



Health and Social Care Act 2012

2012 CHAPTER 7

PART 8

THE NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE

Functions: other

245 Failure by NICE to discharge any of its functions

- (1) The Secretary of State may give a direction to NICE if the Secretary of State considers that—
 - (a) NICE—
 - (i) is failing or has failed to discharge any of its functions, or
 - (ii) is failing or has failed properly to discharge any of its functions, and
 - (b) the failure is significant.
- (2) A direction under subsection (1) may direct NICE to discharge such of those functions, and in such manner and within such period or periods, as may be specified in the direction.
- (3) If NICE fails to comply with a direction under subsection (1), the Secretary of State may—
 - (a) discharge the functions to which it relates, or
 - (b) make arrangements for any other person to discharge them on the Secretary of State's behalf.
- (4) Where the Secretary of State exercises a power under subsection (1) or (3), the Secretary of State must publish reasons for doing so.
- (5) For the purposes of this section, a failure to discharge a function properly includes a failure to discharge it consistently with what the Secretary of State considers to be the interests of the health service in England or (as the case may be) with what otherwise appears to the Secretary of State to be the purpose for which it is conferred.

Status: Point in time view as at 01/08/2012. This version of this provision has been superseded.

Changes to legislation: Health and Social Care Act 2012, Section 245 is up to date with all changes known to be in force on or before 07 July 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)

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Commencement Information

II S. 245 partly in force; s. 245 in force for specified purposes at Royal Assent, see s. 306(1)(d)

Status:

Point in time view as at 01/08/2012. This version of this provision has been superseded.

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