National Health Service \(Quality Accounts\) Regulations 2010 \(S.I. 2010/279\)](#), regs. 1(1), [2\(1\)](#), 3(1)

Commencement Information

- I1** S. 8 partly in force; s. 8 in force for specified purposes at Royal Assent see [s. 40\(6\)\(a\)](#)
- I2** S. 8 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/30](#), [art. 4](#)

9 Supplementary provision about the duty

(1) In this section “the provider” means the body or person required to publish a document under section 8.

(2) For the purposes of that section a reporting period is—

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- (a) the period of 12 months beginning with 1 April 2009, and
 - (b) each subsequent period of 12 months.
- (3) If the Care Quality Commission or [^{F7}NHS England] notifies the provider of an error or omission in a document published under that section, the provider must within 21 days of the notification republish the document correcting the error or omission and including a statement explaining the correction.
- (4) A copy of any document published under that section must be sent by the provider to the Secretary of State in any form specified by the Secretary of State for the purpose of enabling the Secretary of State to make the document available to the public.
- (5) Regulations under subsection (1) or (3) of section 8 may in particular make provision—
- (a) as to the form of a document published under that section and its contents in addition to the prescribed information;
 - (b) imposing duties on the provider for the purpose of ensuring the accuracy of information;
 - (c) as to how and when a document must be published and when a copy must be sent under subsection (4);
 - (d) requiring the provider to have regard to guidance issued by the Secretary of State.
- (6) The provider must at the request of any person provide to that person a copy of any document published by the provider under section 8 relating to a reporting period ending not more than 2 years before the request.
- (7) While subsection (1) or (3) of section 8 applies to the provider, the provider must keep affixed, in a conspicuous place at each of the premises at which the provider provides services to which that subsection applies, a notice stating how the most recent document published by the provider under that section may be obtained.
- (8) Subsection (7) does not apply if—
- (a) the provider does not have control of the premises, or
 - (b) the services are provided by means such that the persons receiving them do not do so at the premises.
- (9) In subsection (7) “premises” includes a vehicle or moveable structure.

Textual Amendments

F7 Words in s. 9(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 43](#); [S.I. 2022/734, reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Commencement Information

I3 S. 9 partly in force; s. 9(5) in force for specified purposes at Royal Assent see [s. 40\(6\)\(a\)](#)

I4 S. 9 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/30, art. 4](#)

10 Regulations under section 8

- (1) The power to make regulations under section 8 is exercisable by statutory instrument.

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- (2) A statutory instrument containing regulations under section 8 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power to make regulations under section 8—
- (a) may be exercised so as to make the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
 - (b) may be exercised so as to make the same provision for all cases in relation to which the power is exercised, or different provision for different cases;
 - (c) may be exercised so as to make any such provision unconditionally or subject to any specified condition.

Commencement Information

- I5** S. 10 partly in force; s. 10 in force for specified purposes at Royal Assent see s. 40(6)(a)
- I6** S. 10 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/30](#), [art. 4](#)

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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):

- s. 2(6)(ca) inserted by [2022 c. 31 Sch. 3 para. 57\(b\)](#)
- s. 2(6)(ea) inserted by [2022 c. 31 Sch. 3 para. 57\(c\)](#)

Commencement Orders yet to be applied to the Health Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2011/1255 art. 2](#) amendment to earlier commencing SI 2010/1068 art. 2