



# National Health Service and Community Care Act 1990

## 1990 CHAPTER 19

### PART V

#### MISCELLANEOUS AND GENERAL

#### 62 Clinical Standards Advisory Group

- (1) There shall be established in accordance with this section a Clinical Standards Advisory Group (in this section referred to as “the Advisory Group”) which shall have the following functions—
  - (a) in accordance with a request made by the Health Ministers or any one of them, to provide advice on the standards of clinical care for, and the access to and availability of services to, national health service patients and, in this connection, to carry out such investigations into such matters (if any) and to make such reports in relation thereto as the Health Ministers may require;
  - (b) in accordance with a request made by one or more health service bodies, to provide advice on, to carry out investigations into and to report on the standards of clinical care for, and the access to and availability of services to, national health service patients for whom services are or are to be provided by or on behalf of the body or bodies concerned; and
  - (c) such other functions as may be prescribed by regulations.
- (2) The Advisory Group shall consist of a chairman and other members appointed by the Health Ministers and regulations may—
  - (a) require that one or more members of the Advisory Group shall be appointed from persons nominated by such body or bodies as may be specified in the regulations; and
  - (b) provide that one or more of the members who are not appointed from persons so nominated must fulfil such conditions or hold such posts as may be so specified.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Regulations may make provision as to—
- (a) the appointment, tenure and vacation of office of the chairman and members of the Advisory Group;
  - (b) the appointment of and the exercise of functions by committees and sub-committees of the Advisory Group (including committees and sub-committees consisting wholly or partly of persons who are not members of the Advisory Group);
  - (c) the procedure of the Advisory Group and any committees or sub-committees thereof; and
  - (d) the attendance at meetings of the Advisory Group or any committee or sub-committee thereof of persons appointed by the Health Ministers and the extent of their participation in such meetings.
- (4) Proceedings of the Advisory Group, or of any committee or sub-committee of the Advisory Group, shall not be invalidated by any vacancy in membership or by any defect in a member's appointment or qualifications.
- (5) The Health Ministers—
- (a) may pay to the chairman and members of the Advisory Group, or of any committee or sub-committee of the Advisory Group or any persons appointed as mentioned in subsection (3)(d) above, such sums by way of remuneration and travelling and other allowances as the Health Ministers, with the consent of the Treasury, may determine;
  - (b) shall make available to the Advisory Group and to any committee or sub-committee thereof such staff and other services or facilities as are necessary to enable them to carry out their functions; and
  - (c) shall defray such expenditure as is reasonably incurred by the Advisory Group in carrying out their functions.
- (6) Where the Advisory Group carry out an investigation or make a report in accordance with a request made by a health service body, that body shall reimburse, in such manner as the Health Ministers may determine, so much of the expenditure incurred by them under paragraphs (a) and (c) of subsection (5) above as they certify as being attributable to the carrying out of that investigation or the making of that report.
- (7) In this section—
- “clinical care” means any action which is taken in connection with the diagnosis of illness or the care or treatment of a patient, and which is taken solely in consequence of the exercise of clinical judgment;
- “the Health Ministers” means the Secretaries of State respectively concerned with health in England, in Wales and in Scotland;
- “health service body” means—
- (i) a health authority, within the meaning of the National Health Service Act 1977,
  - (ii) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978,
  - (iii) a State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984,
  - (iv) the Common Services Agency for the Scottish Health Service,
  - (v) a National Health Service trust constituted under Part I of this Act or under the National Health Service (Scotland) Act 1978, and

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(vi) a Family Health Services Authority;

“national health service patient” means any person for whom any services are or are to be provided by or on behalf of a health service body;

“regulations” means regulations made by the Health Ministers and any such regulations may make different provision for different cases or descriptions of case, including different provision for different areas; and

“services” means services provided—

- (a) in England and Wales, by virtue of directions under section 13 or section 14 of the National Health Service Act 1977 or section 5 of this Act; or
- (b) in Scotland, by a health service body under Part I or Part III of the National Health Service (Scotland) Act 1978; or
- (c) pursuant to an NHS contract, as defined in section 4(1) of this Act or section 17A of the National Health Service (Scotland) Act 1978.