



Health and Social Care Act 2012

2012 CHAPTER 7

PART 1

THE HEALTH SERVICE IN ENGLAND

Emergency powers

47 Secretary of State's emergency powers

- (1) Section 253 of the National Health Service Act 2006 (emergency powers) is amended as follows.
- (2) In subsection (1) for the words from “it is necessary” to the end of the subsection substitute “it is appropriate to do so”.
- (3) After subsection (1) insert—
 - “(1A) A direction under this section may be given to—
 - (a) an NHS body other than a Local Health Board;
 - (b) the National Institute for Health and Care Excellence;
 - (c) the Health and Social Care Information Centre;
 - (d) any body or person, other than an NHS body, providing services in pursuance of arrangements made—
 - (i) by the Secretary of State under section 12,
 - (ii) by the Board or a clinical commissioning group under section 3, 3A, 3B or 4 or Schedule 1,
 - (iii) by a local authority for the purpose of the exercise of its functions under or by virtue of section 2B or 6C(1) or Schedule 1, or
 - (iv) by the Board, a clinical commissioning group or a local authority by virtue of section 7A.”
- (4) For subsection (2) substitute—

Status: This is the original version (as it was originally enacted).

- “(2) In relation to a body within subsection (1A)(a) to (c), the powers conferred by this section may be exercised—
- (a) to give directions to the body about the exercise of any of its functions;
 - (b) to direct the body to cease to exercise any of its functions for a specified period;
 - (c) to direct the body to exercise any of its functions concurrently with another body or person for a specified period;
 - (d) to direct the body to exercise any function conferred on another body or person under or by virtue of this Act for a specified period (whether to the exclusion of, or concurrently with, that body or person).
- (2A) In relation to a body or person within subsection (1A)(d), the powers conferred by this section may be exercised—
- (a) to give directions to the body or person about the provision of any services that it provides in pursuance of arrangements mentioned in subsection (1A)(d);
 - (b) to direct the body or person to cease to provide any of those services for a specified period;
 - (c) to direct the body or person to provide other services for the purposes of the health service for a specified period.”

(5) After subsection (2A) insert—

“(2B) The Secretary of State may direct the Board to exercise the functions of the Secretary of State under this section.

(2C) The Secretary of State may give directions to the Board about its exercise of any functions that are the subject of a direction under subsection (2B).

(2D) In this section, “specified” means specified in the direction.”

(6) Omit subsection (4) (exclusion of NHS foundation trusts from application of emergency powers).

(7) In section 273 of that Act (further provision about orders and directions under the Act), in subsection (4)(c)(ii), for “or 120” substitute “, 120 or 253”.