

SCHEDULE

Consequential Amendments

PART 1

Amendments to Primary Legislation

Public Bodies (Admission to Meetings) Act 1960

1. In the Schedule to the Public Bodies (Admission to Meetings) Act 1960(1), in paragraph 1, omit sub-paragraph (o).

Parliamentary Commissioner Act 1967

2. In Schedule 2 to the Parliamentary Commissioner Act 1967(2), omit “Health and Social Care Information Centre.”.

Superannuation Act 1972

3. In Schedule 1 to the Superannuation Act 1972(3), omit “Health and Social Care Information Centre.”.

House of Commons Disqualification Act 1975

4. In Schedule 1 to the House of Commons Disqualification Act 1975(4), in Part 2, omit “The Health and Social Care Information Centre.”.

National Health Service (Scotland) Act 1978

5.—(1) The National Health Service (Scotland) Act 1978(5) is amended as follows.

(2) In section 17A—

- (a) in subsection (1)(b), for “(s)” substitute “(r)”;
- (b) in subsection (2)—
 - (i) at the end of paragraph (q) insert “and”;
 - (ii) omit paragraph (s) and the “and” before it;
- (c) in subsection (11) for “, (r) or (s)” substitute “or (r)”.

Access to Health Records Act 1990

6. In section 11 of the Access to Health Records Act 1990(6), in the definition of “health service body”, for paragraph (f) substitute—

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- (1) 1960 c. 67. Sub-paragraph (o) was inserted by paragraph 1 of Schedule 19 to the 2012 Act.
 - (2) 1967 c. 13. Schedule 2 was substituted by S.I. 2011/2986 and amended by paragraph 2 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.
 - (3) 1972 c. 11. Schedule 1 was amended by S.I. 2005/3171; there are other amendments but none is relevant.
 - (4) 1975 c. 24. Part 2 was amended by paragraph 3 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.
 - (5) 1978 c. 29. Section 17A was inserted by section 30 of the National Health Service and Community Care Act 1990 (c. 19) and amended by paragraph 2 of Schedule 21 to the 2012 Act; there are other amendments but none is relevant.
 - (6) 1990 c. 23. The definition was amended by paragraph 5 of Schedule 21 to the 2012 Act; there are other amendments but none is relevant.

“(f) NHS England;”.

Value Added Tax Act 1994

7. In section 41 of the Value Added Tax Act 1994(7), in subsection (7), omit paragraph (g).

Employment Rights Act 1996

8.—(1) The Employment Rights Act 1996(8) is amended as follows.

(2) In section 49B, in subsection (7), omit paragraph (i).

(3) In section 50, in subsection (8), omit paragraph (ad).

(4) In section 218, in subsection (10), omit paragraph (cd).

Freedom of Information Act 2000

9. In Schedule 1 to the Freedom of Information Act 2000(9), in Part 6, omit “The Health and Social Care Information Centre.”.

National Health Service Act 2006

10.—(1) The National Health Service Act 2006(10) is amended as follows.

(2) In section 9, in subsection (4), omit paragraph (kb).

(3) In section 13U—

(a) omit the “and” at the end of subsection (2)(b);

(b) at the end of subsection (2)(c) insert—

“, and

(d) how effectively it discharged its relevant data functions (as defined by section 253(3) of the Health and Social Care Act 2012).”.

(4) In section 71, in subsection (2), omit paragraph (db).

(5) In section 72, omit subsection (3).

(6) In section 247C, in subsection (2), omit paragraph (e).

(7) In section 253—

(a) in subsection (1A), omit paragraph (c);

(7) 1994 c. 23. Section 41(7) was amended by section 191(1) of the Finance Act 2013 (c. 29) and section 107 of the Finance Act 2014 (c. 26); there are other amendments but none is relevant.

(8) 1996 c. 18. Section 49B was inserted by section 149(1) and (2) of the Small Business, Enterprise and Employment Act 2015 (c. 26); there are amendments to subsection (7) but none is relevant. Sections 50(8) and 218(10) were amended by paragraph 6 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.

(9) 2000 c. 36. The relevant entry was inserted by paragraph 8 of Schedule 19 to the 2012 Act; there are other amendments to Part 6 but none is relevant.

(10) 2006 c. 41. Section 9(4) was amended by paragraph 9 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant. Section 13U was inserted section 23 of the 2012 Act and amended by sections 4 and 7 of the 2022 Act; there are other amendments but none is relevant. Section 71(2) was amended by paragraph 9 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant. Section 72(3) was inserted by paragraph 9 of Schedule 19 to the 2012 Act. Section 247C was inserted by section 52 of the 2012 Act; there are amendments to subsection (2) but none is relevant. Section 253(1A) was inserted by section 47(3) of the 2012 Act; there are amendments but none is relevant. Section 264B was inserted by section 8 of the Health Service Medical Supplies (Costs) Act 2017 (c. 23); there are amendments but none is relevant. Section 270(1) was amended by section 285(1) and (2) of the 2012 Act; there are other amendments but none is relevant. There are amendments to section 271 but none is relevant. Schedule A1 was inserted by Schedule 1 to the 2012 Act and amended by section 17(1) and (3) of the 2022 Act. Schedule 1B was inserted by Schedule 2 to the 2022 Act.

