



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 2

STANDARDS

CHAPTER 10

SUPPLEMENTARY AND GENERAL

Relationship with government

130 Duty to have regard to government policy: CHAI

- (1) In exercising any of its functions the CHAI must have regard to such aspects of government policy as the Secretary of State may direct.
- (2) Subsection (1) does not apply in relation to any of the CHAI's functions under section 48(1), 49, 51 or 53.
- (3) In exercising any of its functions under any of the sections referred to in subsection (2)
—
 - (a) where the exercise relates to the provision of health care by or for an English NHS body or cross-border SHA, the CHAI must have regard to such aspects of government policy as the Secretary of State may direct; and
 - (b) where the exercise relates to the provision of health care by or for a Welsh NHS body, the CHAI must have regard to such aspects of the Assembly's policy as the Assembly may direct.
- (4) In relation to any function conferred on the CHAI under subsection (1)(a) of section 58, regulations under that section may do either or both of the following—
 - (a) they may disapply subsection (1) of this section in relation to that function;

Status: This is the original version (as it was originally enacted).

- (b) they may require the CHAI, in exercising the function in relation to the provision of health care by or for a Welsh NHS body, to have regard to such aspects of the Assembly's policy as the Assembly may direct.

(5) A direction under this section—

- (a) must be given in writing;
- (b) may be varied or revoked by a further direction under this section.

131 Duty to have regard to government policy: CSCI

- (1) In exercising any of its functions the CSCI must have regard to such aspects of government policy as the Secretary of State may direct in writing.
- (2) A direction given under this section may be varied or revoked by a further such direction.

132 Failure in discharge of functions: CHAI

- (1) Where the Secretary of State considers that the CHAI is to a significant extent—
 - (a) failing to discharge any of its functions under this Act; or
 - (b) failing properly to discharge any of those functions;he may give a direction to the CHAI.
- (2) The Secretary of State must consult the Assembly before giving a direction under this section in respect of a failure which—
 - (a) relates to any function of the CHAI under section 48(1), 49, 51 or 53; and
 - (b) relates to the provision of health care by or for a Welsh NHS body.
- (3) Regulations under section 58 may, in relation to any function conferred on the CHAI under subsection (1)(a) of that section, provide that—
 - (a) the Assembly, and not the Secretary of State, may give directions to the CHAI under subsection (1);
 - (b) the Assembly, as well as the Secretary of State, may give directions to the CHAI under subsection (1).
- (4) The CHAI must comply with any direction given to it under this section.
- (5) A direction given under this section—
 - (a) must be given in writing;
 - (b) may be varied or revoked by a further direction under this section.

133 Failure in discharge of functions: CSCI

- (1) Where the Secretary of State considers that the CSCI is to a significant extent—
 - (a) failing to discharge any of its functions under this Act or the Children Act 1989 (c. 41), or
 - (b) failing properly to discharge any of those functions,he may give it a direction in writing.
- (2) The CSCI must comply with any such direction.

- (3) A direction given under this section may be varied or revoked by a further such direction.