



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 1

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

##### *Competition*

#### **83 Mergers of providers: removal of CMA powers**

(1) After section 72 of the National Health Service Act 2006 insert—

*“NHS trusts and foundation trusts: exemption from merger legislation*

##### **72A Exemption from Part 3 of the Enterprise Act 2002**

- (1) For the purposes of Part 3 of the Enterprise Act 2002 (mergers), a relevant merger situation is not to be treated as having been created where two or more relevant NHS enterprises cease to be distinct enterprises.
  - (2) But subsection (1) does not apply to a case where two or more relevant NHS enterprises and one or more enterprises that are not relevant NHS enterprises cease to be distinct enterprises.
  - (3) In this section “relevant NHS enterprise” means the activities, or part of the activities, of—
    - (a) an NHS trust established under section 25;
    - (b) an NHS foundation trust.”
- (2) Omit section 79 of the Health and Social Care Act 2012 (competition: mergers involving NHS foundation trusts).

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*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 83. (See end of Document for details)*

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#### **Commencement Information**

- I1** S. 83 not in force at Royal Assent, see [s. 186\(6\)](#)
- I2** [S. 83](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care Act 2022, Section 83.