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STATUTORY INSTRUMENTS

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**2013 No. 259**

The National Institute for Health and Care Excellence  
(Constitution and Functions) and the Health and Social  
Care Information Centre (Functions) Regulations 2013

PART 2

The National Institute for Health and Care Excellence

**Transitional provision – procedures: recommendations, guidelines, information or instruction**

**19.**—(1) Anything done by the Institute before the relevant date, in pursuance of a direction given by the Secretary of State described in regulation 15(1) or (2), is to be treated, on and after the relevant date, as having been done by NICE in pursuance of a direction given by the Secretary of State—

- (a) in the case of a matter concerning or connected with the provision of NHS services, under regulation 5(2); or
- (b) in the case of a matter concerning or connected with the provision of public health services, under regulation 5(3).

(2) A procedure established or published by the Institute for the giving of advice or guidance, the provision of information or the making of recommendations by the Institute before the relevant date, is to be treated, on and after the relevant date, as if it were a procedure established or published by NICE in accordance with regulation 5(4).

(3) Consultation with any person undertaken by the Institute for the establishment of a procedure for the giving of advice or guidance, the provision of information or the making of recommendations before the relevant date, is to be treated, on and after the relevant date, as if it were consultation for the establishment of a procedure carried out by NICE in accordance with regulation 5(5).

(4) The publication or dissemination by the Institute of advice, guidance, information or recommendations given, provided or made by the Institute, including through its website under the title, “NHS Evidence”(1), before the relevant date, is to be treated, on and after the relevant date, as publication or dissemination by NICE in accordance with regulation 5(6).

(5) In this regulation, “recommendations” does not include a recommendation made by the Institute in relation to a health care intervention in a Technology Appraisal Guidance issued by the Institute as described in regulation 20(1).

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(1) “NHS Evidence” can be viewed at [www.evidence.nhs.uk](http://www.evidence.nhs.uk).