



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]

27 **Regulatory bodies and the [^{F1}Authority]**

- (1) Each regulatory body must in the exercise of its functions co-operate with the [^{F2}Authority].
- (2) If the [^{F2}Authority] considers that it would be desirable to do so for the protection of members of the public, it may give directions requiring a regulatory body [^{F3}other than Social Work England] to make rules (under any power the body has to do so) to achieve an effect which must be specified in the directions.
- (3) [^{F4}The Authority] may give such directions only in relation to rules which must be approved by the Privy Council (whether by order or not) or by the Department of Health, Social Services and Public Safety in Northern Ireland before coming into force.
- (4) The [^{F5}Authority] must send a copy of any such directions to the relevant authority.
- (5) The relevant authority is the [^{F6}Privy Council] or, if the regulatory body in question is the Pharmaceutical Society of Northern Ireland, the Department of Health, Social Services and Public Safety there.
- (6) The directions do not come into force until the date specified in an order made by the relevant authority.

Status: Point in time view as at 02/12/2019.

Changes to legislation: National Health Service Reform and Health Care Professions Act 2002, Section 27 is up to date with all changes known to be in force on or before 08 August 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)

- (7) The [^{F7}Privy Council] must lay before both Houses of Parliament, or (as the case may be) the Department of Health, Social Services and Public Safety must lay before the Northern Ireland Assembly, a draft of an order—
- (a) setting out any directions ^{F8}... it receives pursuant to subsection (4), and
 - (b) specifying the date on which the directions are to come into force.
- (8) Subsections (4) to (7) apply also to—
- (a) directions varying earlier directions, and
 - (b) directions revoking earlier directions, and given after—
 - (i) both Houses of Parliament have resolved to approve the draft order specifying the date on which the earlier directions are to come into force, or (as the case may be)
 - (ii) the Northern Ireland Assembly has done so.
- (9) Subsections (4) and (5) apply also to directions—
- (a) revoking earlier directions, but
 - (b) which do not fall within subsection (8)(b),
- but subsections (6) and (7) do not apply to such directions.
- (10) If the [^{F9}Authority] gives directions which fall within subsection (9), the earlier directions which those directions revoke shall be treated as if subsections (6) and (7) had never applied to them, and as never in force.
- (11) A regulatory body must comply with directions given under subsection (2) which have come into force and have not been revoked.
- (12) A regulatory body is not to be taken to have failed to comply with such directions merely because a court determines that the rules made pursuant to the directions are to be construed in such a way that the effect referred to in subsection (2) is not achieved.
- (13) The [^{F10}Privy Council] shall make provision in regulations as to the procedure to be followed in relation to the giving of directions under subsection (2).
- (14) The regulations must, in particular, make provision requiring the [^{F11}Authority] to consult a regulatory body before giving directions relating to it under subsection (2).
- (15) In this section—
- (a) “making” rules includes amending or revoking rules, and
 - (b) “rules” includes regulations, byelaws and schemes.

Textual Amendments

- F1** Word in s. 27 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** Words in s. 27(1)(2) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(e\); S.I. 2012/2657, art. 2\(3\)](#)
- F3** Words in s. 27(2) inserted (2.12.2019) by [Children and Social Work Act 2017 \(c. 16\), s. 70\(2\), Sch. 4 para. 13; S.I. 2019/1436, reg. 2\(r\)](#)
- F4** Words in s. 27(3) 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\(3\)](#)
- F5** Word in s. 27(4) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(e\); S.I. 2012/2657, art. 2\(3\)](#)

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- F6** Words in s. 27(5) substituted (4.6.2018) by [Health and Social Care Act 2012 \(c. 7\), ss. 223\(7\), 306\(4\); S.I. 2018/617, art. 2\(a\)](#)
- F7** Words in s. 27(7) substituted (4.6.2018) by [Health and Social Care Act 2012 \(c. 7\), ss. 223\(8\)\(a\), 306\(4\); S.I. 2018/617, art. 2\(a\)](#)
- F8** Words in s. 27(7)(a) omitted (4.6.2018) by virtue of [Health and Social Care Act 2012 \(c. 7\), ss. 223\(8\)\(b\), 306\(4\); S.I. 2018/617, art. 2\(a\)](#)
- F9** Word in s. 27(10) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(e\); S.I. 2012/2657, art. 2\(3\)](#)
- F10** Words in s. 27(13) substituted (4.6.2018) by [Health and Social Care Act 2012 \(c. 7\), ss. 223\(7\), 306\(4\); S.I. 2018/617, art. 2\(a\)](#)
- F11** Word in s. 27(14) substituted (1.12.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 62\(e\); S.I. 2012/2657, art. 2\(3\)](#)

Commencement Information

- I1** S. 27 wholly in force at 1.4.2003; s. 27 in force for certain purposes at Royal Assent, see s. 42(3); s. 27 in force at 1.4.2003 by [S.I. 2002/2202, art. 2\(3\)\(c\)](#)

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