

SCHEDULE 1

Regulation 4(1)

Consequential Repeals and Amendments to Primary Legislation

Public Records Act 1958

1. In Part 2 of the Table in Schedule 1 to the Public Records Act 1958(1) (definition of public records), omit “Health Education England.”.

Public Bodies (Admission to Meetings) Act 1960

2. In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960(2) (bodies to which this Act applies), omit paragraph (bm).

Parliamentary Commissioner Act 1967

3. In Schedule 2 to the Parliamentary Commissioner Act 1967(3) (departments etc. subject to investigation), omit “Health Education England”.

House of Commons Disqualification Act 1975

4. In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975(4) (bodies of which all members are disqualified), omit “Health Education England.”.

Copyright, Designs and Patents Act 1988

5. In section 48(6) of the Copyright, Designs and Patents Act 1988(5) (definition of “the Crown”), omit “, Health Education England”.

Value Added Tax Act 1994

6. In section 41 of the Value Added Tax Act 1994(6) (application to the Crown), omit subsection (7)(j).

Employment Rights Act 1996

7. In section 49B of the Employment Rights Act 1996(7) (regulations prohibiting discrimination because of protected disclosure), omit subsection (7)(g).

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- (1) 1958 c. 51. An entry for “Health Education England” was inserted into Part 2 of the Table in Schedule 1 by paragraph 29 of Schedule 5 to the Care Act 2014.
 - (2) 1960 c. 67. Paragraph (bm) was inserted into the Schedule by paragraph 30 of Schedule 5 to the Care Act 2014.
 - (3) 1967 c. 13. Schedule 2 was substituted by S.I. 2011/2986 and “Health Education England” was inserted into Schedule 2 by paragraph 31 of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.
 - (4) 1975 c. 24. “Health Education England.” was inserted into Part 2 of Schedule 1 by paragraph 32 of Schedule 5 to the Care Act 2014.
 - (5) 1988 c. 48. Section 48(6) was inserted by paragraph 3 of Schedule 8 to the National Health Service and Community Care Act 1990 (c. 19). The definition of “the Crown” in subsection (6) was amended by paragraph 33 of Schedule 5 to the Care Act 2014; there are other amendments but none is relevant.
 - (6) 1994 c. 23. Subsection (7) was amended and renumbered by section 107(1) and (2) of the Finance Act 2014 (c. 26). There are other amendments but none is relevant.
 - (7) 1996 c. 18. Section 49B was inserted by section 149(2) of the Small Business, Enterprise and Employment Act 2015 (c. 26). There are amendments but none is relevant.

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Freedom of Information Act 2000

8. In Part 3 of Schedule 1 to the Freedom of Information Act 2000(8) (the National Health Service), omit “Health Education England.” as inserted by paragraph 34 of Schedule 5 to the 2014 Act.

National Health Service Act 2006

9.—(1) The 2006 Act is amended as follows.

(2) In section 1F(2) (duty as to education and training)(9), for “Health Education England” substitute “NHS England”.

(3) In section 1GA(2) (Secretary of State’s duty to report on workforce systems)(10), omit “and Health Education England”.

(4) In section 9(4) (NHS contracts)(11), omit paragraph (kc).

(5) In section 13J (duty to obtain appropriate advice)(12)—

- (a) the existing text becomes subsection (1);
- (b) after subsection (1), insert—

“(2) Subsection (1) does not apply in relation to NHS England’s education and training functions (see section 102 of the Care Act 2014 for the obtaining of advice in relation to those functions).”.

(6) In section 13M (duty as to promoting education and training)(13)—

- (a) after “functions” insert “other than its education and training functions”;
- (b) omit “the Secretary of State and Health Education England”.

(7) In section 13N (duty as to promoting integration)(14), after subsection (2) insert—

“(2A) Subsections (1) and (2) do not apply in relation to the exercise of NHS England’s education and training functions.”.

(8) After section 13P (duty as respects variation in provision of health services), insert—

“Duty to cooperate for education and training functions and specified functions

13PA.—(1) NHS England must, in exercising its education and training functions, co-operate with the Secretary of State in the exercise of the public health functions of the Secretary of State.

