



National Health Service Act 2006

2006 CHAPTER 41

PART 14

SUPPLEMENTARY

272 Orders, regulations, rules and directions

- (1) This section does not apply to—
 - [^{F1}(za) section 14Z25(2),]
 - [^{F2}(zb) section 14Z31(1),]
 - (a) Chapter 5 of Part 2 (as to which, see section 64), and
 - (b) Part 10 (as to which, see section 209).
- (2) Subject to subsection (3), any power under this Act to make an order, rules or regulations is exercisable by statutory instrument.
- (3) Subsection (2) does not apply to an order under—
 - (a) section 66(2),
 - [^{F3}(b)
 - (c) section 211(4),
 - [^{F4}(d)
 - (e) paragraph 9, 27 or 29 of Schedule 4, or
 - (f) paragraph 2 of Schedule 18.
- (4) Subject to subsections [^{F5}(4A),] (5) [^{F6}, (6) and (6A)], a statutory instrument made by virtue of this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F7}(4A) A statutory instrument containing regulations under section 7E(1) is subject to annulment in pursuance of a resolution of the House of Commons.]
- (5) Subsection (4) does not apply to a statutory instrument containing [^{F8}... an order under—
 - [^{F9}(za)

Changes to legislation: National Health Service Act 2006, Section 272 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) section 25,
 - ^{F10}[^{F11}(aa)
 - (ab) section 65B(1), [^{F12}65D(2),]^{F13}... 65J(2), [^{F14}65KC(3),]^{F15}65L(2) [^{F16}, (2B)] or (7), 65LA(3)] , or 65V(2),]
 - (b) Schedule 4, or
 - (c) paragraph 1(1) of Schedule 5.
- (6) A statutory instrument containing—
- ^{F17}(zza)
 - [^{F18}(zzb) regulations under section 6C(1) or (2),]
 - [^{F19}(zzc) regulations under section 6E, except where they do not include provision by virtue of subsection (7)(c) of that section,]
 - [^{F20}(zzd) regulations under section 7(1C),]
 - [^{F21}(zze) regulations under section 12ZB,]
 - [^{F22}(zzf) regulations under section 12ZC,]
 - (za) an order under section 12C(8) or (10),
 - [^{F23}(zb) regulations under section 13Z1,]
 - [^{F24}(zba) regulations under section 14Z31(3),]
 - ^{F25}(zc)
 - [^{F26}(zd) regulations under section 186A(4),]
 - (a) regulations under section 251, except where they are made by virtue of subsection (5)(b) of that section,
 - [^{F27}(aa) the first order under section 260,]
 - (b) an order under section 265(10), ^{F28}...
 - (c) an order under section 193(4),
 - [^{F29}(d) regulations under paragraph 9A(5) of Schedule A1, or]
 - [^{F30}(e) regulations under paragraph 19(5) of Schedule 1B.]
- may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- [^{F31}(6ZA) The Statutory Instruments Act 1946 applies in relation to the power of [^{F32}NHS England] to make an order under Chapter 5A as if [^{F32}NHS England] were a Minister of the Crown.]
- [^{F33}(6A) A statutory instrument containing an order under section ^{F34}... 65B(1), [^{F35}65D(2),]^{F36}... 65J(2), [^{F37}65KC(3),] 65L(2) or [^{F38}(7)]^{F39}, 65LA(3)] or 65V(2) must be laid before Parliament after it is made.]
- (7) Any power under this Act to make orders, rules, regulations or schemes, and any power to give directions—
- (a) may be exercised either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case,
 - (b) may be exercised so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes

Changes to legislation: National Health Service Act 2006, Section 272 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- of case, or different provision as respects the same case or class of case for different purposes of this Act,
- (iii) any such provision either unconditionally or subject to any specified condition, and
- (c) may, in particular, except where the power is a power to make rules, make different provision for different areas.
- (8) Any such power includes power—
- (a) to make such incidental, supplementary, consequential, saving or transitional provision (including, in the case of a power to make an order or regulations, provision amending, repealing or revoking enactments) as the person or body exercising the power considers to be expedient, and
- (b) to provide for a person to exercise a discretion in dealing with any matter.

