



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 9

#### HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

### CHAPTER 2

#### THE HEALTH AND SOCIAL CARE INFORMATION CENTRE

#### *General and supplementary*

#### **274 Powers of Secretary of State or Board to give directions**

- (1) Regulations may make provision conferring powers on the Secretary of State or the Board to give directions—
  - (a) requiring a health or social care body to exercise such of the Information Centre's functions as may be specified;
  - (b) requiring the Centre or another health or social care body to exercise such information functions of the Secretary of State or (as the case may be) the Board as may be specified;
  - (c) requiring the Centre to exercise such of the information functions of any health or social care body as may be specified;
  - (d) requiring the Centre to exercise such systems delivery functions of the Secretary of State or (as the case may be) the Board as may be specified.
- (2) A function required to be exercised by a direction given by the Secretary of State or the Board by virtue of subsection (1) is subject to directions given by the Secretary of State or (as the case may be) the Board about the exercise of the function.
- (3) A power conferred on the Secretary of State under subsection (1)(a) must provide that a direction may be given in respect of a function of the Information Centre only if the function relates to information which is of a description prescribed in the regulations and—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in respect of which the Secretary of State may give a direction under section 254, or
  - (b) which the Secretary of State considers is information in respect of which a mandatory request may be made under section 255.
- (4) A power conferred on the Board under subsection (1)(a) must provide that a direction may be given in respect of a function of the Information Centre only if the function relates to information which is of a description prescribed in the regulations and in respect of which the Board may give a direction under section 254.
- (5) A power conferred under subsection (1)(a) must provide that a direction must include provision requiring the body in question to provide the Information Centre with the information it needs to comply with the duty under section 264 (duty to publish information register).
- (6) A power conferred on the Secretary of State under subsection (1)(d) must provide that a direction may include provision about payments by the Secretary of State to the Information Centre for things done in the exercise of the function in respect of which the direction is given.
- (7) A power conferred on the Board under subsection (1)(d) must provide that a direction must permit the Information Centre to charge the Board a reasonable fee in respect of the cost of complying with the direction.
- (8) A power conferred under subsection (1)(d) must provide that the giving of a direction does not prevent the Secretary of State or (as the case may be) the Board from exercising the function in respect of which the direction is given.
- (9) In this section—
- “information function” means a function in relation to the collection, analysis, publication or other dissemination of information;
  - “specified” means specified in a direction given under regulations made under subsection (1);
  - “systems delivery function”—
- (a) in relation to the Secretary of State, means a function of the Secretary of State which is exercisable in relation to the development or operation of information or communications systems in connection with the provision of health services or of adult social care in England;
  - (b) in relation to the Board, means a function of the Board which is exercisable in relation to the development or operation of information or communications systems in connection with the provision of NHS services.

## 275 Interpretation of this Chapter

In this Chapter—

- “adult social care” has the meaning given by section 253(3);
  - “the Board” means the National Health Service Commissioning Board;
  - “devolved authority” means—
- (a) the Scottish Ministers;
  - (b) the Welsh Ministers; and
  - (c) a Northern Ireland Minister;

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“health care” has the meaning given by section 255(10);  
“health or social care body” has the meaning given by section 259(11);  
“the health service” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act);  
“health services” has the meaning given by section 253(3);  
“mandatory request” has the meaning given by section 255(4);  
“Northern Ireland Minister” includes the First Minister, the deputy First Minister and a Northern Ireland Department;  
“public body” means a body or other person whose functions—  
(a) are of a public nature, or  
(b) include functions of that nature,  
but in the latter case, the body or person is a public body to the extent only of those functions;  
“relevant person” has the meaning given by section 260(7).

**276 Dissolution of predecessor body**

The Special Health Authority known as the Health and Social Care Information Centre is abolished.

**277 Consequential provision**

Schedule 19 (which contains consequential provision) has effect.