(2) Regulations may require NHS England and a person specified in those regulations to co-operate with each other in the exercise of—

- (a) NHS England’s education and training functions;
- (b) the functions of the specified person;

(8) 2000 c. 36. “Health Education England.” was inserted into Part 3 of Schedule 1 “at the appropriate place” by paragraph 34 of Schedule 5 to the Care Act 2014. However, as Part 3 contains individual numbered paragraphs it is impossible to determine where exactly these words have been inserted.

(9) Section 1F was inserted by section 7 of the Health and Social Care Act 2012 (c. 7). Subsection (2) was amended by section 97(4)(a) of the Care Act 2014.

(10) Section 1GA was inserted by section 41 of the Health and Care Act 2022.

(11) Paragraph (kc) of subsection (4) was inserted by paragraph 16 of Schedule 5 to the Care Act 2014. There are other amendments to subsection (4) but none is relevant.

(12) Section 13J was inserted by section 23(1) of the Health and Social Care Act 2012, and amended by paragraph 1(1) of Schedule 1 to the Health and Care Act 2022.

(13) Section 13M was inserted by section 23(1) of the Health and Social Care Act 2012, and amended by section 97(4)(b) of the Care Act 2014 and paragraph 1(1) of Schedule 1 to the Health and Care Act 2022.

(14) Section 13N was inserted by section 23(1) of the Health and Social Care Act 2012. There are amendments but none is relevant.

- (c) such of the functions in paragraphs (a) or (b) as may be specified.”.
- (9) In section 13U(2) (annual report)(**15**)—
- (a) omit the “and” after paragraph (c);
- (b) at the end of paragraph (d), insert—
- “, and
- (e) how effectively it has discharged its education and training functions including, in particular, the extent to which it has during the year achieved the outcomes set by the Secretary of State for the purpose of section 100(2) of the Care Act 2014.”.
- (10) In section 13YA (power of NHS England to provide assistance and support)(**16**)—
- (a) in subsection (1), after paragraph (b) insert—
- “(c) any public authority, where the assistance or support is in relation to the education or training of health care workers.”;
- (b) after subsection (1), insert—
- “(1A) In subsection (1), “health care workers” means persons in relation to whom the Secretary of State’s duty under section 1F(1) is to be performed.”;
- (c) in subsection (2), for “subsection (1)(a) or (b)” substitute “subsection (1)”;
- (d) for subsection (3), substitute—
- “(3) The assistance that may be provided under subsection (1)(a) or (c), or that may be provided under subsection (1)(b) to integrated care boards, also includes financial assistance.”;
- (e) after subsection (4), insert—
- “(5) In this section, a reference to a public authority—
- (a) includes a public authority in the Channel Islands or the Isle of Man, but
- (b) subject to that, does not include a reference to a public authority outside the United Kingdom.”.
- (11) In section 14Z41 (duty to promote education and training)(**17**), for “Health Education England” substitute “NHS England”.
- (12) In section 71(2) (schemes for meeting losses and liabilities etc of certain health service bodies)(**18**), omit paragraph (dc).
- (13) In section 72 (co-operation between NHS bodies)(**19**), omit subsection (4).
- (14) In section 247C (Secretary of State’s duty to keep health service functions under review)(**20**), in subsection (2), omit paragraph (ea).
- (15) In section 275 (interpretation), after the definition of “dental practitioner”, insert—
- ““education and training functions”, in relation to NHS England, means the functions conferred on it—

(15) Section 13U was inserted by section 23(1) of the Health and Social Care Act 2012. Subsection (2) was amended by sections 4(5) and 7(4) of the Health and Care Act 2022, and by [S.I. 2023/98](#).

(16) Section 13YA was inserted by section 12 of the Health and Care Act 2022.

(17) Section 14Z41 was inserted by section 25(2) of the Health and Care Act 2022.

(18) Subsection (2) was amended by paragraph 24(3) of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

(19) Subsection (4) was inserted by paragraph 15(2) of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

(20) Section 247C was inserted by section 52 of the Health and Social Care Act 2012. Paragraph (ea) of subsection (2) was inserted by paragraph 13(8) of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

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- (a) by section 296A of the Health and Social Care Act 2012⁽²¹⁾ or under arrangements made under that section, or
- (b) by or under Chapter 1 of Part 3 of the Care Act 2014.”.