^{F40}(9)

Textual Amendments

- F1** S. 272(1)(za) inserted (9.5.2022) by Health and Care Act 2022 (c. 31), **ss. 19(3)**, 186(6); S.I. 2022/515, reg. 2(d)
- F2** S. 272(1)(zb) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 20(3)(a)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** S. 272(3)(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 136(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** S. 272(3)(d) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 136(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Word in s. 272(4) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 44(4)(a)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** Words in s. 272(4) substituted (15.2.2010 for specified purposes) by Health Act 2009 (c. 21), **ss. 18(8)(a)**, 40(1); S.I. 2010/30, art. 3(b)
- F7** S. 272(4A) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 44(4)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F8** Words in s. 272(5) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 136(3)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** S. 272(5)(za) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 131(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** S. 272(5)(aa) omitted (1.11.2012) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 173(6)(a)**, 306(4); S.I. 2012/2657, art. 2(2)
- F11** S. 272(5)(aa)(ab) inserted (15.2.2010 for specified purposes) by Health Act 2009 (c. 21), **ss. 18(8)(b)**, 40(1); S.I. 2010/30, art. 3(b)
- F12** Word in s. 272(5)(ab) inserted (1.11.2012) by Health and Social Care Act 2012 (c. 7), **ss. 178(6)(a)**, 306(4); S.I. 2012/2657, art. 2(2)
- F13** Word in s. 272(5)(ab) omitted (1.11.2012) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 178(6)(b)**, 306(4); S.I. 2012/2657, art. 2(2)
- F14** Word in s. 272(5)(ab) inserted (1.11.2012) by Health and Social Care Act 2012 (c. 7), **ss. 178(6)(c)**, 306(4); S.I. 2012/2657, art. 2(2)
- F15** Words in s. 272(5)(ab) substituted (1.11.2012) by Health and Social Care Act 2012 (c. 7), **ss. 178(6)(d)**, 306(4); S.I. 2012/2657, art. 2(2)
- F16** Word in s. 272(5)(ab) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 21**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F17** S. 272(6)(zza) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 131(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation: National Health Service Act 2006, Section 272 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F18** S. 272(6)(zzb) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 18(2)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F19** S. 272(6)(zzc) inserted (27.3.2012 for specified purposes, 1.2.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 20(2)**, 306(1)(d)(4); S.I. 2012/2657, art. 2(4)
- F20** S. 272(6)(zzd) inserted (27.3.2012 for specified purposes, 1.10.2012 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 21(5)**, 306(1)(d)(4); S.I. 2012/1831, art. 2(2)
- F21** S. 272(6)(zze) inserted (1.1.2024) by Health and Care Act 2022 (c. 31), **ss. 80(1)(b)**, 186(6); S.I. 2023/1431, reg. 3(c)
- F22** S. 272(6)(zzf) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 81(3)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F23** S. 272(6)(zbb) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 23(2)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F24** S. 272(6)(zba) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 20(3)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F25** S. 272(6)(zbc) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 86(1)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F26** S. 272(6)(zbd) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 50(2)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F27** S. 272(6)(aaa) inserted (7.8.2017) by Health Service Medical Supplies (Costs) Act 2017 (c. 23), **ss. 7(7)**, 12(3); S.I. 2017/809, reg. 2(f)
- F28** Word in s. 272(6)(b) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 17(2)(a)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F29** S. 272(6)(d) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 17(2)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F30** S. 272(6)(e) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 2 para. 2**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F31** S. 272(6ZA) inserted (1.11.2012) by Health and Social Care Act 2012 (c. 7), **ss. 178(7)**, 306(4); S.I. 2012/2657, art. 2(2)
- F32** Words in s. 272(6ZA) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 28**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F33** S. 272(6A) inserted (15.2.2010 for specified purposes) by Health Act 2009 (c. 21), **ss. 18(8)(c)**, 40(1); S.I. 2010/30, art. 3(b)
- F34** Words in s. 272(6A) omitted (1.11.2012) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 173(6)(b)**, 306(4); S.I. 2012/2657, art. 2(2)
- F35** Word in s. 272(6A) inserted (1.11.2012) by Health and Social Care Act 2012 (c. 7), **ss. 178(8)(a)**, 306(4); S.I. 2012/2657, art. 2(2)
- F36** Word in s. 272(6A) omitted (1.11.2012) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 178(8)(b)**, 306(4); S.I. 2012/2657, art. 2(2)
- F37** Word in s. 272(6A) inserted (1.11.2012) by Health and Social Care Act 2012 (c. 7), **ss. 178(8)(c)**, 306(4); S.I. 2012/2657, art. 2(2)
- F38** Word in s. 272(6A) substituted (1.11.2012) by Health and Social Care Act 2012 (c. 7), **ss. 178(8)(e)**, 306(4); S.I. 2012/2657, art. 2(2)
- F39** Word in s. 272(6A) inserted (1.11.2012) by Health and Social Care Act 2012 (c. 7), **ss. 178(8)(d)**, 306(4); S.I. 2012/2657, art. 2(2)
- F40** S. 272(9) omitted (7.8.2017) by virtue of Health Service Medical Supplies (Costs) Act 2017 (c. 23), **ss. 10(16)**, 12(3); S.I. 2017/809, reg. 2(h) (with reg. 3)

