



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 7

#### REGULATION OF HEALTH AND SOCIAL CARE WORKERS

##### *The Professional Standards Authority for Health and Social Care*

#### **226 Accountability and governance**

- (1) Schedule 7 to the National Health Service Reform and Health Care Professions Act 2002 (constitution etc. of the Authority) is amended as follows.
- (2) In paragraph 4 (membership and chair)—
  - (a) in paragraph (e), for “the Secretary of State” substitute “the Privy Council”, and
  - (b) in paragraph (f), for “two executive members” substitute “one executive member”.
- (3) In paragraph 6 (appointments), for “The Secretary of State” substitute “The Privy Council”.
- (4) In paragraph 10 (remuneration and allowances)—
  - (a) in each of sub-paragraphs (1) and (2), for “the Secretary of State” substitute “the Authority”, and
  - (b) for sub-paragraphs (3) and (4) substitute—
    - “(3) The Authority may provide for the payment of such pension, allowance or gratuities as it may determine to or in respect of a person who is or has been the chair or any other member of the Authority.
    - (4) The Authority may, where it considers there are special circumstances that make it right for a person ceasing to hold office as chair of the Authority to receive compensation, pay the person such compensation as it may determine.”

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*Changes to legislation: Health and Social Care Act 2012, Section 226 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (5) In paragraph 11 (employees)—
- (a) in sub-paragraph (1), for “members” substitute “member”, and
  - (b) in sub-paragraph (2), for “members must be employees” substitute “member must be an employee”.
- (6) In paragraph 15 (accounts)—
- (a) in each of sub-paragraphs (1) and (2), for “the Secretary of State” substitute “the Privy Council”, and
  - (b) in sub-paragraph (3)—
    - (i) omit “the Secretary of State and”, and
    - (ii) for “the Secretary of State” substitute “the Privy Council”.
- (7) In paragraph 16 (reports and other information), after sub-paragraph (1A) insert—
- “(1B) The Authority must, by such date in each year as the Privy Council determines, publish—
- (a) a strategic plan for the Authority for the coming financial year, and
  - (b) a strategic plan for the Authority for such of the subsequent financial years as the Authority may determine.”
- (8) In sub-paragraph (2) of that paragraph, after “its report for that year” insert “, and a copy of each of its strategic plans published in that year,”.
- (9) In section 38 of that Act (regulations and orders), after subsection (3E) (inserted by section 223(13)) insert—
- “(3F) A statutory instrument containing regulations made by the Privy Council under paragraph 6 of Schedule 7 is subject to annulment in pursuance of a resolution of either House of Parliament.”

#### **Commencement Information**

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| <b>I1</b> | S. 226(1) in force at 1.12.2012 for specified purposes by <a href="#">S.I. 2012/2657</a> , <b>art. 2(3)</b>   |
| <b>I2</b> | S. 226(1) in force at 4.6.2018 in so far as not already in force by <a href="#">S.I. 2018/617</a> , <b>art. 2(b)</b> (with <a href="#">art. 3</a> ) |
| <b>I3</b> | S. 226(2)(a) in force at 9.6.2014 by <a href="#">S.I. 2014/1454</a> , <b>art. 2</b>   |
| <b>I4</b> | S. 226(2)(b)(5) in force at 1.12.2012 by <a href="#">S.I. 2012/2657</a> , <b>art. 2(3)</b>  |
| <b>I5</b> | S. 226(3)(4)(6)-(9) in force at 4.6.2018 by <a href="#">S.I. 2018/617</a> , <b>art. 2(b)</b> (with <a href="#">art. 3</a> )                         |

**Changes to legislation:**

Health and Social Care Act 2012, Section 226 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)