

*Status: Point in time view as at 21/07/2008.*

*Changes to legislation: National Health Service Reform and Health Care Professions Act 2002, SCHEDULE 7 is up to date with all changes known to be in force on or before 06 July 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 7

Section 25(4)

#### THE COUNCIL FOR THE REGULATION OF HEALTH CARE PROFESSIONALS

##### *Status*

- 1 The Council 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 Council's property is not to be regarded as property of, or property held on behalf of, the Crown.
- 2 For the purposes of—
  - (a) section 23(2)(b) of the Scotland Act 1998 (c. 46) (power of Scottish Parliament to require persons outside Scotland to attend to give evidence or produce documents); and
  - (b) section 70(6) of that Act (accounts prepared by cross-border bodies),the Council is to be treated as a cross-border public authority within the meaning of that Act.

##### *Powers*

- 3 The power in section 26(1) includes the power to—
  - (a) acquire and dispose of land and other property, and
  - (b) enter into contracts.

##### *Membership and chairman*

- 4 (1) The Council is to consist of—
  - (a) a member appointed by the National Assembly for Wales,
  - (b) a member appointed by the Scottish Ministers,
  - (c) a member appointed by the Department of Health, Social Services and Public Safety in Northern Ireland,
  - (d) a member appointed by each regulatory body (who need not be a member of a regulatory body), and
  - (e) other members appointed by the Secretary of State.
- (2) Subject to sub-paragraph (3), the members of the Council shall elect one of their number as chairman.
- (3) The first chairman shall be appointed as such from among the members by the Secretary of State.
- (4) The number of members to be appointed under paragraph (d) of sub-paragraph (1) is to be one fewer than the total number of other members.

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### Appointment, procedure etc

<sup>F15</sup> .....

#### Textual Amendments

**F1** Sch. 7 para. 5 repealed (1.10.2006) by [Health Act 2006 \(c. 28\)](#), s. 83(7), [Sch. 8 para. 52](#), [Sch. 9](#); [S.I. 2006/2603](#), art. 4(5)(c)(iv)(e), [Sch.](#)

- 6 The Secretary of State may by regulations provide for—
- (a) [<sup>F2</sup>the conditions to be fulfilled for appointment as chair or other member of the Council,]
  - (b) the tenure of office of the [<sup>F3</sup>chairman and other members][<sup>F3</sup>chair and non-executive members] of the Council (including the circumstances in which they cease to hold office or may be removed or suspended from office),
  - [<sup>F4</sup>(ba) the appointment of a member as deputy chair and the circumstances in which that member ceases to hold, or may be removed from, office as deputy chair,]and
  - (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the Council (including committees and sub-committees which consist of or include persons who are not members of the Council).

#### Textual Amendments

- F2** Sch. 7 para. 6(a) substituted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 114\(3\)\(a\)](#), 170; [S.I. 2008/3244](#), art. 2(b)
- F3** Words in Sch. 7 para. 6(b) substituted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 114\(3\)\(b\)](#), 170; [S.I. 2008/3244](#), art. 2(b)
- F4** Sch. 7 para. 6(ba) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 114\(3\)\(c\)](#), 170; [S.I. 2008/3244](#), art. 2(b)

#### Commencement Information

**II** Sch. 7 para. 6 wholly in force at 27.8.2002; Sch. 7 para. 6 in force for certain purposes at Royal Assent, see s. 42(3); Sch. 7 para. 6 in force at 27.8.2002 by [S.I. 2002/2202](#), [art. 2\(1\)](#)

- 7 The Council may regulate its own procedure.
- 8 The validity of any proceedings of the Council is not affected by a vacancy amongst its members or by a defect in the appointment of a member.

### Members' interests

- 9 (1) The Council must establish and maintain a system for the declaration and registration of private interests of its members.
- (2) The Council must publish entries recorded in the register of members' interests.

### Remuneration and allowances

- 10 (1) The Council may pay to its chairman, and to any other member of the Council, such remuneration and allowances as the Secretary of State may determine.

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- (2) The Council may pay to any member of a committee or sub-committee of the Council such allowances as the Secretary of State may determine.
- (3) If the Secretary of State so determines, the Council must provide 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 Council.
- (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 Council to receive compensation, the Council must pay to him such compensation as the Secretary of State may determine.

#### *Employees*

- 11 The Council may appoint such employees as it considers appropriate on such terms and conditions as it may determine.

