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STATUTORY INSTRUMENTS

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**2013 No. 259**

The National Institute for Health and Care Excellence  
(Constitution and Functions) and the Health and Social  
Care Information Centre (Functions) Regulations 2013

PART 2

The National Institute for Health and Care Excellence

**Advice, guidance, information and recommendations**

5.—(1) NICE has the functions of giving advice or guidance, providing information or making recommendations about any matter concerning or connected with the provision of—

- (a) NHS services<sup>(1)</sup>,
- (b) public health services<sup>(2)</sup>, or
- (c) social care<sup>(3)</sup> in England.

(2) In the case of a function conferred under paragraph (1)(a), the function—

- (a) is only exercisable on the direction of the Secretary of State or the Board;
- (b) is subject to directions given by the Secretary of State or (as the case may be) the Board about NICE's exercise of the function.

(3) In the case of a function conferred under paragraph (1)(b) or (c), the function—

- (a) is only exercisable on the direction of the Secretary of State;
- (b) is subject to directions given by the Secretary of State about NICE's exercise of the function.

(4) NICE must establish procedures for the giving of advice or guidance, the provision of information or the making of recommendations as NICE considers appropriate.

(5) NICE must consult such persons as it considers appropriate in establishing a procedure under paragraph (4).

(6) NICE must publish or disseminate any advice or guidance it gives or information it provides or a recommendation it makes—

- (a) to such health or social care bodies<sup>(4)</sup> as NICE considers appropriate, and
- (b) in such form and manner and at such time as NICE considers appropriate.

(7) The Secretary of State must consult the Board before giving a direction under paragraph (2).

(8) The Secretary of State must not give a direction under paragraph (2)(b) or (3)(b) about the substance of advice, guidance or recommendations of NICE.

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(1) "NHS services" is defined in section 234(11) of the Act.

(2) "Public health services" is defined in section 234(11) of the Act.

(3) "Social care" is defined in section 233(3) of the Act.

(4) "Health or social care body" is defined in section 237(11) of the Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(9) The Board must not give a direction under paragraph (2)(b) about the substance of advice, guidance or recommendations of NICE.

(10) NICE must keep under review and may revise as it considers appropriate any advice or guidance it gives, information it provides or recommendation it makes.

(11) For the purposes of this regulation, a “recommendation” does not include a technology appraisal recommendation or a highly specialised technology appraisal recommendation.