

2002 No. 556

NATIONAL HEALTH SERVICE, ENGLAND

**The Health Authorities (Membership and Procedure)
Amendment (England) Regulations 2002**

Made - - - - - *11th March 2002*

Laid before Parliament *11th March 2002*

Coming into force *1st April 2002*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 126(4) and 128(1) of, and paragraphs 2, 3 and 12 of Schedule 5 to, the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Health Authorities (Membership and Procedure) Amendment (England) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations extend to England only.

(3) In these Regulations, “the principal Regulations” means the Health Authorities (Membership and Procedure) Regulations 1996(b).

Amendment of regulation 1 of the principal Regulations

2. In regulation 1(2) of the principal Regulations, after the definition of “health service body”, the following definition is inserted—

““institution within the higher education sector” has the same meaning as in the Further and Higher Education Act 1992(c);”.

Amendment of regulation 2 of the principal Regulations

3. Regulation 2 of the principal Regulations is amended as follows—

(a) for paragraph (2), there is substituted—

“(2) One of the non-officer members to be appointed to an Authority shall be a person who holds a post in an institution within the higher education sector which provides education enabling students to fulfil criteria necessary for—

(a) 1977 c.49; section 126(4) was amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 65(2), by the Health Act 1999 (c.8) (“the 1999 Act”), Schedule 4, paragraph 37(6) and by the Health and Social Care Act 2001 (c.15), Schedule 5, paragraph 13(b); *see* section 128(1), as amended by section 26(2)(i) and (g) of the 1990 Act, for the definitions of “prescribed” and “regulations”; paragraphs 2 and 3 of Schedule 5 were inserted by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 59; there are amendments to paragraph 12 of Schedule 5 which are not relevant to these Regulations. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of, and the entry for the 1977 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act and by section 69 of the Health and Social Care Act 2001 (c.15).

(b) 1996/707 as amended by S.I. 1997/2991 and 2001/751, and to which there are other amendments not relevant to these Regulations.

(c) 1992 c.19; *see* section 91(5).

- (a) provisional registration in the register of medical practitioners kept under section 2 of the Medical Act 1983**(a)**;
 - (b) registration in the dentists register kept under section 14 of the Dentists Act 1984**(b)**;
 - (c) registration in the register of pharmaceutical chemists maintained pursuant to section 2 of the Pharmacy Act 1954**(c)**;
 - (d) registration in the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001**(d)**; or
 - (e) registration in one of the registers maintained by the Health Professions Council pursuant to paragraph 11 of Schedule 2 to the Health Professions Order 2001**(e)**.”;
- (b) in paragraph (4)(a), for “three” there is substituted “two”;
 - (c) in paragraph (4)(b), for “two” there is substituted “three”; and
 - (d) in paragraph (5), for “chief executive, director of finance and director of public health”, there is substituted “chief executive and director of finance”.

Amendment of regulation 8 of the principal Regulations

4. In regulation 8(8) of the principal Regulations, for “post in a university with a medical or dental school” there is substituted “post in an institution within the higher education sector as referred to in regulation 2(2)”.

Amendment of regulation 10 of the principal Regulations

5. In regulation 10(4)(a) and (5)(a) of the principal Regulations**(f)**, for “post in a university”, there is substituted “post in an institution within the higher education sector, or a post in a university which is not such an institution”.

Omission of Schedule 1 to the principal Regulations

6. Schedule 1 to the principal Regulations is omitted.

Signed by authority of the Secretary of State for Health

11th March 2002

Hunt
Parliamentary Under Secretary of State,
Department of Health

(a) 1983 c.54; section 2 was amended by S.I. 1996/1591.
 (b) 1984 c.24.
 (c) 1954 c.61; section 2 was amended by S.I. 1987/2202.
 (d) S.I. 2002/253.
 (e) S.I. 2002/254.
 (f) Regulation 10(4) was substituted by S.I. 1997/2991.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations 2 and 8 of the Health Authorities (Membership and Procedure) Regulations 1996 (S.I. 1996/707) (“the principal Regulations”), which make provision relating to the membership and procedure of Health Authorities, and, in relation to Health Authorities in England—

- (a) substitute a new regulation 2(2), to provide that all Health Authorities shall have a non-officer member who holds a post in a higher education institution which provides education leading to registration as a doctor, dentist, pharmacist, or to registration in a register maintained by the Nursing and Midwifery Council or the Health Professions Council, and, in consequence, amend regulations 1(2) and 8(8), and omit Schedule 1;
- (b) amend regulation 10(4) and (5), to substitute for the reference to a person holding a post in a university, a reference to a person holding a post in a higher education institution, or a post in a university which is not such an institution; and
- (c) amend regulation 2(4) and (5), to remove the requirement for one of the officer members of an Authority to hold the office of director of public health.

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