

This Statutory Instrument has been made in consequence of defects in S.I.2002/3007, S.I. 2002/3038, S.I. 2003/2123 and S.I. 2003/2124 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2004 No. 540

NATIONAL HEALTH SERVICE, ENGLAND

**The Patients' Forums and Commission for
Patient and Public Involvement in Health
(Miscellaneous Amendments) Regulations 2004**

Made - - - - 28th February 2004

Laid before Parliament 5th March 2004

Coming into force - - 1st April 2004

The Secretary of State for Health, in exercise of the powers conferred on him by sections 17(1), 19(1) and (2)(b),(k) and (l), 20 (10) and 38(5) to (7) of and paragraph 4(1)(a) of Schedule 6 to the National Health Service Reform and Health Care Professions Act 2002(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Patients' Forums and Commission for Patient and Public Involvement in Health (Miscellaneous Amendments) Regulations 2004 and shall come into force on 1st April 2004.

(2) These Regulations apply to England only.

(3) In these Regulations—

- (a) “the CPPIH Functions Regulations” means the Commission for Patient and Public Involvement in Health (Functions) Regulations 2002(2);
- (b) “the CPPIH Membership and Procedure Regulations” means the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002(3);
- (c) “the Patients' Forums Functions Regulations” means the Patients' Forum (Functions) Regulations 2003(4);

(1) 2002 (c. 17).
(2) S.I. 2002/3007, as amended by S.I. 2003/497 and S.I. 2003/2044.
(3) S.I. 2002/3038.
(4) S.I. 2003/2124.

- (d) “the Patients' Forums Membership and Procedure Regulations” means the Patients' Forums (Membership and Procedure) Regulations 2003(5).

Amendment of the Patients' Forums Functions Regulations

- 2.—(1) The Patients' Forums Functions Regulations are amended as follows.
- (2) In regulation 3 (entry and inspection of premises)—
- (a) in paragraph (1) after “reasonable time” insert “, for the purposes of any of the Forum’s functions,”; and
- (b) in paragraph (2) delete “for the purposes specified in that paragraph”.
- (3) In regulation 6 (restrictions on disclosure of information to a patients' forum)—
- (a) in paragraph (1)(b) after “enactment” insert “or any ruling of a court of competent jurisdiction”; and
- (b) for paragraph (4) substitute—
- “(4) In a case where information falls within—
- (a) paragraph (1)(a) and the condition in paragraph (2)(a) applies; or
- (b) paragraph (1)(b) and paragraph (3) applies,
- a Patients' Forum may require the person holding the information to disclose the information but only in a form from which the identity of the individual concerned cannot be ascertained.”.

Amendment of the CPPIH Functions Regulations

- 3.—(1) Regulation 9 (restrictions on disclosure of information to the commission) of the CPPIH Functions Regulations is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a) delete “and identifies”;
- (b) in sub-paragraph (b) after “enactment” insert “or any ruling of a court of competent jurisdiction or is protected by the common law”.
- (3) In paragraphs (2)(a) and (3)(b) delete “is or”.
- (4) For paragraph (4) substitute—
- “(4) In a case where information falls within—
- (a) paragraph (1)(a) and the condition in paragraph (2)(a) applies; or
- (b) paragraph (1)(b) and paragraph (3) applies,
- the Commission, or a person authorised by the Commission under regulation 8(1), may require the person holding the information to disclose the information but only in a form from which the identity of the individual concerned cannot be ascertained.”.

Amendment of the Patients' Forums Membership and Procedure Regulations

- 4.—(1) The Patients' Forums Membership and Procedure Regulations are amended as follows.
- (2) In regulation 2 (membership of patients' forums) in both paragraphs (3)(b) and (4)(b) delete “subject to regulation 4(1)(i)”.

(3) In regulation 6 (termination of tenure of office) in paragraph (3)(b) for “and notifies (as he should)” substitute “,he shall notify”.

Amendment of the CPPIH Membership and Procedure Regulations

5. In regulation 5(1)(e)(i) (disqualification for appointment) of the CPPIH Membership and Procedure Regulations after “Services” insert “Appeal”.

Signed by Authority of the Secretary of State for Health

28th February 2004

Rosie Winterton
Minister of State
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to the Patients' Forums (Functions) Regulations 2003, the Commission for Patient and Public Involvement in Health (Functions) Regulations 2002, the Patients' Forums (Membership and Procedure) Regulations 2003 and the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002.

Regulation 2 clarifies the meaning of provisions in the Patients' Forums (Functions) Regulations relating to the obtaining and disclosure of information. Regulation 3 makes similar amendments to corresponding provisions in the Commission for Patient and Public Involvement in Health (Functions) Regulations. Regulations 4 and 5 correct minor errors in the Patients' Forums (Membership and Procedure) Regulations and the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations.