
STATUTORY INSTRUMENTS

2023 No. 98

**The Health and Social Care Information
Centre (Transfer of Functions, Abolition and
Transitional Provisions) Regulations 2023**

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023.

(2) Subject to paragraphs (3) and (4), these Regulations come into force the day after the day on which they are made.

(3) The following come into force at the same time as section 2 of the Access to Medical Treatments (Innovation) Act 2016 (database of innovative treatments)(1)—

- (a) paragraph 17(5)(e) of the Schedule insofar as it inserts paragraph (c) of the definition of “relevant data functions” into section 253(3) of the 2012 Act;
- (b) paragraph 19 of the Schedule;
- (c) regulation 2(1) insofar as it relates to the provisions commenced by paragraphs (a) and (b).

(4) The following come into force at the same time as section 98 of the Health and Care Act 2022 (collection of information from private health care providers)—

- (a) paragraph 17(11)(a)(iii) of the Schedule;
- (b) regulation 2(1) insofar as it relates to that paragraph.

(5) Except as provided in paragraphs (6) and (7), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(6) The following extend to England and Wales only—

- (a) regulation 2(2);
- (b) regulations 3 to 5.

(7) An amendment, repeal or revocation made by these Regulations has the same extent as the provision amended, repealed or revoked.

(8) In these Regulations—

“the 2012 Act” means the Health and Social Care Act 2012(2);

“the Information Centre” means the Health and Social Care Information Centre, the body corporate established under section 252 of the 2012 Act;

“NHS England” means the body corporate established under section 1H of the National Health Service Act 2006(3).

(1) 2016 c. 9.

(2) 2012 c. 7 (“the 2012 Act”).

(3) 2006 c. 41. Section 1H was inserted by section 9(1) of the 2012 Act. Section 1 of, and Schedule 1 to, the Health and Care Act 2022 (c. 31) (“the 2022 Act”) renamed the National Health Service Commissioning Board, the body corporate established under section 1H, “NHS England”, and made consequential amendments. Under paragraph 1(3) of Schedule 1 to the 2022 Act, a reference to the NHS Commissioning Board in any enactment (apart from the 2022 Act) passed before the day on

Transfer of functions, consequential provision and abolition

- 2.—(1) The Schedule contains—
- (a) amendments that transfer functions of the Information Centre to NHS England, and
 - (b) consequential and related amendments.
- (2) The Information Centre is abolished.

Transitional and saving provision: directions

- 3.—(1) Where—
- (a) a direction given by NHS England to the Information Centre contains provision that is made by virtue of section 254(1) or 260(2)(d) or (3) of the 2012 Act, and
 - (b) that provision is in force immediately before this regulation comes into force,
- the provision is to be treated, on and after the day on which this regulation comes into force, as if contained in a direction given by the Secretary of State to NHS England by virtue of section 254(1) or 260(2)(d) or (3) of the 2012 Act (as the case may be).

- (2) Where—
- (a) a direction given by the Secretary of State or NHS England to the Information Centre contains provision that is made by virtue of—
 - (i) section 254(6) of the 2012 Act,
 - (ii) section 255(5) or (6) of the 2012 Act,
 - (iii) section 262(1), (3) or (5) of the 2012 Act, or
 - (iv) section 277C(3) of the 2012 Act, and
 - (b) that provision is in force immediately before this regulation comes into force,
- the provision is to be treated on and after the day on which this regulation comes into force as if contained in a direction given by the Secretary of State to NHS England by virtue of section 13ZC of the National Health Service Act 2006.

Final report on exercise of Information Centre's functions

- 4.—(1) NHS England must, as soon as practicable, prepare a report on how the Information Centre has exercised its functions during the period beginning with 1st April 2022 and ending immediately before this regulation comes into force.
- (2) NHS England must—
- (a) lay a copy of the report before Parliament, and
 - (b) once it has done so, send a copy of it to the Secretary of State.

Final accounts for Information Centre

- 5.—(1) NHS England must, as soon as practicable, prepare accounts for the Information Centre in respect of the period beginning with 1st April 2022 and ending immediately before this regulation comes into force.
- (2) NHS England must send copies of the accounts to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State may direct.
- (3) The Comptroller and Auditor General must—

- (a) examine, certify and report on the accounts;
- (b) lay copies of them and the report before Parliament.

Transitional provision

6.—(1) NHS England may do anything which appears to it to be necessary or appropriate for the winding up of the affairs of the Information Centre.

(2) Any act, omission or other thing (including legal proceedings) done or which, at the coming into force of this regulation, is in the process of being done by or in relation to the Information Centre in respect of, or in connection with, the exercise of its functions, is to be treated as an act, omission or thing done or in the process of being done, and may be continued, by or in relation to NHS England.

(3) Any enactment, instrument or other document passed or made before the coming into force of this regulation has effect, so far as is necessary for the purposes of or in consequence of these Regulations as if references to (and references which are to be read as references to) the Information Centre were or included references to NHS England.

(4) Documents or forms printed for use in connection with a function transferred by these Regulations may be used in connection with that function even though they contain, or are to be read as containing, references to the Information Centre; and for the purposes of the use of any such documents or forms after the coming into force of these Regulations, those references are to be read as references to NHS England.

31st January 2023

Markham
Parliamentary Under-Secretary of State,
Department of Health and Social Care