Modifications etc. (not altering text)

- C1** S. 272 applied (1.3.2007) by National Health Service (Wales) Act 2006 (c. 42), **ss. 208(1)**, **209(4)** (with s. 19(3))
- C2** S. 272(1)(zb): power to repeal conferred (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 20(4)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation: National Health Service Act 2006, Section 272 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- C3** S. 272(6)(zba): power to amend conferred (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 20(4)(c)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- C4** S. 272(7)(8) applied by 2006 c. 28, **s. 70(3)** (as substituted (1.3.2007) by National Health Service (Consequential Provisions) Act (c. 43), Sch. 1 para. 285 (with Sch. 3 Pt. 1))
- C5** S. 272(7) applied by 2007 c. 18, s. 42(5B) (as inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 287(3)**, 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9))

Changes to legislation:

National Health Service Act 2006, Section 272 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to :

- s. 272(3)(e) omitted by 2012 c. 7 Sch. 14 para. 36(a)
- s. 272(5) omitted by 2012 c. 7 Sch. 14 para. 36(b)

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. 3B(1)(aa) inserted by 2022 c. 31 Sch. 3 para. 2(b)
- s. 3B(1)(za) inserted by 2022 c. 31 Sch. 3 para. 2(a)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by 2014 c. 23 s. 120(18)(a)
- s. 35(3A)(3B) inserted by 2012 c. 7 s. 159(4)
- s. 35(3A) words substituted by 2022 c. 31 Sch. 5 para. 12(4) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by 2012 c. 7 Sch. 14 para. 5
- s. 42(1A) inserted by 2012 c. 7 Sch. 14 para. 6
- s. 65F(2A)-(2F) inserted by 2012 c. 7 Sch. 14 para. 15(4) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by 2012 c. 7 Sch. 14 para. 17(4)
- s. 65H(10A) omitted by 2022 c. 31 Sch. 8 para. 7(7) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by 2022 c. 31 Sch. 3 para. 3
- s. 84(4)-(4B) substituted for s. 84(4) by 2022 c. 31 Sch. 3 para. 4(4)
- s. 92(5A) inserted by 2022 c. 31 Sch. 3 para. 9(4)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by 2022 c. 31 Sch. 3 para. 11(3)
- s. 98A98B substituted for s. 98A by 2022 c. 31 Sch. 3 para. 14
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by 2022 c. 31 Sch. 3 para. 15
- s. 100(3A)(3B) inserted by 2022 c. 31 Sch. 3 para. 16(4)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by 2022 c. 31 Sch. 3 para. 23(3)
- s. 112(1)(za) inserted by 2022 c. 31 Sch. 3 para. 24(2)(b)
- s. 114A114B substituted for s. 114A by 2022 c. 31 Sch. 3 para. 26
- s. 114C and cross-heading inserted by 2022 c. 31 Sch. 3 para. 27
- s. 116A116B and cross-heading inserted by 2022 c. 31 Sch. 3 para. 30
- s. 117(4)(4A) substituted for s. 117(4) by 2022 c. 31 Sch. 3 para. 31(4)
- s. 125A125B substituted for s. 125A by 2022 c. 31 Sch. 3 para. 39
- s. 223C(1)(c)(d) inserted by 2022 c. 31 s. 28
- s. 223LA inserted by 2022 c. 31 s. 30(3)
- Sch. 15 para. 4(1)(b) and word omitted by 2012 c. 7 Sch. 14 para. 39(3)