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STATUTORY INSTRUMENTS

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**2013 No. 160**

**The Health and Social Care Act 2012 (Commencement No.4,  
Transitional, Savings and Transitory Provisions) Order 2013**

**Saving and transitional provision in respect of the abolition of various bodies by provisions of the 2012 Act**

8.—(1) It is the duty of each relevant new body to take such action as may be necessary for the winding up of the affairs of the old body in respect of which it is the relevant new body, including the preparation of any outstanding accounts or annual reports and the performance of all statutory duties relating to those accounts or reports.

(2) Notwithstanding the repeal of the Health Protection Agency Act 2004<sup>(1)</sup> by section 56(2) of the 2012 Act, paragraphs 22 to 27 of Schedule 1 to that Act continue to apply in relation to the accounts and annual reports of the Health Protection Agency for the financial year ending 31st March 2013, with the modification that any duty of the Agency under those paragraphs is conferred instead on the Secretary of State.

(3) A complaint made under the Health Service Commissioners Act 1993<sup>(2)</sup> to the Health Service Commissioner for England in relation to an old body (other than the Health Protection Agency), whether made before, on or after 1st April 2013, may be investigated by the Commissioner notwithstanding the abolition of the body, and the Commissioner must send a copy of the report of the result of the investigation to the relevant new body.

(4) Anything done before 1st April 2013 by or in relation to an old body is to be treated on and after that date as if done by or in relation to the relevant new body.

(5) Any instrument made by or in relation to an old body continues in force until it is varied or revoked by the relevant new body.

(6) Any form supplied by an old body continues to be a valid form until it is cancelled or varied by the relevant new body, as if any reference in that form to the old body were a reference to the relevant new body.

(7) So far as is necessary or appropriate, a reference in an agreement or other instrument to an old body is to be treated on or after 1st April 2013 as a reference to the relevant new body.

(8) Paragraphs (4) to (7) apply subject to—

- (a) in the case of the National Institute for Health and Clinical Excellence, section 249 of the 2012 Act (consequential and transitional provision);
- (b) in the case of the Health and Social Care Information Centre, article 9; and
- (c) in all cases, any provision for continuity in—
  - (i) a transfer scheme under section 300 of the 2012 Act,
  - (ii) an order made under section 303 of that Act, or
  - (iii) any other enactment.

(9) In this article—

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(1) 2004 c. 17.  
(2) 1993 c. 46.

- (a) “old body” means—
  - (i) the Health Protection Agency,
  - (ii) the Special Health Authority known as the National Institute for Health and Clinical Excellence,
  - (iii) the Special Health Authority known as the Health and Social Care Information Centre, or
  - (iv) the NHS Institute for Innovation and Improvement; and
- (b) “relevant new body” means—
  - (i) in the case of the Health Protection Agency, the Secretary of State,
  - (ii) in the case of the Special Health Authority known as the National Institute for Health and Clinical Excellence, the National Institute for Health and Care Excellence established by section 232 of the 2012 Act;
  - (iii) in the case of the Special Health Authority known as the Health and Social Care Information Centre, the Health and Social Care Information Centre established by section 252 of the 2012 Act;
  - (iv) in the case of the NHS Institute for Innovation and Improvement, the National Health Service Commissioning Board.