



Parliamentary and Health Service Commissioners Act 1987

1987 CHAPTER 39

2 Removal of a Commissioner on grounds of incapacity for medical reasons.

(1) Section 1 of the 1967 Act and section 90 of the National Health Service (Scotland) Act 1978 (“the 1978 Act”) (which deal with the appointment of, and tenure of office by, respectively, the Parliamentary Commissioner and the Health Service Commissioner for Scotland) shall be amended as follows—

- (a) in subsection (2), for the words “subsection (3)” there shall be substituted the words “subsections (3) and (3A)”; and
- (b) after subsection (3), there shall be inserted the following subsection—

“(3A) Her Majesty may declare the office of Commissioner to have been vacated if satisfied that the person appointed to be the Commissioner is incapable for medical reasons—

- (a) of performing the duties of his office; and
- (b) of requesting to be relieved of it.”.

(2) Section 106 of the National Health Service Act 1977 (“the 1977 Act”) (appointment of, and tenure of office by, the Health Service Commissioner for England and the Health Service Commissioner for Wales) shall be amended as follows—

- (a) in subsection (2), for the words “subsection (3)” there shall be substituted the words “subsections (3) and (3A)”; and
- (b) after subsection (3), there shall be inserted the following subsection—

“(3A) Her Majesty may declare the office of Health Service Commissioner for England or Health Service Commissioner for Wales to have been vacated if satisfied that the person appointed to be the Commissioner is incapable for medical reasons—

- (a) of performing the duties of his office; and
- (b) of requesting to be relieved of it.”.