

2001 No. 1743

NATIONAL HEALTH SERVICE, ENGLAND

**The National Patient Safety Agency (Establishment and
Constitution) Order 2001**

<i>Made</i> - - - - -	<i>7th May 2001</i>
<i>Laid before Parliament</i>	<i>9th May 2001</i>
<i>Coming into force</i> - -	<i>2nd July 2001</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 11(1), (2) and (4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the National Patient Safety Agency (Establishment and Constitution) Order 2001 and shall come into force on 2nd July 2001.

(2) This Order extends to England only.

(3) In this Order “the Agency” means the National Patient Safety Agency established by this Order.

Establishment of the Agency

2. There is hereby established a Special Health Authority which shall be known as the National Patient Safety Agency.

Functions of the Agency

3. Subject to and in accordance with such directions as the Secretary of State may give(b), the Agency shall perform—

(a) such functions in connection with securing improvements in the quality of care and treatment provided for persons under the health service, and

(b) such other functions,

as the Secretary of State may direct.

(a) 1977 c. 49; section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53), by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), by paragraph 2 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and by paragraph 6 of Schedule 4 to the Health Act 1999 (c. 8) (“the 1999 Act”); sub-paragraph (7) was inserted in paragraph 9 of Schedule 5 by paragraph 7(2) of Schedule 1 to the 1990 Act and was amended by paragraph 60(b) of Schedule 1 to the 1995 Act. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

(b) See, in particular, sections 16D, 17 and 18 of the National Health Service Act 1977 (c. 49); sections 16D and 17 were inserted by section 12(1) of the 1999 Act. Section 18 was amended by Schedule 10 to the 1990 Act, by section 3(8) of the 1995 Act, by paragraph 9 of Schedule 1 to the 1995 Act and by section 12(3) of the 1999 Act.

Constitution of the Agency

4. The Agency shall consist of—
 - (a) a chairman,
 - (b) not less than 12 and not more than 15 members who are not officers of the Agency,
 - (c) the chief executive of the Agency, and
 - (d) one officer of the Agency.

Remuneration of members

5. The Agency is hereby specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the National Health Service Act 1977 (definition of “relevant authority” for the purposes of paying remuneration to members of Health Authorities and certain Special Health Authorities).

Public meetings

6. The Public Bodies (Admission to Meetings) Act 1960(a) shall apply to the Agency.

Signed by authority of the Secretary of State for Health

John Denham
Minister of State,
Department of Health

7th May 2001

(a) 1960 c. 67; *see* paragraph 1(g) of the Schedule to the Act, which was inserted by paragraph 91 of Schedule 1 to the Health Authorities Act 1995 (c. 17).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment and constitution of a Special Health Authority, to be known as the National Patient Safety Agency (“the Agency”) to exercise such of the Secretary of State’s functions in connection with the implementation and oversight of measures to maintain and improve the safety of patients treated by the National Health Service and such other functions as he may direct it to perform.

Article 2 of the Order establishes the Agency, the functions of which are described in article 3 and are to be specified more particularly in directions given by the Secretary of State. Provision is also made for the constitution of the Agency (article 4), for the remuneration of members of the Agency (article 5 and for the admission of the public to meetings (article 6).

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