

# SCHEDULES

## SCHEDULE 5

### HEALTH EDUCATION ENGLAND

#### **PART 2**

#### FUNCTIONS

##### *Failure to exercise functions*

- 18 (1) If the Secretary of State considers that HEE is failing or has failed to exercise any of its functions, and that the failure is significant, the Secretary of State may direct HEE to exercise such of its functions, in such manner and within such period, as the direction specifies.
- (2) If HEE fails to comply with a direction under this section, the Secretary of State may—
- (a) exercise the functions specified in the direction, or
  - (b) make arrangements for some other person to exercise them on the Secretary of State's behalf.
- (3) Where the Secretary of State exercises a power under sub-paragraph (1) or (2), the Secretary of State must publish the reasons for doing so.
- (4) The reference in sub-paragraph (1) to exercising a function includes a reference to exercising it properly.