

Status: Point in time view as at 01/04/2008.

Changes to legislation: National Health Service Act 2006, Part 1 is up to date with all changes known to be in force on or before 19 September 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)

SCHEDULES

SCHEDULE 3

PRIMARY CARE TRUSTS

PART 1

CONSTITUTION AND MEMBERSHIP

Status

- 1 Each Primary Care Trust is a body corporate.
- 2 (1) A Primary Care Trust must not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) A Primary Care Trust's property must not be regarded as property of, or property held on behalf of, the Crown.

Membership

- 3 The members of a Primary Care Trust are—
 - (a) a chairman appointed by the Secretary of State,
 - (b) officers of the Primary Care Trust, and
 - (c) a number of persons who are not officers of the Primary Care Trust.
- 4 (1) Regulations may make provision about—
 - (a) the appointment of the chairman and other members of a Primary Care Trust (including any conditions to be fulfilled for appointment),
 - (b) the tenure of office of the chairman and other members of a Primary Care Trust (including the circumstances in which they cease to hold office or may be removed or suspended from office),
 - (c) how many persons may be appointed as members of a Primary Care Trust and how many of those members may be officers (a minimum and maximum number may be specified for both purposes),
 - (d) the appointment and constitution of any committees of a Primary Care Trust (which may include or consist of persons who are not members of the Primary Care Trust),
 - (e) the appointment and tenure of office of the members of any committees of a Primary Care Trust,
 - (f) the procedure to be followed by a Primary Care Trust, and by any committee of the Primary Care Trust, in the exercise of its functions,
 - (g) the circumstances in which a person who is not an officer of the Primary Care Trust must be treated as if he were such an officer.

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- (2) The power to make provision under paragraphs (c) and (f) of sub-paragraph (1) includes power to make regulations about the number of persons who may be appointed and the procedure to be followed during the preparatory period (within the meaning of paragraph 14(2)).
- (3) Any regulations under this paragraph may, in particular, make provision to deal with cases where the post of any officer of a Primary Care Trust is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.
- 5 Any reference in this Schedule to a committee of a Primary Care Trust includes a reference to sub-committees of, and joint committees and joint sub-committees including, the Primary Care Trust.
- 6 The validity of any proceedings of a Primary Care Trust, or of any of its committees, is not affected by any vacancy among the members or by any defect in the appointment of any member.

Staff

- 7 (1) A Primary Care Trust may employ such officers as it considers appropriate.
- (2) A Primary Care Trust may—
- (a) pay its officers such remuneration and allowances, and
 - (b) employ them on such other terms and conditions,
- as it considers appropriate.
- (3) A Primary Care Trust must—
- (a) in exercising its powers under sub-paragraph (2), and
 - (b) otherwise in connection with the employment of its officers,
- act in accordance with regulations and any directions given by the Secretary of State.
- (4) Before making any regulations under sub-paragraph (3), the Secretary of State must consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.
- 8 (1) The Secretary of State may direct a Primary Care Trust—
- (a) to make the services of any of its officers available to another Primary Care Trust, or
 - (b) to employ any person who is or was employed by another Primary Care Trust and is specified in the direction.
- (2) Before he gives a direction under sub-paragraph (1), the Secretary of State must—
- (a) consult the person whose services will be made available or who will be employed,
 - (b) satisfy himself that the Primary Care Trust has consulted that person, or
 - (c) consult any such body as he may recognise as representing that person.
- (3) Sub-paragraph (2) does not apply in relation to a direction under sub-paragraph (1)
- (a) if the Secretary of State—
- (a) considers it necessary to give the direction for the purpose of dealing temporarily with an emergency, and

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- (b) has previously consulted bodies recognised by him as representing the person whose services will be made available about the giving of directions for that purpose.
- 9 In addition to making provision in relation to Strategic Health Authorities or Special Health Authorities, regulations under paragraph 7(8) of Schedule 2 or under paragraph 3(8) of Schedule 6 may also provide—
- (a) for the transfer of officers of one Primary Care Trust to another, and
- (b) for arrangements under which the officers of a Primary Care Trust are placed at the disposal of another Primary Care Trust or a local authority.
- 10 (1) Sub-paragraph (3) applies where the registration of a dental practitioner in the dentists register is suspended—
- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (c. 24) (interim orders), or
- (b) by a direction or an order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner's fitness to practise is impaired.
- (2) For the purposes of sub-paragraph (1), a “relevant determination” that a practitioner's fitness to practice is impaired is a determination which is based solely on—
- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance),
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health), or
- (c) both those grounds.
- (3) The suspension does not terminate any contract of employment made between the dental practitioner and a Primary Care Trust, but a person whose registration is so suspended must not perform any duties under a contract made between him and a Primary Care Trust which involves the practice of dentistry within the meaning of the Dentists Act 1984.

Remuneration, pensions etc of members

- 11 (1) A Primary Care Trust may pay the chairman and any other members of the Primary Care Trust such remuneration and such travelling and other allowances as may be determined by the Secretary of State.
- (2) A Primary Care Trust may pay the chairman or any person who has been chairman of the trust such pension, allowance or gratuity as may be determined by the Secretary of State.
- (3) A Primary Care Trust may pay the members of any committee of a Primary Care Trust such travelling and other allowances as may be determined by the Secretary of State.
- (4) If, when a person ceases to be chairman of a Primary Care Trust, the Secretary of State determines that there are special circumstances which make it right that that person should receive compensation, the Primary Care Trust must pay to him a sum by way of compensation of such amount as the Secretary of State may determine.

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Trust funds and trustees

- 12 (1) The Secretary of State may by order provide for the appointment of trustees for a Primary Care Trust to hold property on trust—
- (a) for the general or any specific purposes of the Primary Care Trust (including the purposes of any specific hospital or other establishment or facility which is managed by the Trust), or
 - (b) for any purposes relating to the health service.
- (2) The order may—
- (a) make provision as to the persons by whom trustees must be appointed and generally as to the method of their appointment,
 - (b) make any appointment subject to such conditions as may be specified in the order (including conditions requiring the consent of the Secretary of State),
 - (c) make provision as to the number of trustees to be appointed, including provision under which that number may from time to time be determined by the Secretary of State after consultation with such persons as he considers appropriate,
 - (d) make provision with respect to the term of office of any trustee and his removal from office.
- (3) Where trustees have been appointed for a Primary Care Trust under subparagraph (1), the Secretary of State may by order provide for the transfer of any trust property from the Primary Care Trust to the trustees.

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