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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

**Supply of quality standards to devolved authorities or other persons**

4.—(1) NICE may supply a quality standard<sup>(1)</sup> to a devolved authority<sup>(2)</sup> or other person (whether or not in the United Kingdom), and for that purpose NICE has power to make such adjustments to the quality standard as NICE considers appropriate.

(2) Adjustments may, in particular, relate to—

(a) the organisation of health or social care services in the territory—

(i) of the devolved authority, or

(ii) in which the person exercises functions, undertakes activity or is established; or

(b) a language used in the territory of a devolved authority or by the person to whom a quality standard is supplied.

(3) NICE may impose a charge for or in connection with the supply of a quality standard to a devolved authority or other person.

(4) Subject to paragraph (5), a charge imposed pursuant to paragraph (3) may be calculated as NICE considers—

(a) appropriate to enable NICE to recover the cost of making an adjustment to the quality standard or supplying the quality standard; or

(b) to be the appropriate commercial basis.

(5) NICE may impose a charge on a devolved authority under paragraph (3) only if the charge is calculated so as to enable NICE to recover no more than the cost of making an adjustment to the quality standard or supplying the quality standard.

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(1) See section 234 for a description of a quality standard.

(2) “Devolved authority” is defined in section 235(4) of the Act.