



Health and Care Act 2022

2022 CHAPTER 31

PART 1

HEALTH SERVICE IN ENGLAND: INTEGRATION, COLLABORATION AND OTHER CHANGES

Secretary of State's functions

43 Power of direction: public health functions

- (1) The National Health Service Act 2006 is amended as follows.
- (2) After section [7A](#) (inserted by section 42 of this Act) insert—

“7B Directions requiring NHS bodies to exercise public health functions

- (1) The Secretary of State may by direction provide for any of the public health functions of the Secretary of State to be exercised by one or more relevant bodies.
- (2) In this section “relevant body” means—
 - (a) NHS England, or
 - (b) an integrated care board.
- (3) A direction under subsection (1) may include provision prohibiting or restricting the relevant body from making delegation arrangements in relation to a function that is exercisable by it by virtue of the direction.
- (4) In subsection (3) “delegation arrangements” means arrangements made by a person for the exercise of a function by someone else.
- (5) The Secretary of State may make payments to a relevant body in respect of the exercise by it of a function by virtue of a direction under subsection (1).
- (6) The Secretary of State may give directions to an integrated care board as to the exercise by it of any functions by virtue of this section.

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 43. (See end of Document for details)

- (7) For power to give directions to NHS England as to the exercise of functions, see section 13ZC.
 - (8) As soon as reasonably practicable after giving a direction under subsection (1) or (6), the Secretary of State must publish it.
 - (9) Any rights acquired, or liabilities (including liabilities in tort) incurred, in respect of the exercise by a relevant body of any function by virtue of this section are enforceable by or against it (and no other person).
 - (10) The reference in subsection (1) to the public health functions of the Secretary of State includes any functions of the Secretary of State exercisable in connection with those functions (including the powers conferred by section 12).”
- (3) In section 73 (directions and regulations under Parts 1 and 2), in subsection (1), after paragraph (a) insert—
- “(aa) section 7B,”.

Commencement Information

- I1** S. 43 not in force at Royal Assent, see [s. 186\(6\)](#)
- I2** [S. 43](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Changes to legislation:

There are currently no known outstanding effects for the Health and Care Act 2022, Section 43.