



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 8

#### THE NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE

##### *Functions: quality standards*

#### 234 Quality standards

- (1) The relevant commissioner may direct NICE to prepare statements of standards in relation to the provision of—
  - (a) NHS services,
  - (b) public health services, or
  - (c) social care in England.
- (2) In this Part such a statement is referred to as a “quality standard”.
- (3) In preparing a quality standard NICE must consult the public and, for that purpose, may publish drafts of the standard.
- (4) NICE must keep a quality standard under review and may revise it as it considers appropriate.
- (5) A quality standard (and any revised standard)—
  - (a) has no effect unless it is endorsed by the relevant commissioner, and
  - (b) must not be published by NICE unless the relevant commissioner so requires.
- (6) The relevant commissioner may require NICE—
  - (a) to publish the standard (or revised standard) or to disseminate it to persons specified by the relevant commissioner, and
  - (b) to do so in the manner specified by the relevant commissioner.
- (7) NICE must—
  - (a) establish a procedure for the preparation of quality standards, and

*Status: Point in time view as at 01/07/2022.*

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- (b) consult such persons as it considers appropriate in establishing that procedure.
- (8) Subsection (9) applies in a case where the Secretary of State and [<sup>F1</sup>NHS England] each has power under this section to give NICE a direction to prepare a quality standard in relation to the same matter or connected matters.
- (9) In such a case—
- (a) the Secretary of State and [<sup>F1</sup>NHS England] may issue a joint direction under subsection (1), and
  - (b) if they do so, NICE must prepare a joint quality standard in respect of the matter or matters concerned.
- (10) In this section “the relevant commissioner”—
- (a) in relation to a quality standard in relation to the provision of NHS services, means [<sup>F1</sup>NHS England], and
  - (b) in relation to a quality standard in relation to the provision of public health services or of social care in England, means the Secretary of State,
- and a reference to the relevant commissioner in relation to a joint quality standard is a reference to both the Secretary of State and [<sup>F1</sup>NHS England].
- (11) In this Part—
- [<sup>F2</sup>“NHS services” means services the provision of which is arranged by NHS England or an integrated care board (including services the provision of which is arranged by it in the exercise of functions of another person by virtue of any provision of the National Health Service Act 2006);]
- “public health services” means services provided pursuant to the functions of—
- (a) the Secretary of State under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, that Act, or
  - (b) a local authority under section 2B or 111 of, or paragraphs 1 to 7B or 13 of Schedule 1 to, that Act.

#### Textual Amendments

- F1** Words in s. 234 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** Words in s. 234(11) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 9 para. 20](#); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

#### Commencement Information

- I1** S. 234 partly in force; s. 234 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 234 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), [art. 2\(2\)](#) (with arts. 7-9)

## 235 Supply of quality standards to other persons

- (1) Regulations may confer powers on NICE in relation to the supply by NICE of quality standards to—
- (a) devolved authorities;
  - (b) other persons (whether or not in the United Kingdom).
- (2) The regulations may in particular—

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- (a) confer power on NICE to make such adjustments as NICE considers appropriate to a quality standard for the purposes of supplying it as mentioned in subsection (1), and
  - (b) provide for the imposition by NICE of charges for or in connection with the supply of a quality standard as so mentioned.
- (3) Provision made under subsection (2)(b) may include provision for charges to be calculated on the basis NICE considers to be the appropriate commercial basis.
- (4) In this section “devolved authority” means—
- (a) the Scottish Ministers,
  - (b) the Welsh Ministers, and
  - (c) the Department of Health, Social Services and Public Safety in Northern Ireland.

#### Commencement Information

- I3** S. 235 partly in force; s. 235 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I4** S. 235 in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, art. 2(2) (with arts. 7-9)

### 236 Advice or guidance to the Secretary of State or [<sup>F3</sup>NHS England]

- (1) NICE must give advice or guidance to the Secretary of State or [<sup>F3</sup>NHS England] on any quality matter referred to it by the Secretary of State or (as the case may be) [<sup>F3</sup>NHS England].
- (2) “Quality matter”—
- (a) in relation to the Secretary of State, means any matter in relation to which the Secretary of State has the power to direct NICE to prepare a quality standard, and
  - (b) in relation to [<sup>F3</sup>NHS England], means any matter in relation to which [<sup>F3</sup>NHS England] has the power to direct NICE to prepare a quality standard.

#### Textual Amendments

- F3** Words in s. 236 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

#### Commencement Information

- I5** S. 236 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

**Status:**

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**Changes to legislation:**

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