



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 8

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

##### *Supplementary*

#### **249 Consequential and transitional provision**

- (1) Schedule 17 (which contains consequential provision) has effect.
- (2) A statement of standards prepared and published by the Institute before commencement is to be treated on and after commencement as if it were a quality standard—
  - (a) prepared and published by NICE in accordance with section 234,
  - (b) endorsed under subsection (5) of that section, and
  - (c) in respect of which the transitional commissioner is the relevant commissioner for the purposes of that section.
- (3) Subsections (4) to (6) apply to a case where before commencement—
  - (a) the Secretary of State has referred a matter to the Institute for the purpose of preparing and publishing a statement of standards, but
  - (b) the Institute has not published the statement.
- (4) The referral by the Secretary of State to the Institute of the matter is to be treated on and after commencement as if it were a direction given to NICE by the transitional commissioner for the preparation of a quality standard in relation to that matter under section 234(1); and the transitional commissioner is to be treated as the relevant commissioner for the purposes of that section.
- (5) Anything done by the Institute before commencement in relation to the matter is to be treated on and after commencement as having been done by NICE in pursuance of the direction.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Consultation with any person undertaken by the Institute before commencement in relation to the matter is to be treated on and after commencement as if it were consultation by NICE under section 234(3) in relation to the preparation of the quality standard.
- (7) A procedure established by the Institute before commencement for the preparation of statements of standards is to be treated on and after commencement as if it were a procedure established by NICE in accordance with section 234(7) for the preparation of quality standards.
- (8) For the purposes of this section “the transitional commissioner” is the Secretary of State; but the Secretary of State, after consulting the Board, may direct that in relation to a particular statement of standards or matter the transitional commissioner is—
- (a) the Board, or
  - (b) both the Secretary of State and the Board.
- (9) In this section—
- “commencement” means the commencement of section 234;
  - “the Institute” means the Special Health Authority known as the National Institute for Health and Clinical Excellence;
  - “statement of standards” means a document containing advice to the Secretary of State in relation to the quality of the provision of health care prepared and published by the Institute pursuant to the directions given to the Institute by the Secretary of State on 27 July 2009.