



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 2

#### REGULATION OF HEALTH PROFESSIONS AND HEALTH AND SOCIAL CARE WORKFORCE

##### *Conduct and performance of medical practitioners and other health care workers*

#### **120 Additional responsibilities of responsible officers: England and Wales and Northern Ireland**

- (1) Regulations under this section may confer on a responsible officer nominated or appointed for the purposes of regulations under section 45A of the Medical Act 1983 (c. 54) (requirement to nominate or appoint responsible officer) additional responsibilities that relate to—
  - (a) the entry by the designated body into contracts of employment with medical practitioners or into contracts for the provision of services by such practitioners,
  - (b) the monitoring of the conduct or performance of medical practitioners who have a prescribed connection with the designated body, or
  - (c) ensuring that appropriate action is taken in response to concerns about such conduct or performance,but do not relate to the regulation under that Act of the medical profession.
- (2) Subject to subsection (3), the power to make regulations under this section is exercisable—
  - (a) in relation to England, by the Secretary of State,
  - (b) in relation to Wales, by the Welsh Ministers, or
  - (c) in relation to Northern Ireland, by the Department of Health, Social Services and Public Safety in Northern Ireland.
- (3) In relation to cross-border bodies, the power to make regulations under this section is exercisable by the Secretary of State after consultation with the Welsh Ministers.

- (4) For the purposes of this section a “cross-border body” is a body which—
- (a) performs (and only performs) functions in respect of England and Wales, and
  - (b) does not perform functions mainly in respect of England or mainly in respect of Wales.
- (5) Sections 45A(5)(d), 45B(2) to (5) and 45C(1), (3) and (4) of the Medical Act 1983 (c. 54) (provisions that may be included in regulations under section 45A of that Act and responsibilities of responsible officers) apply in relation to regulations under this section as they apply in relation to regulations under section 45A of that Act but as if—
- (a) references to prescribed responsibilities were references to responsibilities conferred by regulations under this section,
  - (b) the reference in section 45B(2) to regulations under section 45A were a reference to regulations under this section, and
  - (c) the reference in section 45B(3) to subsection (1)(a) of that section were a reference to subsection (1)(b) of this section.
- (6) Subject to subsection (7), regulations under this section may require a designated body or a responsible officer to have regard to any guidance given from time to time by the Secretary of State, the Welsh Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland (as the case may be), or by any other person prescribed by the regulations, in relation to responsibilities conferred on responsible officers by the regulations.
- (7) In relation to cross-border bodies, the reference in subsection (6) to the Secretary of State is to be read as a reference to the Secretary of State after consultation with the Welsh Ministers.
- (8) Expressions used in this section and in Part 5A of the Medical Act 1983 (responsible officers) have the same meaning in this section as in that Part.