



Health and Care Act 2022

2022 CHAPTER 31

PART 2

HEALTH AND ADULT SOCIAL CARE: INFORMATION

PROSPECTIVE

95 Information standards

- (1) The Health and Social Care Act 2012 is amended as follows.
- (2) In section 250 (information standards)—
 - (a) for subsection (2) substitute—

“(2) For the purposes of this Part “an information standard” is a standard in relation to the processing of information.
 - (2A) An information standard must specify to whom it applies.
 - (2B) An information standard may apply to one or more persons falling within the following paragraphs—
 - (a) the Secretary of State;
 - (b) NHS England;
 - (c) a public body which exercises functions in connection with the provision of health care or of adult social care in England;
 - (d) any person, other than a public body, who is required to be registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of Part 1 of that Act).”;
- (b) in subsection (3), for “services” substitute “care”;
- (c) omit subsection (5);
- (d) for subsection (6) substitute—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 95. (See end of Document for details)

- “(6) The Secretary of State must—
- (a) have regard to any information standard published by NHS England that applies to the Secretary of State, and
 - (b) comply with any information standard published by the Secretary of State that applies to the Secretary of State.
- (6A) Any other person to whom an information standard published under this section applies must comply with the information standard, except in so far as the requirement to comply is waived (see subsection (6B)).
- (6B) Regulations may confer on a person who publishes an information standard the power to waive a person’s requirement to comply with the information standard (in whole or in part and generally or for a specific period).
- (6C) The regulations may include provision—
- (a) limiting the circumstances in which waivers may be granted;
 - (b) setting out the procedure to be followed in connection with waivers;
 - (c) requiring an information standard to include specified information about waivers.
- (6D) For enforcement of information standards against persons other than public bodies, see section 277E.”;
- (e) in subsection (7)—
- (i) at the appropriate place insert—

““health care” includes all forms of health care whether relating to physical or mental health and also includes procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition;”;
 - (ii) omit the definition of “health services”.
- (3) For section 251 substitute—

“251 Information standards: procedure etc

- (1) Regulations—
- (a) must make provision about the procedure to be followed in connection with the preparation and publication of information standards under section 250;
 - (b) may require an information standard published under section 250 to be reviewed periodically in accordance with the regulations.
- (2) Before laying a draft of regulations under subsection (1) before either House of Parliament, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (3) For the purposes of section 250 the Secretary of State or NHS England may adopt an information standard prepared or published by another person.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 95. (See end of Document for details)

251ZA Information standards: compliance

- (1) The Secretary of State may require a person to provide the Secretary of State with documents, records or other information for the purposes of monitoring the person's compliance with information standards published under section 250.
- (2) A requirement under subsection (1) may specify—
 - (a) the form and manner in which information is to be provided, and
 - (b) when information is to be provided.
- (3) A requirement under subsection (1) must be in writing.
- (4) For enforcement of requirements under subsection (1) against persons other than public bodies, see section 277E.”
- (4) In section 251C (continuity of information: interpretation)—
 - (a) after subsection (6) insert—

“(6A) “Health services” means services which must or may be provided as part of the health service in England; and for that purpose “the health service” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act).”;
 - (b) for subsection (7) substitute—

“(7) “Adult social care” and “public body” have the same meaning as in section 250; and “processes and “processed” are to be read in accordance with the meaning of “processing” in that section.”
- (5) In section 304 (regulations etc), in subsection (5), before paragraph (k) insert—

“(ja) regulations under section 250(6B) or 251(1) (regulations about waiver of information standards and the procedure for setting standards);”.

Commencement Information

- II** S. 95 not in force at Royal Assent, see [s. 186\(6\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Health and Care Act 2022, Section 95.