

Status: Point in time view as at 01/07/2022.

Changes to legislation: Care Act 2014, Cross Heading: Non-executive members: suspension from office is up to date with all changes known to be in force on or before 17 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 5

HEALTH EDUCATION ENGLAND

PART 1

CONSTITUTION

Non-executive members: suspension from office

- 4 (1) Having decided to suspend a person under paragraph 3(6), the Secretary of State must give notice of the decision to the person; and the suspension takes effect when the person receives the notice.
- (2) The notice may be—
- (a) delivered in person (in which case the person is taken to receive it when it is delivered), or
 - (b) sent by first class post to the person's last known address (in which case, the person is taken to receive it on the third day after the day on which it is posted).
- (3) The initial period of suspension must not exceed six months.
- (4) The Secretary of State may review the suspension.
- (5) The Secretary of State—
- (a) must review the suspension, if requested in writing by the person to do so, but
 - (b) need not review the suspension less than three months after the beginning of the initial period of suspension.
- (6) Following a review during a period of suspension, the Secretary of State may—
- (a) revoke the suspension, or
 - (b) suspend the person for a period of no more than six months from the expiry of the current period.
- (7) The Secretary of State must revoke the suspension if the Secretary of State—
- (a) decides that there are no grounds to remove the person from office under paragraph 3(5), or
 - (b) decides that there are grounds to do so but nonetheless decides not to do so.

Commencement Information

II Sch. 5 para. 4 in force at 1.4.2015 by S.I. 2014/3186, art. 2(f)

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- 5 (1) Where a person is suspended from office as the chair under paragraph 3(6), the Secretary of State may appoint a non-executive member as interim chair to exercise the chair's functions.
- (2) Appointment as interim chair is for a term not exceeding the shorter of—
- (a) the period ending with either—
 - (i) the appointment of a new chair, or
 - (ii) the revocation or expiry of the existing chair's suspension, and
 - (b) the remainder of the interim chair's term as a non-executive member.
- (3) A person who ceases to be the interim chair is eligible for re-appointment.

Commencement Information

I2 Sch. 5 para. 5 in force at 1.4.2015 by S.I. 2014/3186, art. 2(f)

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