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Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 19.

THE COMMISSION FOR HEALTH IMPROVEMENT

Modifications etc. (not altering text)

- C1** Sch. 2 (except para.2): transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1 (as inserted (30.6.1999) by 1999 c. 8, ss. 66(4)(5)(c), 67(4))

Status

- 1 The Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commissions' property is to not to be regarded as property of, or property held on behalf of, the Crown.

General powers

- 2 (1) Subject to any directions given by the Secretary of State, the Commission may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) acquiring and disposing of land and other property, and
 - (b) entering into contracts.

General duty

- 3 It is the duty of the Commission to carry out its functions effectively, efficiently and economically.

Membership

- 4 The Commission is to consist of—
- (a) a chairman appointed by the Secretary of State,
 - (b) a member appointed by the National Assembly for Wales who appears to the Assembly to be suited to make the interests of Wales his special care, and

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- (c) other members appointed by the Secretary of State.

Modifications etc. (not altering text)

- C2** Sch. 2 para. 4 modified as to functions (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2 (as inserted (30.6.1999) by 1999 c. 8, ss. 66(4)(6), 67(4))

Appointment, procedure etc

- 5 The Secretary of State may by regulations make provision as to—
- (a) the appointment of the chairman and other members of the Commission (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment),
 - (b) the tenure of office of the chairman and other members of the Commission (including the circumstances in which they cease to hold office or may be removed or suspended from office),
 - (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the Commission (including committees and sub-committees which consist of or include persons who are not members of the Commission), and
 - (d) the procedure of the Commission and any committees or sub-committees of the Commission (including the validation of proceedings in the event of vacancies or defects in appointment).

Modifications etc. (not altering text)

- C3** Sch. 2 para. 5 modified as to functions (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2 (as inserted (30.6.1999) by 1999 c. 8, ss. 66(4)(6), 67(4))

VALID FROM 11/07/2003

- 5A (1) The Secretary of State may direct a Special Health Authority to exercise—
- (a) his function of appointing the chairman and the other members referred to in paragraph 4(c), and
 - (b) any functions conferred on him by regulations under paragraph 5 in relation to the appointment or tenure of office of the chairman and those other members.
- (2) The National Assembly for Wales may direct a Special Health Authority to exercise—
- (a) its function of appointing the member referred to in paragraph 4(b), and
 - (b) any functions conferred on it by regulations under paragraph 5 in relation to the appointment or tenure of office of that member.
- (3) If the Secretary of State or the Assembly gives such directions, the 1977 Act has effect as if—

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- (a) the directions were directions under section 16D of that Act, and, accordingly,
- (b) the functions were exercisable by the Special Health Authority under section 16D.

Remuneration and allowances

- 6
- (1) The Commission may pay to its chairman, and to any other member of the Commission, such remuneration and allowances as the Secretary of State may determine.
 - (2) The Commission may pay to any member of a committee or sub-committee of the Commission such allowances as the Secretary of State may determine.
 - (3) If the Secretary of State so determines, the Commission must make provision for the payment of such pension, allowance or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the chairman or any other member of the Commission.
 - (4) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of the Commission to receive compensation, the Commission must pay to him such compensation as the Secretary of State may determine.

Modifications etc. (not altering text)

- C4** Sch. 2 para. 6 modified as to functions (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2 (as inserted (30.6.1999) by 1999 c. 8, ss. 66(4)(6), 67(4))

Employees

- 7
- (1) There is to be a chief executive of the Commission (to be known as the Director for Health Improvement) who is to be an employee of the Commission and is to be responsible to the Commission for the general exercise of the Commission's functions.
 - (2) Subject to sub-paragraph (3), the Director for Health Improvement is to be appointed by the Commission, but his appointment requires the consent of the Secretary of State.
 - (3) The first Director for Health Improvement is to be appointed by the Secretary of State on such terms and conditions as the Secretary of State may determine.
 - (4) The Commission may appoint such other employees as it considers appropriate.
 - (5) Employees of the Commission are to be appointed by the Commission on such terms and conditions as the Commission may determine.
 - (6) The Secretary of State may give directions as to—
 - (a) the appointment of employees (including any conditions to be fulfilled for appointment), and

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(b) the terms and conditions of appointment of employees.

(7) The Commission must comply with any directions under sub-paragraph (6).

Modifications etc. (not altering text)

C5 Sch. 2 para. 7 modified as to functions (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2 (as inserted (30.6.1999) by 1999 c. 8, ss. 66(4)(6), 67(4))

Delegation of functions

8 The Commission may arrange for the discharge of any of its functions by a committee, sub-committee, member or employee of the Commission.

