

2023 No. 821 (C. 45)

NATIONAL HEALTH SERVICE

HEALTH SERVICES

**The Health and Care Act 2022 (Commencement No. 6 and
Saving Provision) Regulations 2023**

Made - - - -

18th July 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by section 186(6), (9) and (11) of the Health and Care Act 2022(a).

Citation

1. These Regulations may be cited as the Health and Care Act 2022 (Commencement No. 6 and Saving Provision) Regulations 2023.

Commencement of section 162 of the Health and Care Act 2022

2. Section 162 of the Health and Care Act 2022 comes into force on 18th August 2023.

Saving provision: planned healthcare applications in relation to Northern Ireland

3.—(1) Notwithstanding the amendments made to the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019(b) (“the 2019 Act”) by section 162 of the Health and Care Act 2022, the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019(c) (“the 2019 Regulations”) continue to have effect insofar as they relate to the determination of planned healthcare applications in relation to Northern Ireland.

(2) For the purposes of the 2019 Regulations as they continue to have effect in accordance with paragraph (1), any term used in both the 2019 Regulations and the 2019 Act as it had effect immediately before 18th August 2023 continues to have the same meaning as it had for the purposes of the 2019 Act immediately before 18th August 2023.

Signed by authority of the Secretary of State for Health and Social Care

18th July 2023

Will Quince
Minister of State,
Department of Health and Social Care

(a) 2022 c. 31.
(b) 2019 c. 14 (“the 2019 Act”); in particular, section 162 renamed the 2019 Act and substituted section 2 under which the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019 (S.I. 2019/1293) were made.
(c) S.I. 2019/1293; *see* regulation 6 as to the determination of planned healthcare applications.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 162 of the Health and Care Act 2022 (c. 31) (“the 2022 Act”) on 18th August 2023 (regulation 2). They are the sixth commencement regulations to be made under the Act. These Regulations also make saving provision in connection with the coming into force of section 162.

Section 162 provides that the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 (“the 2019 Act”) is renamed the Healthcare (International Arrangements) Act 2019, and makes certain amendments to that Act to enable the Government and the Devolved Authorities to implement reciprocal healthcare agreements with countries outside the EEA and Switzerland.

Regulation 3 saves the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019 (S.I. 2019/1293) insofar as they relate to the determination of applications for planned healthcare made in relation to Northern Ireland. Those Regulations were made under provisions of the 2019 Act substituted by section 162 of the 2022 Act.

A full impact assessment has been prepared in relation to the 2022 Act, and a copy is available at <https://www.gov.uk/government/publications/health-and-care-bill-combined-impact-assessments>. A hard copy can be obtained by writing to the Department of Health and Social Care, 39 Victoria Street, London, SW1H 0EU.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Health and Care Act 2022 (c. 31) have been brought into force by commencement regulations made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1) (partially)	9th May 2022	S.I. 2022/515 (C. 20)
Section 1 (so far as not already in force)	1st July 2022	S.I. 2022/734 (C.45)
Section 2	1st July 2022	S.I. 2022/734 (C. 45)
Section 3	1st July 2022	S.I. 2022/734 (C. 45)
Section 4	1st July 2022	S.I. 2022/734 (C. 45)
Section 5	14th June 2023	S.I. 2023/648 (C. 35)
Section 6	1st July 2022	S.I. 2022/734 (C. 45)
Section 7	1st July 2022	S.I. 2022/734 (C. 45)
Section 8	1st July 2022	S.I. 2022/734 (C. 45)
Section 9	1st July 2022	S.I. 2022/734 (C. 45)
Section 10	1st July 2022	S.I. 2022/734 (C. 45)
Section 11	1st July 2022	S.I. 2022/734 (C. 45)
Section 12	1st July 2022	S.I. 2022/734 (C. 45)
Section 13	1st April 2023	S.I. 2023/371 (C. 17)
Section 14	1st July 2022	S.I. 2022/734 (C. 45)
Section 15	1st July 2022	S.I. 2022/734 (C. 45)
Section 16	1st July 2022	S.I. 2022/734 (C. 45)
Section 17	1st July 2022	S.I. 2022/734 (C. 45)
Section 18	1st July 2022	S.I. 2022/734 (C. 45)
Section 19(1)	9th May 2022	S.I. 2022/515 (C. 20)
Section 19(2) (partially)	9th May 2022	S.I. 2022/515 (C. 20)
Section 19(3)	9th May 2022	S.I. 2022/515 (C. 20)