Health Act 2009

10. In section 2 of the Health Act 2009⁽²²⁾ (duty to have regard to NHS Constitution), in subsection (2), omit paragraph (h).

Equality Act 2010

11. In Part 1 of Schedule 19 to the Equality Act 2010⁽²³⁾ (public authorities: general), in the group of entries under the heading “Health, social care and social security”, omit the entry for Health Education England.

Health and Social Care Act 2012

12.—(1) The Health and Social Care Act 2012 is amended as follows.

(2) In section 290 (other duties to co-operate)⁽²⁴⁾, omit subsection (3)(ca).

(3) After section 296 (arrangements between NHS England and Scottish Ministers etc.), insert—

“Arrangements between NHS England and devolved authorities in respect of education and training

296A.—(1) NHS England may make arrangements with a devolved authority for NHS England—

- (a) to exercise on behalf of the devolved authority any function of that authority that corresponds to a function of NHS England that is conferred by or under Chapter 1 of Part 3 of the Care Act 2014;
- (b) to provide services or facilities in so far as the devolved authority requires them in connection with the exercise of such a function.

(2) Arrangements under this section may be on such terms and conditions as may be agreed between the parties to the arrangements.

(3) Those terms and conditions may include provision with respect to the making of payments to NHS England in respect of the cost to it of giving effect to the arrangements.

(4) In this section—

“devolved authority” means—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, and
- (c) a Northern Ireland Minister.

“Northern Ireland Minister” includes the First Minister, the deputy First Minister and a Northern Ireland department.”.

⁽²¹⁾ 2012 c. 7. Section 296A is inserted by paragraph 12(3) of Schedule 1 to these Regulations.

⁽²²⁾ 2009 c. 21. Paragraph (h) of subsection (2) was inserted by section 99(3) of the Care Act 2014. There are other amendments but none is relevant.

⁽²³⁾ 2010 c. 15. An entry for “Health Education England” was inserted by paragraph 35 of Schedule 5 to the Care Act 2014.

⁽²⁴⁾ Paragraph (ca) of subsection (3) was inserted by paragraph 15(3) of Schedule 5 to the Care Act 2014. There are other amendments but none is relevant.

Care Act 2014

- 13.—(1) The 2014 Act is amended as follows.
- (2) In section 6 (co-operating generally), after subsection (1) insert—
- “(1A) Subsection (1) does not apply in relation to the exercise by NHS England of its functions under Chapter 1 of Part 3.”.
- (3) For the heading of Chapter 1 of Part 3, substitute “The Education and Training Functions of NHS England”.
- (4) Omit section 96 (Health Education England).
- (5) In section 97 (planning education and training for health care workers etc.)—
- (a) in subsections (1), (2), (5), (6) and (8), in each place it occurs, for “HEE” substitute “NHS England”;
- (b) omit subsection (4);
- (c) in subsection (9), for “HEE’s” substitute “NHS England’s”.
- (6) In section 98(1) (ensuring sufficient skilled health care workers for the health service)—
- (a) for “HEE” substitute “NHS England”;
- (b) after “its functions” insert “under this Chapter”.
- (7) In section 99 (quality improvement in education and training, etc.)—
- (a) in subsection (1)—
- (i) for “HEE” substitute “NHS England”;
- (ii) after “its functions” insert “under this Chapter”;
- (iii) omit paragraph (b);
- (b) omit subsections (2), (3) and (5);
- (c) in subsection (4)—
- (i) for “HEE” substitute “NHS England”;
- (ii) after “its functions” insert “under this Chapter”.
- (8) In section 100 (objectives, priorities and outcomes)(**25**)—
- (a) omit subsection (1);
- (b) for subsection (2) substitute—
- “(2) The Secretary of State must publish a document (called the “Education Outcomes Framework”) setting outcomes for NHS England to achieve in relation to the education and training to be provided for health care workers.
- (2A) In setting those outcomes, the Secretary of State must have regard to any objectives that are specified in the mandate published under section 13A of the National Health Service Act 2006(**26**) and that relate to the education and training of health care workers.”;
- (c) in subsection (3), omit “(1) or”;
- (d) for subsection (4), substitute—
- “(4) NHS England must publish a document which—
- (a) specifies—

(25) Subsection (4) was amended by section 90(3) of the Health and Care Act 2022.

