

2001 No. 4031

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Trusts (Membership and Procedure) Amendment (No. 3) (England) Regulations 2001

Made - - - - - *17th December 2001*
Laid before Parliament *19th December 2001*
Coming into force - - *10th January 2002*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 126(4) of the National Health Service Act 1977 (a) and section 5(7) of the National Health Service and Community Care Act 1990(b), hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service Trusts (Membership and Procedure) Amendment (No. 3) (England) Regulations 2001 and shall come into force on 10th January 2002.

(2) These Regulations extend to England only.

Amendment of Regulations

2. In regulation 11 of the National Health Service Trusts (Membership and Procedure) Regulations 1990(c) (disqualification for appointment of chairman and non-executive directors), after paragraph 5(d) there is inserted—

“(5A) A person shall not be disqualified by paragraph (1)(e) from being the chairman or a non-executive director of an NHS trust by reason of being a chairman or non-executive member of the National Patient Safety Agency(e) or the National Treatment Agency(f).”

Signed by authority of the Secretary of State for Health

17th December 2001

Hunt
Parliamentary Under Secretary of State,
Department of Health

(a) 1977 c. 49; section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 37(6) of Schedule 4 to the Health Act 1999 (c. 8) (“the 1999 Act”); see section 128(1), as amended by section 26(2)(i) and (g) of the 1990 Act, for the definition of “regulations”.
(b) 1990 c. 19; section 5(7) was amended by paragraph 69(1) of Schedule 1 to the Health Authorities Act 1995 (c. 17). The functions of the Secretary of State under these provisions and the relevant provisions of the National Health Service Act 1977 (“the Act”) are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of, and the entry for the 1977 Act and the 1990 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.
(c) S.I. 1990/2024.
(d) Paragraph (5) was inserted by S.I. 1997/2990 and amended by S.I. 1999/945, 2000/603 and 2434 and 2001/2629.
(e) See S.I. 2001/1742 and 1743.
(f) See S.I. 2001/713 and 715.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 11 of the National Health Service Trusts (Membership and Procedure) Regulations 1990, which make provision relating to the membership and procedure of National Health Service trusts, so as to provide that the chairman and members of the National Patient Safety Agency and the National Treatment Agency are not disqualified for appointment as a chairman or a non-executive director of a National Health Service trust.

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