



Health and Social Care Act 2012

2012 CHAPTER 7

PART 1

THE HEALTH SERVICE IN ENGLAND

Miscellaneous

F148 New Special Health Authorities

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Textual Amendments

F1 S. 48 omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), ss. 86(3), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

49 Primary care services: directions as to exercise of functions

(1) After section 98 of the National Health Service Act 2006 insert—

“Directions

98A Exercise of functions

- (1) The Secretary of State may direct the Board to exercise any of the Secretary of State's functions relating to the provision of primary medical services.
- (2) Subsection (1) does not apply to any function of the Secretary of State of making an order or regulations.

Status: Point in time view as at 01/07/2022.

Changes to legislation: Health and Social Care Act 2012, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 05 June 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)

- (3) The Secretary of State may give directions to the Board about its exercise of any functions relating to the provision of primary medical services (including functions which the Board has been directed to exercise under subsection (1)).
- (4) The Board may direct a clinical commissioning group to exercise any of the Board's functions relating to the provision of primary medical services.
- (5) The Board may give directions to a clinical commissioning group about the exercise by it of any functions relating to the provision of primary medical services (including functions which the group has been directed to exercise under subsection (4)).
- (6) Subsection (4) does not apply to such functions, or functions of such descriptions, as may be prescribed.
- (7) Where the Board gives a direction under subsection (4) or (5), it may disclose to the clinical commissioning group information it has about the provision of the primary medical services in question, if the Board considers it necessary or appropriate to do so in order to enable or assist the group to exercise the function specified in the direction.
- (8) A clinical commissioning group exercising a function specified in a direction under subsection (4) or (5) must report to the Board on matters arising out of the group's exercise of the function.
- (9) A report under subsection (8) must be made in such form and manner as the Board may specify.
- (10) The Board may, in exercising its functions relating to the provision of the primary medical services in question, have regard to a report under subsection (8)."

(2) After section 114 of that Act insert—

“Directions

114A Exercise of functions

- (1) The Secretary of State may direct the Board to exercise any of the Secretary of State's functions relating to the provision of primary dental services.
- (2) Subsection (1) does not apply to any function of the Secretary of State of making an order or regulations.
- (3) The Secretary of State may give directions to the Board about its exercise of any functions relating to the provision of primary dental services (including functions which the Board has been directed to exercise under subsection (1))."

(3) After section 125 of that Act insert—

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“Directions

125A Exercise of functions

- (1) The Secretary of State may direct the Board to exercise any of the Secretary of State's functions relating to the provision of primary ophthalmic services.
 - (2) Subsection (1) does not apply to any function of the Secretary of State of making an order or regulations.
 - (3) The Secretary of State may give directions to the Board about its exercise of any functions relating to the provision of primary ophthalmic services (including functions which the Board has been directed to exercise under subsection (1)).
 - (4) The Board may direct a clinical commissioning group, a Special Health Authority or such other body as may be prescribed to exercise any of the Board's functions relating to the provision of primary ophthalmic services.
 - (5) The Board may give directions to a clinical commissioning group, a Special Health Authority or such other body as may be prescribed about the exercise by the body of any functions relating to the provision of primary ophthalmic services (including functions which it has been directed to exercise under subsection (4)).
 - (6) Subsection (4) does not apply to such functions, or functions of such descriptions, as may be prescribed.
 - (7) Where the Board gives a direction to a body under subsection (4) or (5), it may disclose to the body the information it has about the provision of the primary ophthalmic services in question, if the Board considers it necessary or appropriate to do so in order to enable or assist the body to exercise the function specified in the direction.
 - (8) A body which is given a direction under subsection (4) or (5) must report to the Board on matters arising out of the exercise of the function to which the direction relates.
 - (9) A report under subsection (8) must be made in such form and manner as the Board may specify.
 - (10) The Board may, in exercising its functions relating to the provision of the primary ophthalmic services in question, have regard to a report under subsection (8).”
- (4) After section 168 of that Act insert—

“Directions

168A Exercise of functions

- (1) The Secretary of State may direct the Board to exercise any of the Secretary of State's functions relating to services that may be provided as pharmaceutical services, or as local pharmaceutical services, under this Part.

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- (2) Subsection (1) does not apply to any function of the Secretary of State of making an order or regulations.
- (3) The Secretary of State may give directions to the Board about its exercise of any functions relating to pharmaceutical services or to local pharmaceutical services (including functions which the Board has been directed to exercise under subsection (1)).”