Section 19(4) (partially)	9th May 2022	S.I. 2022/515 (C. 20)
Section 19 (so far as not already in force)	1st July 2022	S.I. 2022/734 (C. 45)
Section 20	1st July 2022	S.I. 2022/734 (C. 45)
Section 21	1st July 2022	S.I. 2022/734 (C. 45)
Section 22 (partially)	1st July 2022	S.I. 2022/734 (C. 45)
Section 24	1st July 2022	S.I. 2022/734 (C. 45)
Section 25	1st July 2022	S.I. 2022/734 (C. 45)
Section 26	1st July 2022	S.I. 2022/734 (C. 45)
Section 27	1st July 2022	S.I. 2022/734 (C. 45)
Section 29	1st July 2022	S.I. 2022/734 (C. 45)
Section 31	1st April 2023	S.I. 2023/371 (C. 17)
Section 32	1st July 2022	S.I. 2022/734 (C. 45)
Section 33	1st July 2022	S.I. 2022/734 (C. 45)
Section 34	1st July 2022	S.I. 2022/734 (C. 45)
Section 35	1st July 2022	S.I. 2022/734 (C. 45)
Section 36	1st July 2022	S.I. 2022/734 (C. 45)
Section 37	1st July 2022	S.I. 2022/734 (C. 45)
Section 38	9th May 2022	S.I. 2022/515 (C. 20)
Section 38 (so far as not already in force)	1st July 2022	S.I. 2022/734 (C. 45)
Section 39	1st July 2022	S.I. 2022/734 (C. 45)
Section 40	1st July 2022	S.I. 2022/734 (C. 45)
Section 41	1st July 2022	S.I. 2022/734 (C. 45)
Section 42	1st July 2022	S.I. 2022/734 (C. 45)
Section 43	1st July 2022	S.I. 2022/734 (C. 45)
Section 44	1st July 2022	S.I. 2022/734 (C. 45)
Section 45	1st July 2022	S.I. 2022/734 (C. 45)
Section 47	1st July 2022	S.I. 2022/734 (C. 45)
Section 48	1st July 2022	S.I. 2022/734 (C. 45)
Section 49	1st July 2022	S.I. 2022/734 (C. 45)
Section 50	1st July 2022	S.I. 2022/734 (C. 45)
Section 51	1st April 2023	S.I. 2023/371 (C. 17)
Section 52	1st July 2022	S.I. 2022/734 (C. 45)
Section 53	1st July 2022	S.I. 2022/734 (C. 45)
Section 54	1st July 2022	S.I. 2022/734 (C. 45)
Section 55	1st July 2022	S.I. 2022/734 (C. 45)
Section 56	1st July 2022	S.I. 2022/734 (C. 45)
Section 57	1st July 2022	S.I. 2022/734 (C. 45)
Section 58	1st July 2022	S.I. 2022/734 (C. 45)
Section 59	1st July 2022	S.I. 2022/734 (C. 45)
Section 60	1st July 2022	S.I. 2022/734 (C. 45)
Section 61	1st July 2022	S.I. 2022/734 (C. 45)
Section 62	1st July 2022	S.I. 2022/734 (C. 45)
Section 63	1st July 2022	S.I. 2022/734 (C. 45)
Section 64	1st July 2022	S.I. 2022/734 (C. 45)
Section 65	1st July 2022	S.I. 2022/734 (C. 45)
Section 66	1st July 2022	S.I. 2022/734 (C. 45)
Section 67	1st July 2022	S.I. 2022/734 (C. 45)
Section 68	1st July 2022	S.I. 2022/734 (C. 45)
Section 69	1st July 2022	S.I. 2022/734 (C. 45)
Section 70	1st July 2022	S.I. 2022/734 (C. 45)
Section 71	1st July 2022	S.I. 2022/734 (C. 45)

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Section 73	1st July 2022	S.I. 2022/734 (C. 45)
Section 74	1st July 2022	S.I. 2022/734 (C. 45)
Section 75	1st July 2022	S.I. 2022/734 (C. 45)
Section 76	1st July 2022	S.I. 2022/734 (C. 45)
Section 77 (partially)	1st July 2022	S.I. 2022/734 (C. 45)
Section 77 (so far as not already in force)	1st April 2023	S.I. 2023/371 (C. 17)
Section 81	1st July 2022	S.I. 2022/734 (C. 45)
Section 82	1st July 2022	S.I. 2022/734 (C. 45)
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Section 90	1st July 2022	S.I. 2022/734 (C. 45)
Section 91	1st July 2022	S.I. 2022/734 (C. 45)
Section 92	1st July 2022	S.I. 2022/734 (C. 45)
Section 93	1st July 2022	S.I. 2022/734 (C. 45)
Section 94	1st July 2022	S.I. 2022/734 (C. 45)
Section 97	1st October 2022	S.I. 2022/1003 (C. 77)
Section 99 (partially)	31st July 2022	S.I. 2022/734 (C. 45)
Section 99 (partially)	1st October 2022	S.I. 2022/1003 (C. 77)
Section 100	1st October 2022	S.I. 2022/1003 (C. 77)
Section 101	1st July 2022	S.I. 2022/734 (C. 45)
Section 102	1st July 2022	S.I. 2022/734 (C. 45)
Section 103	1st July 2022	S.I. 2022/734 (C. 45)
Section 104	1st July 2022	S.I. 2022/734 (C. 45)
Section 105	1st July 2022	S.I. 2022/734 (C. 45)
Section 106	1st July 2022	S.I. 2022/734 (C. 45)
Section 107	1st July 2022	S.I. 2022/734 (C. 45)
Section 108	1st July 2022	S.I. 2022/734 (C. 45)
Section 136	1st July 2022	S.I. 2022/734 (C. 45)
Section 137	1st July 2022	S.I. 2022/734 (C. 45)
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Section 167	1st July 2022	S.I. 2022/734 (C. 45)
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Section 173	1st July 2022	S.I. 2022/734 (C. 45)
Section 174	1st July 2022	S.I. 2022/734 (C. 45)
Section 175	1st November 2022	S.I. 2022/1003 (C. 77)
Section 176 (partially)	1st November 2022	S.I. 2022/1003 (C. 77)
Section 177	1st October 2022	S.I. 2022/1003 (C. 77)
Section 178	30th August 2022	S.I. 2022/734 (C. 45)
Section 180	1st July 2022	S.I. 2022/734 (C. 45)
Section 181	1st July 2022	S.I. 2022/734 (C. 45)
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