

**2003 No. 3059**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The NHS Professionals Special Health Authority  
(Establishment and Constitution) Order 2003**

*Made* - - - - - *26th November 2003*

*Laid before Parliament* *4th December 2003*

*Coming into force* - - *1st January 2004*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 11(1), (2) and (4) of, and paragraph 9(7)(b) 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 Order:

**Citation, commencement, application and interpretation**

1.—(1) This Order may be cited as the NHS Professionals Special Health Authority (Establishment and Constitution) Order 2003 and shall come into force on 1st January 2004.

(2) This Order applies to England only.

(3) In this Order—

“the Act” means the National Health Service Act 1977; and

“the Authority” means the NHS Professionals Special Health Authority established by this Order.

**Establishment of the Authority**

2. There is hereby established a Special Health Authority which shall be known as the NHS Professionals Special Health Authority.

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(a) 1977 c. 49; section 11 was amended by section 2(1) of, and paragraph 2 of Schedule 1 to, the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and section 65 of, and paragraphs 4 and 6 of Schedule 4 to, the Health Act 1999 (c. 8) (“the 1999 Act”); sub-paragraph (7) was inserted in paragraph 9 of Schedule 5 by section 1 of, and paragraph 7(2) of Schedule 1 to, the National Health Service and Community Care Act 1990 (c. 19) and amended by section 2(1) of, and paragraph 60(b) of Schedule 1 to, the 1995 Act and section 1(3) of, and paragraphs 1, 34(1) and (3)(b) of Schedule 1 to, the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the 2002 Act”). 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 the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

### **Functions of the Authority**

3.—(1) Subject to and in accordance with such directions as the Secretary of State may give to the Authority(a), the Authority shall perform—

- (a) such functions in connection with the management of matters relating to the recruitment and use of temporary staff in the health service; and
- (b) such other functions,

as the Secretary of State may direct.

### **Constitution of the Authority**

4. The Authority shall consist of—

- (a) a chairman;
- (b) not less than 8 members and not more than 10 members who are not officers of the Authority;
- (c) the persons who for the time being hold the office of Chief Executive and Director of Finance of the Authority; and
- (d) either 1 or 2 other officers of the Authority.

### **Remuneration of members**

5. The Authority is hereby specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the Act (definition of “relevant authority” for the purposes of paying remuneration to members of certain Special Health Authorities).

Signed by authority of the Secretary of State for Health

*John Hutton*  
Minister of State,  
Department of Health

26 November 2003

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(a) See, in particular, sections 16D, 17 and 18 of the National Health Service Act 1977 (c. 49); section 16D was inserted by section 12(1) of the 1999 Act and amended by sections 1(3), 3(1) and (2) of, and paragraphs 1 and 6(a) of Schedule 1 to, the 2002 Act; section 17 was inserted by section 12(1) of the 1999 Act and amended by section 67(1) of, and paragraph 5(1) and (3) of Schedule 5 to, the Health and Social Care Act 2001 (c. 15) and section 1(3) of, and paragraphs 1 and 7 of Schedule 1 to, the 2002 Act; section 18 was amended by sections 2(1), 5(1) and 3(8) of, and paragraph 9(b) and (c)(ii) of Schedule 1 and Schedule 3 to, the 1995 Act, section 12(3) and (4) of the 1999 Act and sections 1(3), 3(1), (5)(a) and (b) and 37(2) of, and paragraphs 1 and 9 of Schedule 1 and Part 1 of Schedule 9 to, the 2002 Act.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the establishment and constitution of a Special Health Authority, to be known as NHS Professionals Special Health Authority (“the Authority”), to exercise functions in connection with the management of matters relating to the recruitment and use of temporary staff in the National Health Service and such other functions as the Secretary of State may direct it to perform.

Article 2 of the Order establishes the Authority, the functions of which are described in article 3 and are to be specified more particularly in directions given by the Secretary of State. Provision is also made for the constitution of the Authority (article 4) and for the remuneration of its members (article 5).

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£1.75

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Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of  
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.  
E1572 12/2003 131572 19585

ISBN 0-11-048221-2



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