Commencement Information

- I1** S. 49 partly in force; s. 49 in force for specified purposes at Royal Assent, see s. 306(1)(d)
I2 S. 49 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

50 Charges in respect of certain public health functions

- (1) After section 186 of the National Health Service Act 2006 insert—

“186A Charges in respect of public health functions

- (1) The Secretary of State may make charges under this subsection in respect of any step taken under section 2A.
 - (2) The power conferred by subsection (1) does not apply in respect of the provision of a service or facility to an individual, or the taking of any other step in relation to an individual, for the purpose of protecting the individual's health.
 - (3) Charges under subsection (1) may be calculated on such basis as the Secretary of State considers appropriate.
 - (4) Regulations may provide for the making and recovery of charges in respect of—
 - (a) the taking of prescribed steps by a local authority under section 2A (by virtue of regulations under section 6C(1)), and
 - (b) the taking of prescribed steps by a local authority under section 2B.
 - (5) Regulations under subsection (4) may make provision as to the calculation of charges authorised by the regulations, including provision prescribing the amount or the maximum amount that may be charged.
 - (6) Nothing in this section affects any other power conferred by or under this Act to make charges.”
- (2) In section 272 of that Act (orders, regulations, rules and directions), in subsection (6) after paragraph (zc) insert—
 - “(zd) regulations under section 186A(4).”

Commencement Information

- I3** S. 50 partly in force; s. 50 in force for specified purposes at Royal Assent, see s. 306(1)(d)
I4 S. 50 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

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51 Pharmaceutical services expenditure

(1) After section 165 of the National Health Service Act 2006 insert—

“165A Pharmaceutical remuneration: further provision

- (1) The Board must provide the Secretary of State with such information relating to the remuneration paid by the Board to persons providing pharmaceutical services or local pharmaceutical services as the Secretary of State may require.
- (2) The information must be provided in such form, and at such time or within such period, as the Secretary of State may require.
- (3) Schedule 12A makes further provision about pharmaceutical remuneration.”

(2) After Schedule 12 to that Act insert the Schedule set out in Schedule 3 to this Act.

Commencement Information

I5 S. 51 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

52 Secretary of State's duty to keep health service functions under review

In Part 13 of the National Health Service Act 2006, after section 247B (as inserted by section 60) insert—

“Duty to keep under review

247C Secretary of State's duty to keep health service functions under review

- (1) The Secretary of State must keep under review the effectiveness of the exercise by the bodies mentioned in subsection (2) of functions in relation to the health service in England.
- (2) The bodies mentioned in this subsection are—
 - (a) the Board;
 - (b) Monitor;
 - (c) the Care Quality Commission and its Healthwatch England committee;
 - (d) the National Institute for Health and Care Excellence;
 - (e) the Health and Social Care Information Centre;
 - (f) Special Health Authorities.
- (3) The Secretary of State may include in an annual report under section 247D the Secretary of State's views on the effectiveness of the exercise by the bodies mentioned in subsection (2) of functions in relation to the health service.”

Commencement Information

I6 S. 52 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

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53 Secretary of State's annual report

After section 247C of the National Health Service Act 2006 insert—

“Annual report

247D Secretary of State's annual report

- (1) The Secretary of State must publish an annual report on the performance of the health service in England.
- (2) The report must include the Secretary of State's assessment of the effectiveness of the discharge of the duties under sections 1A and 1C.
- (3) The Secretary of State must lay any report prepared under this section before Parliament.”

Commencement Information

I7 S. 53 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

54 Certification of death

- (1) Chapter 2 of Part 1 of the Coroners and Justice Act 2009 (notification, certification and registration of deaths) is amended as follows.
- (2) In section 19 (medical examiners)—
 - (a) in subsection (1) for “Primary Care Trusts” substitute “Local authorities”,
 - (b) in subsection (2) for “Trust” (in each place where it occurs) substitute “local authority”, and
 - (c) in subsection (5) for “a Primary Care Trust” substitute “a local authority”.
- (3) In section 20 (medical certificate of cause of death), in subsection (5) for “Primary Care Trust” substitute “local authority”.

Commencement Information

I8 S. 54 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

55 Amendments related to Part 1 and transitional provision

- (1) Schedule 4 (which makes further amendments of the National Health Service Act 2006 in consequence of the provision made by this Part) has effect.
- (2) Schedule 5 (which makes amendments of other enactments in consequence of the provision made by this Part) has effect.
- (3) Schedule 6 (which makes transitional provision in connection with this Part) has effect.

Commencement Information

I9 S. 55(1) in force at 1.7.2012 for specified purposes by [S.I. 2012/1319](#), [art. 2\(3\)](#)

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- I10** S. 55(1) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**
- I11** S. 55(1) in force at 1.2.2013 for specified purposes by [S.I. 2012/2657](#), **art. 2(4)**
- I12** S. 55(1) in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)
- I13** S. 55(2) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**
- I14** S. 55(2) in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)
- I15** S. 55(3) in force at 1.7.2012 for specified purposes by [S.I. 2012/1319](#), **art. 2(3)**
- I16** S. 55(3) in force at 1.10.2012 for specified purposes by [S.I. 2012/1831](#), **art. 2(2)**

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