
STATUTORY INSTRUMENTS

2001 No. 1042

The National Care Standards Commission
(Membership and Procedure) Regulations 2001

Disqualification for appointment

5.—(1) Subject to regulation 6 (cessation of disqualification), a person shall be disqualified for appointment as a member if—

- (a) he has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) he has been adjudged bankrupt or has made a composition or arrangement with his creditors and has not been discharged in respect of it;
- (c) he has been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body, a local authority or any establishment or agency of a description specified in section 4(8)(a) or (9)(a) of the Act;
- (d) he is a person whose tenure of office as the chairman or as a member or director of a health service body has been terminated on the grounds that—
 - (i) it was not in the interests of, or conducive to the good management of, the body that he should continue to hold office;
 - (ii) he failed, without reasonable cause, to attend any meeting of that body for a period of three months;
- (e) he has had his name removed, by a direction under section 46 of the 1977 Act (or any provision in force in Scotland or Northern Ireland corresponding to that provision), from any list prepared under Part II of that Act, and has not subsequently had his name included in such a list;
- (f) he is suspended as respects the provision of general medical services, general dental services, general ophthalmic services or pharmaceutical services under the 1977 Act by a direction of the Tribunal constituted under section 46 of that Act made pursuant to section 49A(2) or section 49B(1) of that Act⁽¹⁾ (or any provision in force in Scotland or Northern Ireland corresponding to those provisions);
- (g) he has been removed, or is suspended, from a register of members admitted to practice maintained under any of the following Acts—
 - (i) the Pharmacy Act 1954⁽²⁾;
 - (ii) the Professions Supplementary to Medicine Act 1960⁽³⁾;
 - (iii) the Medical Act 1983⁽⁴⁾;

(1) Section 49A and 49B were inserted by the National Health Service (Amendment) Act 1995 (c. 31), section 2(1).

(2) 1954 c. 61.

(3) 1960 c. 66.

(4) 1983 c. 54.

- (iv) the Dentists Act 1984⁽⁵⁾;
- (v) the Opticians Act 1989⁽⁶⁾;
- (vi) the Osteopaths Act 1993⁽⁷⁾;
- (vii) the Chiropractors Act 1994⁽⁸⁾;
- (viii) the Nurses, Midwives and Health Visitors Act 1997⁽⁹⁾;
- (h) he is included in any list maintained by the Secretary of State under section 1 of the Protection of Children Act 1999 (list of persons considered unsuitable to work with children) or section 81 of the Act (list of persons considered unsuitable to work with vulnerable adults); or
- (i) he is an employee of the Commission.

(2) For the purposes of paragraph (1)(a), the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

(3) For the purposes of paragraph (1)(c), a person shall not be treated as having been in paid employment by reason only of his having been the chairman or member or director of a health service body.

(5) 1984 c. 24.
(6) 1989 c. 44.
(7) 1993 c. 21.
(8) 1994 c. 17.
(9) 1997/c.24.