



Health and Care Act 2022

2022 CHAPTER 31

PART 3

SECRETARY OF STATE'S POWERS TO TRANSFER OR DELEGATE FUNCTIONS

103 Power to transfer functions between bodies

- (1) The Secretary of State may by regulations transfer a function of a relevant body to another relevant body.
- (2) Regulations under this section may be made only if the Secretary of State considers that they serve the purpose of improving the exercise of public functions, having regard to—
 - (a) efficiency,
 - (b) effectiveness,
 - (c) economy, and
 - (d) securing appropriate accountability to Ministers.
- (3) Regulations under this section may not transfer a function of NHS England if the Secretary of State considers that to do so would make NHS England redundant.
- (4) The provision which may be made by regulations under this section by virtue of section 183(1)(a) includes provision—
 - (a) modifying functions of either relevant body (see further section 105(1));
 - (b) modifying the constitutional or funding arrangements of either relevant body (see further section 105(2) and (3));
 - (c) abolishing the relevant body from which functions are transferred, where the Secretary of State considers that it is redundant as a result of the transfer of functions.
- (5) Where—
 - (a) regulations under this section contain provision for a body to exercise a function that is exercisable in relation to Scotland, Wales or Northern Ireland,

Status: This is the original version (as it was originally enacted).

- (b) immediately before that provision takes effect, the function is exercisable by another body whose constitutional arrangements contain provision (however expressed) for the body to include a member whose experience, functions or appointment are connected with that part of the United Kingdom, and
- (c) the Secretary of State considers that the constitutional arrangements of the body referred to in paragraph (a) do not contain corresponding provision as to membership,

the Secretary of State must make provision by virtue of section 183(1)(a) modifying the constitutional arrangements of the body referred to in paragraph (a) so that they contain corresponding provision as to membership.

- (6) In this section, “Minister” means a Minister of the Crown (as defined by section 8 of the Ministers of the Crown Act 1975).