



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 4

#### THE HEALTH SERVICES SAFETY INVESTIGATIONS BODY

PROSPECTIVE

#### *Supplementary*

#### **133 Obligations of confidence etc**

- (1) Subject to subsection (2), a disclosure of any information, document, equipment or other item which is required or authorised by or under section 119 or 120 or Schedule 14 does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on disclosure.
- (2) Nothing in this Part operates to require or authorise a disclosure of information which would contravene the data protection legislation (but, for the purposes of this subsection, in determining whether a disclosure required or authorised by or under this Part would do so, take the requirement or authorisation into account).

#### **Commencement Information**

- II** S. 133 not in force at Royal Assent, see [s. 186\(6\)](#)

#### **134 Consequential amendments relating to Part 4**

Schedule 15 contains amendments consequential on this Part.

*Status:* This version of this cross heading contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects for the Health and Care Act 2022, Cross Heading: Supplementary. (See end of Document for details)

## Commencement Information

**I2** S. 134 not in force at Royal Assent, see [s. 186\(6\)](#)

## 135 Interpretation of Part 4

In this Part—

- “the 2006 Act” means the National Health Service Act 2006;
- “Chief Investigator” means the person appointed in accordance with paragraph 3 of Schedule 13;
- “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
- to “disclose”, in relation to information, documents, equipment and other items includes to permit access to such things;
- “documents” includes personal and medical records;
- “final report” means a report under section 113;
- “health care services” means—
  - (a) all forms of health care services provided for individuals, whether relating to physical or mental health, and
  - (b) procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition;
- “the HSSIB” has the meaning given by section 109(2);
- “interim report” means a report under section 114;
- “investigation”, except in the case of an investigation mentioned in section 126(1)(b), 127 or 128, means an investigation carried out by the HSSIB under section 110(1) and any related term is to be read accordingly;
- the “investigation function” of the HSSIB is its function under section 110(1) (and see also section 111(1));
- “investigator” means a person authorised by the HSSIB to carry out functions in relation to investigations on its behalf;
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- “NHS foundation trust” has the meaning given by section 30 of the 2006 Act;
- “NHS services” means health care services provided in England for the purposes of the health service continued under section 1(1) of the 2006 Act;
- “NHS trust” means a National Health Service trust established under section 25 of the 2006 Act;
- “notice” means notice in writing;
- “patients” means individuals for whom health care services are provided;
- “premises” includes a vehicle;
- “protected material” has the meaning given by section 122(2);
- “qualifying incident” has the meaning given by section 110(5);
- “regulatory body” means—
  - (a) the General Medical Council,
  - (b) the General Dental Council,
  - (c) the General Optical Council,

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- (d) the General Osteopathic Council,
- (e) the General Chiropractic Council,
- (f) the General Pharmaceutical Council,
- (g) the Nursing and Midwifery Council,
- (h) the Health and Care Professions Council, or
- (i) any other regulatory body, within the meaning of Schedule 3 to the Health Act 1999, established at any time by an Order in Council under section 60 of that Act;

“Special Health Authority” means a Special Health Authority established under section 28 of the 2006 Act.

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#### Commencement Information

**I3** S. 135 not in force at Royal Assent, see [s. 186\(6\)](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care Act 2022, Cross Heading: Supplementary.