



Health and Social Care Act 2012

2012 CHAPTER 7

PART 1

THE HEALTH SERVICE IN ENGLAND

Further provision about local authorities' role in the health service

30 Appointment of directors of public health

In Part 3 of the National Health Service Act 2006 (local authorities and the NHS) before section 74 insert—

“73A Appointment of directors of public health

- (1) Each local authority must, acting jointly with the Secretary of State, appoint an individual to have responsibility for —
 - (a) the exercise by the authority of its functions under section 2B, 111 or 249 or Schedule 1,
 - (b) the exercise by the authority of its functions by virtue of section 6C(1) or (3),
 - (c) anything done by the authority in pursuance of arrangements under section 7A,
 - (d) the exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health,
 - (e) the functions of the authority under section 325 of the Criminal Justice Act 2003, and
 - (f) such other functions relating to public health as may be prescribed.
- (2) The individual so appointed is to be an officer of the local authority and is to be known as its director of public health.
- (3) Subsection (4) applies if the Secretary of State—

Status: This is the original version (as it was originally enacted).

- (a) considers that the director has failed or might have failed to discharge (or to discharge properly) the responsibilities of the director under—
 - (i) subsection (1)(b), or
 - (ii) subsection (1)(c) where the arrangements relate to the Secretary of State’s functions under section 2A, and
 - (b) has consulted the local authority.
- (4) The Secretary of State may direct the local authority to—
- (a) review how the director has discharged the responsibilities mentioned in subsection (3)(a);
 - (b) investigate whether the director has failed to discharge (or to discharge properly) those responsibilities;
 - (c) consider taking any steps specified in the direction;
 - (d) report to the Secretary of State on the action it has taken in pursuance of a direction given under any of the preceding paragraphs.
- (5) A local authority may terminate the appointment of its director of public health.
- (6) Before terminating the appointment of its director of public health, a local authority must consult the Secretary of State.
- (7) A local authority must have regard to any guidance given by the Secretary of State in relation to its director of public health, including guidance as to appointment and termination of appointment, terms and conditions and management.
- (8) In this section, “local authority” has the same meaning as in section 2B.”