



National Health Service Reform and Health Care Professions Act 2002

2002 CHAPTER 17

PART 2

[^{F1}HEALTH AND SOCIAL CARE PROFESSIONS ETC.]

[^{F1}*The Professional Standards Authority for Health and Social Care*]

26 Powers and duties of the [^{F1}Authority] : general

- (1) Except as mentioned in subsections (3) to (6), the [^{F2}Authority] may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions.
- (2) The [^{F2}Authority] may, for example, do any of the following—
 - (a) investigate, and report on, the performance by each regulatory body of its functions,
 - (b) where a regulatory body performs functions corresponding to those of another body (including another regulatory body), investigate and report on how the performance of such functions by the bodies in question compares,
 - (c) recommend to a regulatory body changes to the way in which it performs any of its functions.

[^{F3}(2A) A reference in subsection (2) to a regulatory body includes a reference to a person other than a regulatory body who has voluntary registration functions; and for that purpose, the only functions that person has are the person's voluntary registration functions.]

- (3) The [^{F2}Authority] may not do anything in relation to the case of any individual in relation to whom—
 - (a) there are, are to be, or have been proceedings before a committee of a regulatory body, or the regulatory body itself or any officer of the body, or

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- (b) an allegation has been made to the regulatory body, or one of its committees or officers, which could result in such proceedings.

[^{F4}(3A) A reference in subsection (3) to a regulatory body includes a reference to a person other than a regulatory body in so far as that person has voluntary registration functions.]

[^{F5}(4) Subsection (3) does not prevent the [^{F2}Authority] from—

- (a) taking action under section 28,
- (b) where section 29 applies, taking action under that section after the regulatory body's proceedings have ended, or
- (c) investigating particular cases with a view to making general reports on the performance by the regulatory body of its functions or making general recommendations to the regulatory body affecting future cases.]

[^{F6}(4A) For the purposes of paragraph (c) of subsection (4), the reference in that subsection to subsection (3) includes a reference to subsection (3) as construed in accordance with subsection (3A).]

^{F7}(5)

(6) [^{F8}The Authority] may not do anything in relation to the functions of the Pharmaceutical Society of Northern Ireland (or its Council, or an officer or committee of the Society) unless those functions are—

- (a) conferred on the Society (or its Council, or an officer or committee of the Society) by or by virtue of any provision of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)), other than Article 3(3)(e) (the benevolent functions),
- (b) conferred as mentioned in paragraph (a) by, or by virtue of, an Order in Council under section 60 of the 1999 Act or an order under section 56 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3) (which makes provision corresponding to section 60 of the 1999 Act), or
- (c) otherwise conferred as mentioned in paragraph (a) and relate to the regulation of the profession regulated by the Pharmacy (Northern Ireland) Order 1976.

^{F9}(7)

^{F10}(8)

(9) In section 60(1) of the 1999 Act (regulation of health care and associated professions), after paragraph (b) there is inserted—

- “(c) modifying the functions, powers or duties of the Council for the Regulation of Health Care Professionals,
- (d) modifying the list of regulatory bodies (in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002) in relation to which that Council performs its functions,
- (e) modifying, as respects any such regulatory body, the range of functions of that body in relation to which the Council performs its functions.”

(10) In Schedule 3 to the 1999 Act (which makes further provision about orders under section 60 of that Act), in paragraph 7, after sub-paragraph (3) there is inserted—

“(4) An Order may not confer any additional powers of direction over the Council for the Regulation of Health Care Professionals.”

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(11) In subsections (3) and (4), “proceedings”, in relation to a regulatory body, or one of its committees or officers, includes a process of decision-making by which a decision could be made affecting the registration of the individual in question.

^{F11}(12)

[^{F12}(13) In this section, “voluntary registration functions” is to be construed in accordance with section 25I.]

Textual Amendments

- F1** Word in s. 26 title substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), **Sch. 15 para. 62(i)**; [S.I. 2012/2657, art. 2\(3\)](#)
- F2** Word in s. 26(1)(2)(3)(4) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), **Sch. 15 para. 62(b)**; [S.I. 2012/2657, art. 2\(3\)](#)
- F3** S. 26(2A) inserted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 229\(2\)](#), 306(4); [S.I. 2012/2657, art. 2\(3\)](#)
- F4** S. 26(3A) inserted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 229\(3\)](#), 306(4); [S.I. 2012/2657, art. 2\(3\)](#)
- F5** S. 26(4) substituted (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 115](#), 170(3)(4); [S.I. 2008/3244, art. 2\(c\)](#)
- F6** S. 26(4A) inserted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 229\(4\)](#), 306(4); [S.I. 2012/2657, art. 2\(3\)](#)
- F7** S. 26(5) omitted (27.9.2010) by virtue of [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), art. 1(5), **Sch. 4 para. 10(3)**; [S.I. 2010/1621, art. 2\(1\)](#), Sch.
- F8** Words in s. 26(6) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), **Sch. 15 para. 63**; [S.I. 2012/2657, art. 2\(3\)](#)
- F9** S. 26(7) repealed (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 116\(2\)](#), 170(3)(4), **Sch. 15 Pt. 2**; [S.I. 2008/3244, art. 2\(c\)\(j\)](#)
- F10** S. 26(8) repealed (1.1.2009) by [Health and Social Care Act 2008 \(c. 14\), ss. 116\(2\)](#), 170(3)(4), **Sch. 15 Pt. 2**; [S.I. 2008/3244, art. 2\(c\)\(j\)](#)
- F11** S. 26(12) omitted (1.12.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\)](#), **Sch. 15 para. 64**; [S.I. 2012/2657, art. 2\(3\)](#)
- F12** S. 26(13) inserted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 229\(5\)](#), 306(4); [S.I. 2012/2657, art. 2\(3\)](#)

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