(26) Section 13A was inserted by section 23(1) of the Health and Social Care Act 2012 and amended by section 4(2) of, paragraphs 1(1) and 8 of Schedule 1 and paragraph 96 of Schedule 4 to the Health and Care Act 2022.

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- (i) the objectives and priorities that NHS England has set, for the period specified in the document, for the planning and delivery of education and training for health care workers, and
 - (ii) how it proposes to achieve those objectives,
 - (b) specifies—
 - (i) the outcomes that NHS England expects to achieve in relation to the education and training of health care workers during that period having regard to those objectives and priorities, and
 - (ii) how it proposes to achieve those outcomes, and
 - (c) specifies how NHS England proposes to achieve the outcomes set by the Secretary of State in accordance with subsection (2).”;
 - (e) in subsection (5), for “HEE” substitute “NHS England”;
 - (f) in subsection (6)—
 - (i) for “HEE” substitute “NHS England”;
 - (ii) for “subsections (1) and (2)” substitute “subsection (2) and any objectives specified for it in the mandate published under section 13A of the National Health Service Act 2006 that relate to the education and training of health care workers”;
 - (g) in subsection (8), in both places it occurs, for “HEE” substitute “NHS England”;
 - (h) in subsection (9), for “HEE” substitute “NHS England”;
 - (i) in subsection (10)—
 - (i) in both places it occurs, for “HEE” substitute “NHS England”;
 - (ii) in paragraph (a), omit “(1),”.
- (9) In section 101 (sections 98 and 100: matters to which HEE must have regard)(27)—
- (a) in the heading, for “HEE” substitute “NHS England”;
 - (b) in subsection (1)—
 - (i) in the words before paragraph (a), for “HEE” substitute “NHS England”;
 - (ii) omit paragraphs (d) and (f);
 - (iii) in paragraph (g), for “section 100(1), (2) or (3)” substitute “section 100(2) or (3)”;
 - (c) for subsection (2) substitute—

“(2) In subsection (1)—

“health provision”, “health-related provision” and “care and support provision” each have the same meaning as in section 3;

“health services” means health services provided as part of the health service.”.
- (10) In section 102 (advice)—
- (a) in subsection (1)—
 - (i) in both places it occurs, for “HEE” substitute “NHS England”;
 - (ii) after “its functions” insert “under this Chapter”;
 - (b) in subsections (2) and (3), for “HEE” substitute “NHS England”;
 - (c) in subsection (4)—
 - (i) for “HEE” substitute “NHS England”;

(27) Paragraph (f) of subsection (1) was amended by paragraph 1(1) of Schedule 1 to the Health and Care Act 2022.

(ii) after “its functions” insert “under this Chapter”.

(11) In section 108 (tariffs)(**28**), in subsection (9), for “HEE” substitute “NHS England”.

(12) In section 118 (transfer orders), in subsection (1) omit “section 96 (establishment of Health Education England) or”.

(13) In section 119 (Chapters 1 and 2: interpretation and supplementary provision)(**29**), in the table in subsection (1)—

(a) in the second column of the entry relating to “health services”, for “Section 99” substitute “Section 101”;

(b) omit the entry relating to “HEE”.

(14) In section 125 (regulations and orders), in subsection (6), omit paragraph (a).

(15) In section 126 (general interpretation), in the definition of “financial year”, omit “, paragraph 19 of Schedule 5”.

(16) In section 128 (extent and application), in subsection (3), omit paragraph (h).

(17) Omit Schedule 5 (Health Education England).

Health and Care Act 2022

14. In section 126 of the 2022 Act (co-operation), omit subsection (3)(i).

(28) Subsection (9) was amended by section 90(5) of the Health and Care Act 2022.

(29) The table in subsection (1) was amended by section 90(6) of the Health and Care Act 2022.