

**Changes to legislation:** Health and Social Care Act 2012, Cross Heading: Procedure 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

## SCHEDULES

### SCHEDULE 11

#### FURTHER PROVISION ABOUT [F<sup>1</sup>NHS ENGLAND'S] ENFORCEMENT POWERS

##### Textual Amendments

- F1** Words in Sch. 11 heading substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 5 para. 100(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

### PART 2

#### ENFORCEMENT UNDERTAKINGS

##### *Procedure*

- 9 (1) [F<sup>1</sup>NHS England] must publish a procedure for entering into enforcement undertakings.
- (2) [F<sup>2</sup>NHS England] may revise the procedure and if it does so, [F<sup>2</sup>NHS England] must publish the procedure as revised.
- (3) [F<sup>3</sup>NHS England] must consult such persons as it considers appropriate before publishing or revising the procedure.

##### Textual Amendments

- F1** Words in Sch. 11 para. 9(1) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 5 para. 100(3)(i); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** Words in Sch. 11 para. 9(2) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 5 para. 100(3)(i); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in Sch. 11 para. 9(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 5 para. 100(3)(i); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

##### Commencement Information

- I1** Sch. 11 para. 9 in force at 1.4.2013 by S.I. 2013/671, art. 2(3)

- 10 (1) Where [F<sup>4</sup>NHS England] accepts an enforcement undertaking, [F<sup>4</sup>NHS England] must publish the undertaking.
- (2) But [F<sup>5</sup>NHS England] must not under sub-paragraph (1) publish any part of an enforcement undertaking which contains information which it is satisfied is—
- (a) commercial information the disclosure of which would, or might, significantly harm the legitimate business interests of the person to whom it relates;

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- (b) information relating to the private affairs of an individual the disclosure of which would, or might, significantly harm that person's interests.

#### Textual Amendments

- F4** Words in Sch. 11 para. 10(1) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 5 para. 100(3)(j); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in Sch. 11 para. 10(2) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 5 para. 100(3)(j); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

#### Commencement Information

- I2** Sch. 11 para. 10 in force at 1.4.2013 by S.I. 2013/671, art. 2(3)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**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):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251 substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)