



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 5

MISCELLANEOUS

Appointments and employment

188 Appointments to certain health and social care bodies: joint functions

- (1) This section applies if (apart from section 187) the appointments function in relation to a body is exercisable jointly or concurrently with a person who is not a Minister of the Crown.
- (2) A requirement to exercise the function jointly or concurrently does not prevent the Secretary of State from making a direction in relation to the body but he must not do so unless he first consults the other person.
- (3) If a direction is given as mentioned in subsection (2) so much of the functions of the Secretary of State and of the other person as are specified in the direction is exercisable by the Special Health Authority acting alone.
- (4) Subsections (2) and (3) do not apply if the other person is the Scottish Ministers but that does not prevent the Secretary of State from giving a direction under section 187 in relation to the exercise of any function he has.
- (5) Appointments function has the same meaning as in section 187.