



Health and Care Act 2022

2022 CHAPTER 31

PART 1

HEALTH SERVICE IN ENGLAND: INTEGRATION, COLLABORATION AND OTHER CHANGES

Patient choice and procurement

79 Procurement regulations

After section 12ZA of the National Health Service Act 2006 insert—

“Procurement

12ZB Procurement regulations

- (1) Regulations may make provision in relation to the processes to be followed and objectives to be pursued by relevant authorities in the procurement of—
 - (a) health care services for the purposes of the health service in England, and
 - (b) other goods or services that are procured together with those health care services.
- (2) Regulations under subsection (1) must include provision specifying steps to be taken when following a competitive tendering process.
- (3) Regulations under subsection (1) must, in relation to the procurement of all health care services to which they apply, make provision for the purposes of—
 - (a) ensuring transparency;
 - (b) ensuring fairness;
 - (c) ensuring that compliance can be verified;
 - (d) managing conflicts of interest.

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Section 79. (See end of Document for details)

- (4) NHS England must publish such guidance as it considers appropriate about compliance with the regulations.
- (5) A relevant authority must have regard to guidance published under this section.
- (6) Before publishing guidance under this section, NHS England must obtain the approval of the Secretary of State.
- (7) In this section—
 - “health care service” has the same meaning as in Part 3 of the Health and Social Care Act 2012 (see section 150 of that Act);
 - “relevant authority” means—
 - (a) a combined authority;
 - (b) an integrated care board;
 - (c) a local authority in England;
 - (d) NHS England;
 - (e) an NHS foundation trust;
 - (f) an NHS trust established under section 25.”

Commencement Information

- 11** S. 79 not in force at Royal Assent, see [s. 186\(6\)](#)
- 12** S. 79 in force at 1.1.2024 by [S.I. 2023/1431](#), [reg. 3\(b\)](#)

Changes to legislation:

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