

*These notes refer to the Health and Social Care Act 2008
(c.14) which received Royal Assent on 21 July 2008*

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Further provisions about functions of Commission

Section 82: Failure by the Commission in discharge of its functions

273. If the Secretary of State considers that the Commission is failing to carry out any of its functions, or to carry them out properly, then section 82 enables the Secretary of State to issue a direction to the Commission. The section also enables the Secretary of State to carry out functions of the Commission or arrange for a third party to do so if the Commission fails to comply with the direction. These powers might be needed not necessarily because of any fault on the Commission's part but possibly due to circumstances outside its control, for example, a serious infection affecting many of its staff and therefore its ability to perform its duties.