#### *Delegation of functions*

- 12 (1) The Council may arrange for the discharge of any of its functions by—
  - (a) a committee, sub-committee, member or employee of the Council, or
  - (b) any other person.
- (2) If the Council does arrange for the discharge of any function as mentioned in sub-paragraph (1)(b), the arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

#### *Assistance*

- 13 (1) The Council 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 Council*

- 14 (1) The Secretary of State may make payments out of money provided by Parliament to the Council of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) An appropriate authority may make payments to the Council 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 Council on such terms (including terms as to repayment and interest) as he may determine.
- (4) An appropriate authority may make loans to the Council 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).

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- (6) Except as provided by sub-paragraphs (3) and (4), the Council has no power to borrow money.
- (7) The Secretary of State may give directions to the Council as to the application of any sums received by it under sub-paragraph (1) or (3).
- (8) An appropriate authority may give directions to the Council as to the application of any sums received by it from the authority under sub-paragraph (2) or (4).
- (9) The Council must comply with any directions under sub-paragraph (7) or (8).
- (10) In this paragraph, “appropriate authority” means the National Assembly for Wales, the Scottish Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland.

#### *Accounts*

- 15
- (1) The Council must keep accounts in such form as the Secretary of State may determine.
  - (2) The Council must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
  - (3) The Council 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) Within that period the Council must also send copies of the annual accounts to—
    - (a) the Scottish Ministers,
    - (b) the National Assembly for Wales, and
    - (c) the Department of Health, Social Services and Public Safety in Northern Ireland.
  - (5) 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.
  - (6) A copy of the accounts shall be laid before—
    - (a) the Scottish Parliament by the Scottish Ministers,
    - (b) the Northern Ireland Assembly by the Department of Health, Social Services and Public Safety there,
 and the National Assembly for Wales shall publish the accounts.
  - (7) In this paragraph and paragraph 16, “financial year” means—
    - (a) the period beginning with the date on which the Council is established and ending with the next 31st March following that date, and
    - (b) each successive period of 12 months ending with 31st March.

#### *Reports and other information*

- 16
- (1) The Council must prepare a report on the exercise of its functions during each financial year.

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- (2) As soon as possible after the end of each financial year, the Council must lay a copy of its report for that year before Parliament, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.
- (3) The Council must comply with any request by Parliament to prepare, and lay before it, other reports or to provide Parliament with other information.
- (4) The Council must also comply with any corresponding request by—
  - (a) the Scottish Parliament, in relation to matters which concern a subject for which any member of the Scottish Executive has general responsibility,
  - (b) the Northern Ireland Assembly, in relation to transferred matters concerning Northern Ireland (“transferred matters” having the meaning given by section 4(1) of the Northern Ireland Act 1998 (c. 47)).

#### Commencement Information

- I2** Sch. 7 para. 16 wholly in force at 1.4.2003; Sch. 7 para. 16 not in force at Royal Assent, see s. 42(3); Sch. 7 para. 16(1)(2) in force at 1.12.2002 by [S.I. 2002/2202](#), [art. 2\(2\)](#); Sch. 7 para. 16(3)(4) in force at 1.4.2003 by [S.I. 2002/2202](#), [art. 2\(3\)](#)

#### *Application of seal and evidence*

- 17 The application of the seal of the Council must be authenticated by the signature of—
  - (a) any member of the Council, or
  - (b) any other person who has been authorised by the Council (whether generally or specially) for that purpose.
- 18 A document purporting to be duly executed under the seal of the Council 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.

#### *Meetings of the Council in Northern Ireland*

- 19 (1) Sections 23 to 27 of the Local Government Act (Northern Ireland) 1972 (c.9) (which provides for public access to meetings of a district council and for the publication of information concerning such meetings) shall, with the modifications set out below, apply in relation to meetings of the Council in Northern Ireland as they apply in relation to meetings of a district council.
- (2) The modifications are—
  - (a) any reference to a district council shall be read as a reference to the Council, and
  - (b) any reference to councillors or members of the council shall be read as references to members of the Council.

#### *Miscellaneous amendments*

- 20 In the First Schedule to the Public Records Act 1958 (c. 51) (definition of public records), the following entry is inserted at the appropriate place in Part 2 of the Table at the end of paragraph 3—  
“Council for the Regulation of Health Care Professionals.”

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- 21 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (c. 67) (bodies to which the Act applies), after paragraph 1(bc) there is inserted—  
“(bd) the Council for the Regulation of Health Care Professionals;”
- 22 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—  
“The Council for the Regulation of Health Care Professionals.”
- 23 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—  
“The Council for the Regulation of Health Care Professionals.”
- 24 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies and offices: general), the following entry is inserted at the appropriate place—  
“The Council for the Regulation of Health Care Professionals.”

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