

Status: Point in time view as at 28/02/2004.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 42(2)

CSCI: SUPPLEMENTARY

Status

- 1 (1) The CSCI's property is not to be regarded as property of, or property held on behalf of, the Crown.
- (2) The CSCI is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

Commencement Information

I1 Sch. 7 para. 1 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

General powers and duties

- 2 (1) The CSCI 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) co-operating with other public authorities in the United Kingdom,
 - (b) acquiring and disposing of land and other property,
 - (c) entering into contracts, and
 - (d) providing training.
- (3) It is the duty of the CSCI to carry out its functions effectively, efficiently and economically.

Commencement Information

I2 Sch. 7 para. 2 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Chairman and other members

- 3 (1) The CSCI is to consist of a chairman and other members appointed by the relevant Special Health Authority.
- (2) In sub-paragraph (1), “relevant Special Health Authority” means the Special Health Authority which is directed by the Secretary of State to exercise the function of appointment under that sub-paragraph.

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- (3) The Secretary of State may in the prescribed manner remove the chairman or any other member from office if (and only if) the Secretary of State is satisfied that that person—
- (a) is unable or unfit to carry out the duties of his office,
 - (b) is failing to carry out the duties of his office, or
 - (c) is disqualified from holding office (or was disqualified at the time of his appointment).
- (4) The Secretary of State may by regulations make provision as to—
- (a) the appointment of the chairman and other members (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment), and
 - (b) subject to this paragraph, the tenure of office of the chairman and other members (including the circumstances in which they cease to hold office, are disqualified from holding office or may be suspended from office).
- (5) Regulations under sub-paragraph (4)(b) relating to the suspension of a person from office may only provide for suspension where it appears to the Secretary of State that one of the conditions referred to in sub-paragraph (3) is or may be satisfied in relation to that person.
- (6) The Secretary of State may direct the Special Health Authority referred to in sub-paragraph (2) to exercise so much of any function of his under sub-paragraph (3) or under regulations under sub-paragraph (4) as may be specified in the direction.
- (7) Where directions are given under this paragraph to a Special Health Authority, the 1977 Act has effect as if—
- (a) the directions were directions under section 16D of that Act for the exercise of functions relating to the health service, and, accordingly,
 - (b) the functions were exercisable by the Special Health Authority under that section.
- (8) Subsections (4) and (5) of section 187 apply in relation to directions under this paragraph as they apply in relation to directions under subsection (2) of that section.

Commencement Information

I3 Sch. 7 para. 3 partly in force; Sch. 7 para. 3 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I4 Sch. 7 para. 3 in force at 1.1.2004 for E. in so far as not already in force by S.I. 2003/3346, art. 3(a)

Remuneration of chairman and other members

- 4 (1) The CSCI may pay to its chairman, or to any other member, such remuneration and allowances as the Secretary of State may determine.
- (2) If the Secretary of State so determines, the CSCI must pay or 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 other member of the CSCI.
- (3) 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 CSCI to receive

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compensation, the CSCI must pay to him, or make provision for the payment to him of, such compensation as the Secretary of State may determine.

Commencement Information

I5 Sch. 7 para. 4 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Employees

- 5
- (1) The CSCI must appoint a chief executive (to be known as the “Chief Inspector of Social Care”), who is to be an employee of the CSCI.
 - (2) The CSCI must also appoint a Children’s Rights Director who is to be an employee of the CSCI and is to have such functions as may be prescribed.
 - (3) The CSCI may appoint such other employees as it considers appropriate.
 - (4) Employees of the CSCI are to be appointed on such terms and conditions as it may determine.
 - (5) Without prejudice to its other powers, the CSCI may pay, or make provision for the payment of—
 - (a) pensions, allowances or gratuities, or
 - (b) compensation for loss of employment or reduction of remuneration, to or in respect of its employees.

Commencement Information

I6 Sch. 7 para. 5 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Procedure

- 6
- (1) The CSCI may—
 - (a) appoint such committees and sub-committees (which may consist of or include persons who are not members of the CSCI) as it thinks fit;
 - (b) pay such remuneration and allowances to members of its committees and sub-committee as it thinks fit.
 - (2) The CSCI may in all other respects regulate its own procedure.
 - (3) The validity of the proceedings of the CSCI is not affected by any defect in the appointment of a member or any vacancy in membership.

Commencement Information

I7 Sch. 7 para. 6 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Discharge of functions

- 7
- (1) The CSCI may arrange for—
 - (a) any of its committees, sub-committees, members or employees, or

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(b) any other person,
to exercise any of its functions on its behalf.

- (2) If the CSCI arranges 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.

Commencement Information

I8 Sch. 7 para. 7 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Assistance

- 8 (1) The CSCI 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.

Commencement Information

I9 Sch. 7 para. 8 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Payments and loans

- 9 (1) The Secretary of State may make payments out of money provided by Parliament to the CSCI of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) The Secretary of State may, with the approval of the Treasury, make loans out of money provided by Parliament to the CSCI on such terms (including terms as to repayment and interest) as he may determine.
- (3) Except as provided by sub-paragraph (2), the CSCI has no power to borrow money.

Commencement Information

I10 Sch. 7 para. 9 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Accounts

- 10 (1) The CSCI must keep its accounts in such form as the Secretary of State may determine.
- (2) The CSCI must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) The CSCI 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.

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- (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.

Commencement Information

I11 Sch. 7 para. 10 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

Seal and evidence

- 11 The application of the seal of the CSCI must be authenticated by the signature—
- (a) of any member of the CSCI, or
 - (b) of any other person who has been authorised by the CSCI (whether generally or specifically) for that purpose.

Commencement Information

I12 Sch. 7 para. 11 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

- 12 A document purporting to be duly executed under the seal of the CSCI or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so signed or executed.

Commencement Information

I13 Sch. 7 para. 12 in force at 1.1.2004 for E. by S.I. 2003/3346, art. 3(a)

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