

Changes to legislation: Health and Social Care Act 2012, SCHEDULE 17 is up to date with all changes known to be in force on or before 19 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 17

Section 249

PART 8: CONSEQUENTIAL AMENDMENTS

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 1 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which that Act applies) in paragraph 1, after paragraph (m) insert—
“(n) the National Institute for Health and Care Excellence;”.

Commencement Information

I1 Sch. 17 para. 1 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) at the appropriate place insert— “ National Institute for Health and Care Excellence. ”

Commencement Information

I2 Sch. 17 para. 2 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Local Government Act 1972 (c. 70)

- 3 In section 113 of the Local Government Act 1972 (placing of staff of local authorities at disposal of other local authorities and health bodies) in subsection (1A)—
(a) after “agreement with” insert “the National Institute for Health and Care Excellence;”,
(b) in paragraph (a), after “disposal of” insert “the National Institute for Health and Care Excellence;”, and
(c) in paragraph (b), after “employed by” insert “the National Institute for Health and Care Excellence;”.

Commencement Information

I3 Sch. 17 para. 3 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert— “ The National Institute for Health and Care Excellence. ”

Commencement Information

I4 Sch. 17 para. 4 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 5 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert— “ The National Institute for Health and Care Excellence. ”

Commencement Information

I5 Sch. 17 para. 5 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Employment Rights Act 1996 (c. 18)

- 6 (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 50 (right to time off for public duties) in subsection (8), after paragraph (ab) insert—
“ (ac) the National Institute for Health and Care Excellence. ”.
- (3) In section 218 (change of employer) in subsection (10), after paragraph (cb) insert—
“ (cc) the National Institute for Health and Care Excellence. ”.

Commencement Information

I6 Sch. 17 para. 6 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Data Protection Act 1998 (c. 29)

- 7 In section 69 of the Data Protection Act 1998 (meaning of “health professional”) in subsection (3), after paragraph (fa) insert—
“ (fb) the National Institute for Health and Care Excellence. ”.

Commencement Information

I7 Sch. 17 para. 7 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Freedom of Information Act 2000 (c. 36)

- 8 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) at the appropriate place insert— “ The National Institute for Health and Care Excellence. ”

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Commencement Information

I8 Sch. 17 para. 8 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

International Development Act 2002 (c. 1)

- 9 In Schedule 1 to the International Development Act 2002 (bodies which may enter agreements to provide international development assistance etc.) after the entry for an NHS foundation trust insert— “ The National Institute for Health and Care Excellence. ”

Commencement Information

I9 Sch. 17 para. 9 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

National Health Service Act 2006 (c. 41)

- 10 (1) The National Health Service Act 2006 is amended as follows.
- (2) In section 9 (NHS contracts) in subsection (4), after paragraph (k) insert—
“(ka) NICE,”.
- (3) In section 71 (schemes for losses and liabilities of certain health service bodies) in subsection (2), after paragraph (d) insert—
“(da) NICE,”.
- (4) In section 72 (co-operation between NHS bodies)—
(a) the existing text becomes subsection (1), and
(b) after that subsection insert—
“(2) For the purposes of this section, NICE is an NHS body.”
- (5) In section 275 (interpretation) in subsection (1), after the definition of “NHS trust” insert—
““NICE” means the National Institute for Health and Care Excellence;”.

Commencement Information

I10 Sch. 17 para. 10 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

National Health Service (Wales) Act 2006 (c. 42)

- 11 In section 7 of the National Health Service (Wales) Act 2006 (NHS contracts) in subsection (4), after paragraph (k) insert—
“(ka) the National Institute for Health and Care Excellence,”.

Commencement Information

I11 Sch. 17 para. 11 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Health and Social Care Act 2008 (c. 14)

- 12 (1) The Health and Social Care Act 2008 is amended as follows.
- (2) Omit section 45 (standards set by the Secretary of State) and the preceding cross-heading.
- (3) In section 53 (information and advice given by Care Quality Commission to Secretary of State) in subsection (3)—
- (a) at the end of paragraph (a) insert “or”, and
 - (b) omit paragraph (c) and the word “or” immediately preceding it.

Commencement Information

I12 Sch. 17 para. 12 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Health Act 2009 (c. 21)

- 13 In section 2 of the Health Act 2009 (duty to have regard to the NHS Constitution) in subsection (2), after paragraph (d) insert—
- “(da) the National Institute for Health and Care Excellence;”.

Commencement Information

I13 Sch. 17 para. 13 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

Equality Act 2010 (c. 15)

- 14 In Part 1 of Schedule 19 to the Equality Act 2010 (bodies subject to public sector equality duty) at the end of the group of entries for bodies whose functions relate to the health service add— “The National Institute for Health and Care Excellence.”

Commencement Information

I14 Sch. 17 para. 14 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

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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. 251251ZA 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\(5\)](#)