- (b) in subsection (2), for “within subsection (1A)(a) to (c)” substitute “within any paragraph of subsection (1A) other than paragraph (d)”.
- (8) In section 264B—
 - (a) in subsection (1), omit paragraph (c);
 - (b) in subsection (3)(a), for “(1)(a) to (c)” substitute “(1)(a) or (b)”.
- (9) In section 270, in subsection (1), omit paragraph (f).
- (10) In section 271, after subsection (3) insert—
 - “(4) Subsection (1) does not apply in relation to the exercise of functions by a Minister of the Crown in relation to NHS England so far as concerns its relevant data functions (as defined by section 253(3) of the Health and Social Care Act 2012).”.
- (11) In Schedule A1, in paragraph 9A(4)(b), omit sub-paragraph (vi).
- (12) In Schedule 1B, in Part 2, in paragraph 19(4)(b), omit sub-paragraph (vi).

National Health Service (Wales) Act 2006

11. In section 7 of the National Health Service (Wales) Act 2006(**11**), in subsection (4), omit paragraph (kb).

Statistics and Registration Service Act 2007

12. In section 42 of the Statistics and Registration Service Act 2007(**12**), in subsection (4A), omit paragraph (i).

Health and Social Care Act 2008

13. In section 64 of the Health and Social Care Act 2008(**13**), in subsection (2), omit paragraph (f) and the “or” before it.

Health Act 2009

14. In section 2 of the Health Act 2009(**14**), in subsection (2), omit paragraph (db).

Corporation Tax Act 2010

15. In section 986 of the Corporation Tax Act 2010(**15**), in the table, omit the entry for the Health and Social Care Information Centre.

Equality Act 2010

16. In Schedule 19 to the Equality Act 2010(**16**), in Part 1, omit “The Health and Social Care Information Centre.”.

(11) 2006 c. 42. Section 7(4) was amended by paragraph 10 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.

(12) 2007 c. 18. Section 42 was amended by section 287(2) of the 2012 Act; there are other amendments but none is relevant.

(13) 2008 c. 14. Section 64(2) was amended by paragraph 11 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.

(14) 2009 c. 21. Section 2(2) was amended by paragraph 12 of Schedule 19 to the 2012 Act; there are other amendments but none is relevant.

(15) 2010 c. 4. The relevant entry was inserted by section 37 of the Finance Act 2013 (c.29); there are other amendments to the table but none is relevant.

(16) 2010 c. 15. The relevant entry was inserted by paragraph 13 of Schedule 19 to the 2012 Act; there are other amendments to Part 1 but none is relevant.

Health and Social Care Act 2012

17.—(1) The 2012 Act(17) 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)—

(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).

(17) 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 to 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.

- (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—
 - “(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—
- “274A. Secretary of State’s guidance about NHS England data functions**
- (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 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.

Care Act 2014

18.—(1) The Care Act 2014⁽¹⁸⁾ is amended as follows.

(2) In section 111, in subsection (1), for paragraph (c) substitute—

“(c) NHS England, but only insofar as its functions relating to health or social care research are relevant data functions (as defined by section 253(3) of the Health and Social Care Act 2012);”.

(3) In Schedule 7, in paragraph 8(1)(c)—

(a) for “the Health and Social Care Information Centre” substitute “NHS England”;

(b) in paragraph (i)—

(i) for “the Centre” substitute “NHS England”;

(ii) at the end insert “, so far as those functions relate to information obtained by NHS England in connection with the exercise of its relevant data functions (as defined by section 253(3) of the Health and Social Care Act 2012)”;

(c) in paragraph (ii), for “the Centre of information” substitute “NHS England of such information”.

Access to Medical Treatments (Innovation) Act 2016

19. In section 2 of the Access to Medical Treatments (Innovation) Act 2016⁽¹⁹⁾—

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

(b) in subsections (3), (4) and (6), for “the HSCIC”, wherever occurring, substitute “NHS England”.

Data Protection Act 2018

20. In section 204 of the Data Protection Act 2018⁽²⁰⁾, in subsection (4), for paragraph (g) substitute—

“(g) NHS England;”.

Medicines and Medical Devices Act 2021

21.—(1) The Medicines and Medical Devices Act 2021⁽²¹⁾ is amended as follows.

(2) In section 7A—

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

(b) in subsections (2) to (4), (6) and (8) to (11), for “the Information Centre”, wherever occurring, substitute “NHS England”.

(3) In section 19—

⁽¹⁸⁾ 2014 c. 23.

⁽¹⁹⁾ 2016 c. 9.

⁽²⁰⁾ 2018 c. 12.

⁽²¹⁾ 2021 c. 3. Section 7A was inserted by section 101(3) of the Health and Care Act 2022 (c. 31). Section 19 was amended by section 101(4)(a)(i) and (ii), and (b) of that Act.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 No. 98*

- (a) in subsection (1), for “the Health and Social Care Information Centre (“the Information Centre”)” substitute “NHS England”;
 - (b) in subsections (2), (3) and (6), for “the Information Centre”, wherever occurring, substitute “NHS England”.
- (4) In section 43, in subsection (3), for “(constitution and functions etc of the Health and Social Care Information Centre)” substitute “(NHS England: health and social care information etc.)”.

Health and Care Act 2022

- 22.** In Schedule 15 to the Health and Care Act 2022, in paragraph 8, omit sub-paragraph (5)(b).