

HEALTH AND SOCIAL CARE ACT 2012

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Territorial application: Northern Ireland

42. Certain provisions of the Act extend to Northern Ireland, in addition to England and Wales and, in most cases, Scotland. Certain key provisions are highlighted in the following paragraphs.
43. Provisions in Part 2 that extend to Northern Ireland (as well as England, Wales and Scotland):
 - abolish the Health Protection Agency (a body with a UK wide remit) and repeal the Health Protection Agency Act 2004 (section 56);
 - make provision for the Department of Health, Social Services and Public Safety in Northern Ireland (DHSSPS) to exercise biological substances functions jointly with the Secretary of State, or separately (section 57);
 - make provision for the Secretary of State to exercise radiation protection functions in relation to Northern Ireland (section 58);
 - confer functions on the DHSSPS in relation to radiation protection (section 58) to the extent that they are within devolved competence; and
 - provide for a UK wide duty of co-operation between bodies exercising functions in relation to health protection (section 60).
44. Certain provisions of Part 7, concerning the regulation of health and social care workers, extend and apply to Northern Ireland (as well as England and Wales and Scotland), as they relate to bodies with functions in relation to Northern Ireland.
45. [Section 249](#) introduces Schedule 17, regarding the National Institute for Health and Care Excellence (NICE), which includes consequential amendments to legislation that extends to Northern Ireland, in addition to England and Wales and Scotland.
46. [Section 252](#) introduces Schedule 18, regarding the Health and Social Care Information Centre, which includes consequential amendments to legislation that extends to Northern Ireland (for example, the Northern Ireland Assembly Disqualification Act 1975), in addition to England and Wales and Scotland.
47. [Section 295](#) and Schedule 21 in Part 11 amend legislation relating to the health service in Northern Ireland. These provisions make consequential and other amendments to this legislation, including in relation to the arrangements between Northern Ireland health bodies and health bodies in England.
48. Some of these provisions relate to matters that are devolved in Northern Ireland. Westminster will not normally legislate with regard to devolved matters in Northern Ireland without the consent of the Northern Ireland Assembly. As there are provisions

*These notes refer to the Health and Social Care Act 2012
(c.7) which received Royal Assent on 27 March 2012*

in this Act relating to such matters, the consent of the Northern Ireland Assembly has been granted through a legislative consent motion.