



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 2

#### HEALTH SERVICE BODIES

#### [<sup>F1</sup>CHAPTER A1

#### [<sup>F2</sup>NHS ENGLAND]

#### [<sup>F1</sup>Secretary of State's mandate to [<sup>F2</sup>NHS England]

#### Textual Amendments

- F1** Pt. 2 Ch. A1 inserted (27.3.2012 for specified purposes, 1.10.2012 for specified purposes, 1.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\), ss. 23\(1\), 306\(1\)\(d\)\(4\)](#); S.I. 2012/1831, art. 2(2) (with art. 4); S.I. 2012/2657, art. 2(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\), s. 186\(6\), Sch. 1 para. 1\(1\)\(2\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

#### 13A Mandate to [<sup>F3</sup>NHS England]

- (1) <sup>F4</sup>... The Secretary of State must publish and lay before Parliament a document to be known as “the mandate”.
- (2) The Secretary of State must specify in the mandate—
  - (a) the objectives that the Secretary of State considers [<sup>F2</sup>NHS England] should seek to achieve in the exercise of its functions <sup>F5</sup>..., and
  - (b) any requirements that the Secretary of State considers it necessary to impose on [<sup>F2</sup>NHS England] for the purpose of ensuring that it achieves those objectives.

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**Changes to legislation:** National Health Service Act 2006, Cross Heading: Secretary of State's mandate to NHS England is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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[ The objectives specified by the Secretary of State under subsection (2)(a) for NHS <sup>F6</sup>(2A) England must include objectives relating to outcomes for cancer patients, and those objectives are to be treated by NHS England as having priority over any other objectives relating specifically to cancer.]

<sup>F7</sup>(3) .....

<sup>F8</sup>(4) .....

(5) The Secretary of State may also specify in the mandate the matters by reference to which the Secretary of State proposes to assess [<sup>F2</sup>NHS England's] performance<sup>F9</sup>....

(6) The Secretary of State may not specify in the mandate an objective or requirement about the exercise of [<sup>F2</sup>NHS England's] functions in relation to only one [<sup>F10</sup>integrated care board].

[ The Secretary of State may revise the mandate. <sup>F11</sup>(6A)

(6B) If the Secretary of State revises the mandate, the Secretary of State must publish and lay before Parliament the mandate as revised.]

(7) [<sup>F2</sup>NHS England] must—

- (a) seek to achieve the objectives specified in the mandate, and
- (b) comply with any requirements so specified.

(8) Before specifying any objectives or requirements in the mandate, the Secretary of State must consult—

- (a) [<sup>F2</sup>NHS England],
- (b) the Healthwatch England committee of the Care Quality Commission, and
- (c) such other persons as the Secretary of State considers appropriate.

(9) Requirements included in the mandate have effect only if regulations so provide.

#### Textual Amendments

**F3** Words in s. 13A heading substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 8**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F4** Words in s. 13A(1) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 4(2)(a)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F5** Words in s. 13A(2)(a) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 4(2)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F6** S. 13A(2A) inserted (14.6.2023) by Health and Care Act 2022 (c. 31), **ss. 5(2)**, 186(6); S.I. 2023/648, reg. 2

**F7** S. 13A(3) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 4(2)(c)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F8** S. 13A(4) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 4(2)(c)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F9** Words in s. 13A(5) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 4(2)(d)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F10** Words in s. 13A(6) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 96**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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**F11** S. 13A(6A)(6B) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 4(2)(e), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**13B** [<sup>F12</sup>Review of NHS England’s performance in implementing the mandate]

(1) The Secretary of State must keep [<sup>F2</sup>NHS England’s] performance in achieving any objectives or requirements specified in the mandate under review.

<sup>F13</sup>(2) .....

<sup>F13</sup>(3) .....

<sup>F13</sup>(4) .....

<sup>F13</sup>(5) .....]

**Textual Amendments**

**F12** S. 13B heading substituted (1.7.2022) by Health and Care Act 2022 (c. 31), ss. 4(3)(a), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F13** S. 13B(2)-(5) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), ss. 4(3)(b), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**Changes to legislation:**

National Health Service Act 2006, Cross Heading: Secretary of State's mandate to NHS England is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)