Assistance

- 9 (1) The Commission may arrange for such persons as it thinks fit to assist it in the discharge of any of its functions in relation to a particular case or class of case.
- (2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Payments and loans to Commission

- 10 (1) The Secretary of State may make payments out of money provided by Parliament to the Commission of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) The National Assembly for Wales may make payments to the Commission of such amounts, at such times and on such conditions (if any) as it considers appropriate.
- (3) The Secretary of State may make loans out of money provided by Parliament to the Commission on such terms (including terms as to repayment and interest) as he may determine.
- (4) The National Assembly for Wales may make loans to the Commission on such terms (including terms as to repayment and interest) as it may determine.
- (5) The approval of the Treasury is required as to the amount and terms of any loan under sub-paragraph (3).
- (6) Except as provided by sub-paragraphs (3) and (4), the Commission has no power to borrow money.
- (7) The Secretary of State may give directions to the Commission as to the application of any sums received by the Commission under sub-paragraph (1) or (3).
- (8) The National Assembly for Wales may give directions to the Commission as to the application of any sums received by the Commission under sub-paragraph (2) or (4).
- (9) The Commission must comply with any directions under sub-paragraph (7) or (8).

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Accounts

- 11 (1) The Commission must keep accounts in such form as the Secretary of State may determine.
- (2) The Commission must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) The Commission must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts and of his report before Parliament.
- (5) In this paragraph “financial year” means—
- (a) the period beginning with the date on which the Commission is established and ending with the next 31st March following that date; and
 - (b) each successive period of twelve months ending with 31st March.

Reports and other information

- 12 (1) As soon as possible after the end of each financial year, the Commission must make a report to the Secretary of State on the exercise of its functions during the year.
- (2) The Commission must provide the Secretary of State with such reports and information relating to the exercise of its functions as he may from time to time require.
- (3) In this paragraph “financial year” has the meaning given by paragraph 11(5).

Application of seal and evidence

- 13 The application of the seal of the Commission must be authenticated by the signature—
- (a) of any member of the Commission, or
 - (b) of any other person who has been authorised by the Commission (whether generally or specially) for that purpose.
- 14 A document purporting to be duly executed under the seal of the Commission or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Miscellaneous amendments

- 15 In Schedule 1 to the ^{M1}Public Records Act 1958 (definition of public records), the following entry is inserted at the appropriate place in Part II of the Table at the end of paragraph 3—

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“Commission for Health Improvement.”

Commencement Information

I1 Sch. 2 para. 15 partly in force; Sch. 2 para. 15 not in force at Royal Assent see s. 68; Sch. 2 para. 15 in force for E.W. on 1.11.1999 by S.I. 1999/2793, art. 2(1)(b), Sch. 2; Sch. 2 para. 15 in force for G.B. on 11.5.2001 by S.I. 2001/1985, art. 2(3)(a)

Marginal Citations

M1 1958 c.51.

- 16 In the Schedule to the ^{M2}Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (bb) of paragraph 1 there is inserted—
 “(bc) the Commission for Health Improvement”.

Commencement Information

I2 Sch. 2 para. 16 wholly in force; Sch. 2 para. 16 not in force at Royal Assent see s. 68; Sch. 2 para. 16 in force for E.W. on 1.11.1999 by S.I. 1999/2793, art. 2(1)(b), Sch. 2; Sch. 2 para. 16 in force for G.B. on 11.5.2001 by S.I. 2001/1985, art. 2(3)(a)

Marginal Citations

M2 1960 c.67.

- 17 In the ^{M3}Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), the following entry is inserted at the appropriate place—

“Commission for Health Improvement.”

Commencement Information

I3 Sch. 2 para. 17 partly in force; Sch. 2 para. 17 not in force at Royal Assent see s. 68; Sch. 2 para. 17 in force for E.W. on 1.11.1999 by S.I. 1999/2793, art. 2(1)(b), Sch. 2; Sch. 2 para. 17 in force for G.B. on 11.5.2001 by S.I. 2001/1985, art. 2(3)(b)

Marginal Citations

M3 1967 c.13.

- 18 In the ^{M4}House of Commons Disqualification Act 1975, in Part II of Schedule 1 (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—

“The Commission for Health Improvement”.

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Commencement Information

I4 Sch. 2 para. 18 partly in force; Sch. 2 para. 18 not in force at Royal Assent see s. 68; Sch. 2 para. 18 in force for E.W. on 1.11.1999 by S.I. 1999/2793, art. 2(1)(b), Sch. 2; Sch. 2 para. 18 in force for G.B. on 11.5.2001 by S.I. 2001/1985, art. 2(3)(b)

Marginal Citations

M4 1975 c.24.

19 In the ^{M5}Northern Ireland Assembly Disqualification Act 1975, the same entry as is set out in paragraph 18 is inserted at the appropriate place in Part II of Schedule 1.

Commencement Information

I5 Sch. 2 para. 19 partly in force; Sch. 2 para. 19 not in force at Royal Assent see s. 68; Sch. 2 para. 19 in force for E.W. on 1.11.1999 by S.I. 1999/2793, art. 2(1)(b), Sch. 2; Sch. 2 para. 19 in force for G.B. on 11.5.2001 by S.I. 2001/1985, art. 2(3)(b)

Marginal Citations

M5 1975 c.25.

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