



Health and Care Act 2022

2022 CHAPTER 31

PART 1

HEALTH SERVICE IN ENGLAND: INTEGRATION, COLLABORATION AND OTHER CHANGES

Merger of NHS bodies etc

34 Exercise by NHS England of new regulatory functions

- (1) The National Health Service Act 2006 is amended as follows.
- (2) After section 13SA (inserted by section 11 of this Act) insert—

“Regulatory functions

13SB Minimising conflicts between regulatory and other functions

- (1) NHS England must make arrangements for—
 - (a) minimising the risk of conflicts between the exercise of its regulatory functions and its other functions;
 - (b) managing any conflicts that arise.
- (2) In this Act “regulatory functions”, in relation to NHS England, means—
 - (a) its functions under the provisions listed in subsection (3),
 - (b) its functions under Chapter 5A of Part 2 (trust special administrators) in relation to NHS foundation trusts, except for any functions that are conferred on it under section 65DA, 65F or 65G as a commissioner, and
 - (c) any other functions of NHS England so far as exercisable in connection with functions within paragraph (a) or (b).
- (3) Those provisions are—
 - (a) in Part 2 of this Act, Chapter 5 (NHS foundation trusts);

Status: This is the original version (as it was originally enacted).

- (b) in Part 3 of the Health and Social Care Act 2012—
 - (i) Chapter 3 (licensing);
 - (ii) Chapter 4 (NHS payment scheme);
 - (iii) Chapter 5 (health special administration);
 - (iv) Chapter 6 (financial assistance in special administration cases).”
- (3) In section 13U (annual report), after subsection (2) insert—
 - “(2A) The annual report must include a statement explaining what NHS England has done, during the financial year, to comply with its duties under section [13SB](#).”
- (4) In section 275 (interpretation), in subsection (1), at the appropriate place insert—
 - ““regulatory functions”, in relation to NHS England, has the meaning given by section [13SB](#),”.