



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 1

#### HEALTH SERVICE IN ENGLAND: INTEGRATION, COLLABORATION AND OTHER CHANGES

##### *Collaborative working*

#### **73 Repeal of duties to promote autonomy**

- (1) In the National Health Service Act 2006 omit—
  - (a) section 1D (Secretary of State’s duty to promote autonomy);
  - (b) section 13F (NHS Commissioning Board’s duty to promote autonomy).
- (2) In consequence of subsection (1), in the Health and Social Care Act 2012, omit section 5.

#### **Commencement Information**

- II** S. 73 not in force at Royal Assent, see **s. 186(6)**
- I2** S. 73 in force at 1.7.2022 by S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

#### **74 Guidance about joint appointments**

After section 13U of the National Health Service Act 2006 insert—

##### *“Joint appointments*

#### **13UA Guidance about joint appointments**

- (1) NHS England may publish guidance for a relevant NHS body about the making of a joint appointment to which this section applies.

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- (2) A joint appointment to which this section applies is an appointment of a person to a position in—
- (a) one or more relevant NHS commissioner and one or more relevant NHS provider,
  - (b) one or more relevant NHS body and one or more local authority, or
  - (c) one or more relevant NHS body and one or more combined authority.
- (3) A relevant NHS body must have regard to guidance published under this section.
- (4) NHS England must consult such persons as NHS England considers appropriate—
- (a) before it first publishes guidance under this section, and
  - (b) before it publishes any revised guidance containing changes that are, in the opinion of NHS England, significant.
- (5) In this section—
- “local authority” has the same meaning as in section 2B;
- “relevant NHS body” means—
- (a) a relevant NHS commissioner;
  - (b) a relevant NHS provider;
- “relevant NHS commissioner” means—
- (a) NHS England;
  - (b) an integrated care board;
- “relevant NHS provider” means—
- (a) an NHS trust established under section 25;
  - (b) an NHS foundation trust.”

#### Commencement Information

- I3** S. 74 not in force at Royal Assent, see [s. 186\(6\)](#)
- I4** S. 74 in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

## 75 Co-operation by NHS bodies etc

- (1) The National Health Service Act 2006 is amended in accordance with subsections (2) and (3).
- (2) In section 72 (co-operation between NHS bodies)—
- (a) after subsection (1) insert—
 

“(1A) The Secretary of State may publish guidance on the discharge of the duty under subsection (1) in relation to England.

(1B) An NHS body other than a Welsh NHS body must have regard to any guidance published under subsection (1A).”;
  - (b) after subsection (4) insert—
 

“(5) In this section “Welsh NHS body” means—

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- (a) an NHS trust established under the National Health Service (Wales) Act 2006,
  - (b) a Special Health Authority established under that Act, or
  - (c) a Local Health Board.”
- (3) In section 82 (co-operation between NHS bodies and local authorities)—
- (a) the existing words become subsection (1);
  - (b) after that subsection insert—
    - “(2) The Secretary of State may publish guidance on the discharge of the duty under this section in relation to England.
    - (3) The following must have regard to any guidance published under subsection (2)—
      - (a) an NHS body other than a Welsh NHS body;
      - (b) a local authority in England.
    - (4) In this section “Welsh NHS body” means—
      - (a) an NHS trust established under the National Health Service (Wales) Act 2006,
      - (b) a Special Health Authority established under that Act, or
      - (c) a Local Health Board.”
- (4) In the Health and Social Care Act 2012, in section 96 (limits on functions to set or modify licence conditions)—
- (a) in subsection (2), for paragraph (g) substitute—
    - “(g) for the purpose of enabling, promoting or securing co-operation between providers of health care services for the purposes of the NHS, or between such providers and—
      - (i) NHS bodies, within the meaning of section 72 of the National Health Service Act 2006, or
      - (ii) local authorities in England (and for this purpose “local authority” has the meaning given by section 275(1) of the National Health Service Act 2006);”;
  - (b) in subsection (3), in the words before paragraph (a), for “(f) and (g)” substitute “and (f)”.

#### Commencement Information

**I5** S. 75 not in force at Royal Assent, see [s. 186\(6\)](#)

**I6** S. 75 in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

## 76 Wider effect of decisions: licensing of health care providers

In section 96 of the Health and Social Care Act 2012 (limits on functions to set or modify licence conditions)—

- (a) in subsection (2), after paragraph (d) insert—
  - “(da) for the purpose of ensuring that decisions relating to the provision of health care services for the purposes of the NHS

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are made with regard to all their likely effects in relation to the matters referred to in subsection (2A);”;

(b) after subsection (2) insert—

“(2A) The matters referred to in subsection (2)(da) are—

- (a) the health and well-being of the people of England;
- (b) the quality of services provided to individuals—
  - (i) by relevant bodies, or
  - (ii) in pursuance of arrangements made by relevant bodies,
 for or in connection with the prevention, diagnosis or treatment of illness, as part of the health service in England;
- (c) efficiency and sustainability in relation to the use of resources by relevant bodies for the purposes of the health service in England.

(2B) For the purposes of subsection (2)(da) (as read with subsection (2A))

- (a) a reference to the effects of decisions in relation to the health and well-being of the people of England includes a reference to the effects of the decisions in relation to inequalities between the people of England with respect to their health and well-being;
- (b) a reference to effects of decisions in relation to the quality of services provided to individuals includes a reference to the effects of the decisions in relation to inequalities between individuals with respect to the benefits that they can obtain from those services.

(2C) In subsection (2A) “relevant bodies” means—

- (a) NHS England,
- (b) integrated care boards,
- (c) NHS trusts established under section 25, and
- (d) NHS foundation trusts.”

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**Commencement Information**

**I7** S. 76 not in force at Royal Assent, see [s. 186\(6\)](#)

**I8** S. 76 in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

**Changes to legislation:**

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