



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 7

#### REGULATION OF HEALTH AND SOCIAL CARE WORKERS

##### *The Professional Standards Authority for Health and Social Care*

#### **224 Funding of the Authority**

- (1) After section 25 of the National Health Service Reform and Health Care Professions Act 2002 insert—

##### **“25A Funding of the Authority**

- (1) The Privy Council must by regulations require each regulatory body to pay the Authority periodic fees of such amount as the Privy Council determines in respect of such of the Authority’s functions in relation to that body as are specified in the regulations.
- (2) A reference in this section to the Authority’s functions does not include a reference to its functions under sections 25G to 25I and 26A.
- (3) The regulations must, in particular, provide for the method of determining the amount of a fee under the regulations.
- (4) Before determining the amount of a fee under the regulations, the Privy Council must request the Authority to make a proposal as to the amount of funding that it considers it requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations.
- (5) The Authority must—
  - (a) comply with a request under subsection (4), but
  - (b) before doing so, consult the regulatory bodies.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Having received a proposal under subsection (5), the Privy Council may consult the regulatory bodies.
  - (7) Having taken into account such representations as it receives from consultees, the Privy Council must—
    - (a) make a proposal as to the amount of funding that it considers the Authority requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations, and
    - (b) determine in accordance with the method provided for under subsection (3) the amount of the fee that each regulatory body would be required to pay.
  - (8) The Privy Council must—
    - (a) consult the Authority about the proposal under subsection (7)(a) and the determinations under subsection (7)(b), and
    - (b) consult each regulatory body about the determination under subsection (7)(b) of the amount it would be required to pay.
  - (9) Having taken into account such representations as it receives from consultees, the Privy Council must—
    - (a) determine the amount of funding that the Authority requires in order to perform for the period to which the fee would apply such of its functions in relation to the regulatory bodies as are specified in the regulations, and
    - (b) determine in accordance with the method provided for under subsection (3) the amount of the fee that each regulatory body is to be required to pay.
  - (10) Regulations under this section requiring payment of a fee may make provision—
    - (a) requiring the fee to be paid within such period as is specified;
    - (b) requiring interest at such rate as is specified to be paid if the fee is not paid within the period specified under paragraph (a);
    - (c) for the recovery of unpaid fees or interest.
  - (11) The regulations may enable the Privy Council to redetermine the amount of a fee provided for under the regulations, on a request by the Authority or a regulatory body or on its own initiative.
  - (12) Before making regulations under this section, the Privy Council must consult—
    - (a) the Authority,
    - (b) the regulatory bodies, and
    - (c) such other persons as it considers appropriate.”
- (2) In section 25(5) of that Act (meaning of “this group of sections”) for “26” substitute “25A”.
- (3) In section 38 of that Act (regulations and orders) after subsection (3) insert—

- “(3A) A statutory instrument containing regulations made by the Privy Council under section 25A shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3B) Regulations made by the Privy Council under section 25A that include provision which would, if included in an Act of the Scottish Parliament, fall within the legislative competence of that Parliament shall be subject to the negative procedure in that Parliament (in addition to the statutory instrument containing the regulations being subject to annulment under subsection (3A)).
- (3C) Sections 28 and 31 of the Interpretation and Legislative Reform (Scotland) Act 2010 (negative procedure etc.) shall apply in relation to regulations of the description given in subsection (3B) as they apply in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) that is subject to the negative procedure, but as if references to a Scottish statutory instrument were references to a statutory instrument.
- (3D) Section 32 of that Act (laying) shall apply in relation to the laying of a statutory instrument containing regulations of the description given in subsection (3B) before the Scottish Parliament as it applies in relation to the laying of a Scottish statutory instrument (within the meaning of Part 2 of that Act) before that Parliament.”
- (4) In paragraph 14 of Schedule 7 to that Act (payments and loans to Authority), after sub-paragraph (2) insert—
- “(2A) The Authority may borrow money for the purposes of or in connection with its functions; and sub-paragraphs (3) and (4) are without prejudice to the generality of this sub-paragraph.”
- (5) In that paragraph, omit sub-paragraphs (5) and (6).