



Health and Social Care Act 2012

2012 CHAPTER 7

PART 12

FINAL PROVISIONS

307 Commencement: consultation with Scottish Ministers

- (1) The Secretary of State must consult the Scottish Ministers before making an order under section 306(4) relating to—
- (a) section 58 (radiation protection functions), so far as relating to the Scottish Ministers,
 - (b) section 60 (co-operation in relation to public health functions), so far as relating to the exercise of functions in relation to Scotland by a person to which the provision inserted by subsection (1) of that section applies,
 - (c) section 223(4) (requirement for persons advised etc. by the Professional Standards Authority for Health and Social Care to pay fee), so far as relating to the Scottish Ministers,
 - (d) section 224(1) (funding of the Professional Standards Authority for Health and Social Care), so far as relating to a body that regulates a profession in Scotland which does not fall within Section G2 of Part 2 of Schedule 5 to the Scotland Act 1998 (health professions),
 - (e) section 224(4) and (5) (power of the Professional Standards Authority for Health and Social Care to borrow), so far as relating to functions of the Professional Standards Authority for Health and Social Care which are exercisable in relation to—
 - (i) unregulated health professionals in Scotland, unregulated health care workers in Scotland or relevant students in Scotland,
 - (ii) a body that maintains a register of persons within sub-paragraph (i),
 - (iii) a profession in Scotland which does not fall within Section G2 of Part 2 of Schedule 5 to the Scotland Act 1998, or
 - (iv) a body that regulates a profession within sub-paragraph (iii),

Changes to legislation: Health and Social Care Act 2012, Section 307 is up to date with all changes known to be in force on or before 27 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

- (f) section 225(1) (power of the Professional Standards Authority for Health and Social Care to advise regulatory bodies etc.), so far as relating to a body that regulates a profession in Scotland which does not fall within Section G of Part 2 of Schedule 5 to the Scotland Act 1998 (architects, health professions and auditors),
- (g) section 226(8) (requirement for the Professional Standards Authority for Health and Social Care to lay copy strategic reports before Parliament etc.), so far as relating to the Scottish Parliament,
- (h) section 227 (appointments to regulatory bodies), so far as relating to—
 - (i) the exercise of the appointment functions under subsection (8)(f) of the provision inserted by that section, or
 - (ii) subsection (4) of that provision,
- (i) section 228 (establishment of voluntary registers), so far as relating to the establishment and maintenance of relevant registers,
- (j) section 229 (accreditation of voluntary registers), so far as relating to the functions of the Professional Standards Authority for Health and Social Care in relation to relevant registers,
- (k) Part 2 or 3 of Schedule 15 (amendments relating to the Health and Care Professions Council or the Professional Standards Authority for Health and Social Care) and section 230(1) so far as relating to the Part in question, and
- (l) paragraphs 1 to 4 of Schedule 21 (amendments of the National Health Service (Scotland) Act 1978 relating to the relationships between the health services) and section 297 so far as relating to those paragraphs.

(2) In this section—

“relevant registers” means—

- (a) registers of unregulated health professionals in Scotland,
- (b) registers of unregulated health care workers in Scotland, or
- (c) registers of relevant students in Scotland,

“relevant students in Scotland” means persons participating in studies in Scotland for the purpose of becoming—

- (a) an unregulated health professional,
- (b) an unregulated health care worker, or
- (c) a member of a profession which does not fall within Section G2 of Part 2 of Schedule 5 to the Scotland Act 1998,

“unregulated health professional” means a person who is or has been practising as an unregulated health professional (within the meaning of the provisions inserted by section 228) and “unregulated health professional in Scotland” means a person who is or has been practising as such in Scotland, and

“unregulated health care worker” means a person who is or has been engaged in work as an unregulated health care worker (within the meaning of those provisions) and “unregulated health care worker in Scotland” means a person who is or has been engaged in such work in Scotland.

Changes to legislation:

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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\(5\)](#)