

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5

Appointments Commission

Section 63: Commission to assist other bodies with appointments

284. *Subsections (1) and (2)* enable the Appointments Commission to enter into an arrangement with the board of governors of an NHS foundation trust to assist it with its functions relating to the appointment of chairmen and non-executive members of the board under paragraphs 17 and 19 of Schedule 1 to the 2003 Act to such extent as may be agreed. This provision does not enable arrangements to be made so that the Appointments Commission actually makes the appointment itself. That function is exercised by the board of the foundation trust.
285. *Subsections (3) and (4)* enable the Appointments Commission to enter into arrangements to assist any Minister exercising functions in relation to England or any official acting on behalf of such a Minister, in connection with the exercise of powers relating to the appointment of the chairmen and non-executive members of any body specified in the arrangements. The Minister or official would retain the power to make the appointments.
286. *Subsection (5)* provides that any body to which the powers in subsections (3) and (4) relate may be a body with functions that are exercisable more widely than only in England.
287. *Subsection (6)* limits the arrangements that a Minister may make with the Appointments Commission to assist with his appointment powers under subsection (4) to those powers that he may exercise alone and excludes any such powers that he may exercise jointly, concurrently or after consultation with a devolved administration or any other person who is not a Minister.
288. *Subsection (7)* provides that the arrangements may be contractual or otherwise but cannot include arrangements to make appointments.