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STATUTORY INSTRUMENTS

2003 No. 3190

SOCIAL CARE, ENGLAND

The Commission for Social Care
Inspection (Membership) Regulations 2003

<i>Made</i>	- - - -	<i>9th December 2003</i>
<i>Laid before Parliament</i>		<i>11th December 2003</i>
<i>Coming into force</i>	- -	<i>1st January 2004</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 195(1) and (2) of, and paragraph 3(3), (4) and (5) of Schedule 7 to, the Health and Social Care (Community Health and Standards) Act 2003⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Commission for Social Care Inspection (Membership) Regulations 2003 and shall come into force on 1st January 2004.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“the Act” means the Health and Social Care (Community Health and Standards) Act 2003;

“the 2000 Act” means the Care Standards Act 2000⁽²⁾;

“Scottish council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽³⁾ and “Scottish councillor” shall be construed accordingly;

“chairman” means, unless the context otherwise requires, the chairman of the CSCI⁽⁴⁾;

(1) 2003 c. 43 (“the Act”); see section 148 of the Act for the definition of “prescribed”.

(2) 2000 c. 14.

(3) 1994 c. 39; section 2(2) was amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 232.

(4) See section 148 of the Act for the definition of “the CSCI”.

“FHSAA” means the Family Health Service Appeal Authority constituted under section 49S of the 1977 Act(5);

“the health service” shall be construed in accordance with section 128(1) of the 1977 Act;

“health service body” means—

- (a) an NHS body(6);
- (b) the Dental Practice Board constituted under section 37(1) of the 1977 Act(7);
- (c) the Public Health Laboratory Service Board(8);
- (d) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(9), or the Scottish Dental Practice Board, the Common Services Agency for the Scottish Health Service or an NHS trust constituted under, respectively, sections 4, 10 or 12A of that Act(10);
- (e) the Northern Ireland Central Services Agency for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972(11);
- (f) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(12);
- (g) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991(13);

“member”, unless the context otherwise requires, means a member of the CSCI, and in relation to the CSCI, “member” includes the chairman;

“national NHS disqualification” means—

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- (5) See section 194 of the Act for the definition of “the 1977 Act”; section 49S was inserted by section 27(1) of the Health and Social Care Act 2001 (c. 15) (“the 2001 Act”), and was amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the 2002 Act”), section 1(3), Schedule 1, Part 1, paragraphs 1 and 18.
 - (6) See section 148 of the Act for the definition of “NHS body”.
 - (7) Section 37(1) was amended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 12, and repealed in part by section 25, Schedule 3 of that Act; amended by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), section 2(1), Schedule 1, paragraph 26; and by the 2002 Act, section 1(3) and Schedule 1, Part 1, paragraphs 1 and 17; the functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”), article 2, Schedule 1, except that the regulation-making function in section 37(1) continues as a function of the Secretary of State in respect of Wales as well as England; see the entry in Schedule 1 for the National Health Service Act 1977 as amended by the Health Act 1999 (c. 8) (“the 1999 Act”), section 66(4) and (5)(a), by the 2001 Act, section 67(1), Schedule 5, Part 1, paragraph 12(1) and (3), and by the Act, section 196, Schedule 14 on a date to be appointed; the Dental Practice Board is abolished by the Act, sections 181, 196, Schedule 14 on a date to be appointed.
 - (8) See section 5(4) and (5) of, and Schedule 3 to, the 1977 Act; section 5(4) was amended by the Public Health Laboratory Service Act 1979 (c. 23), section 1; the functions of the Secretary of State, so far as exercisable in relation to Wales, except for the functions specified in paragraphs 3, 11, 12, and 16 to 18 of Schedule 3 to the 1977 Act relating to the Public Health Laboratory Service Board, transferred to the National Assembly for Wales by the 1999 Order, article 2, Schedule 1; see the entry in Schedule 1 for the National Health Service Act 1977, as amended; the Public Health Laboratory Service Board is abolished by the Act, section 190, Schedule 14, Part 7 on a date to be appointed.
 - (9) 1978 c. 29; section 2 was amended by Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 25.
 - (10) Section 4 was amended by the 1988 Act, section 12(3) and Schedule 3; section 10 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), Schedule 6, paragraph 2 and by the 1990 Act, Schedule 10; section 12A was inserted by the 1990 Act, section 31, and was amended by section 46(1) of the 1999 Act.
 - (11) S.I. 1972/1265 (N.I. 14), to which there are amendments not relevant to these Regulations; see article 26 for the establishment of the Northern Ireland Central Services Agency.
 - (12) S.I. 1990/247 (N.I. 3), to which there are amendments not relevant to these Regulations; see article 3 for the establishment of such an agency.
 - (13) S.I. 1991/194 (N.I. 1); see article 10 for the establishment of a Health and Social Services trust; article 10 was amended by the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3) (N.I.), sections 43(1), (2) and 44(1); article 10(5A) was inserted by the Health Services (Primary Care) (Northern Ireland) Order 1997 S.I. 1997/1177 (N.I. 7), Schedule 2; there are other amending instruments, but none is relevant.

- (a) a decision made by the FHSAA under section 49N of the 1977 Act(**14**);
- (b) a decision under provisions in force in Scotland or Northern Ireland corresponding to section 49 of the 1977 Act; or
- (c) a decision by the NHS Tribunal which is treated as a national disqualification by the FHSAA by virtue of regulation 6(4)(b) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2001(**15**) or regulation 6(4)(b) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2002(**16**);

“the NHS Tribunal” means the Tribunal constituted under section 46 of the 1977 Act(**17**) for England and Wales;

“primary care list” means—

- (a) a list of persons performing primary medical or dental services under section 28X of the 1977 Act(**18**);
- (b) a list of persons undertaking to provide general medical services, general dental services, general ophthalmic services or, as the case may be, pharmaceutical services prepared pursuant to regulations made under sections 29, 36, 39, 42 or 43 of the 1977 Act(**19**);
- (c) a list of persons approved for the purposes of assisting in the provision of any services mentioned in paragraph (b) prepared pursuant to regulations made under section 43D of the 1977 Act(**20**);

(14) Section 49N was inserted by section 25 of the 2001 Act, was amended by the 2002 Act, section 2(5), Schedule 2, Part 1, paragraph 1, 25(1), (2)(a) and (b), (3), (4), and (5)(a) and (b), and is amended by the Act, section 184, Schedule 11 on a date to be appointed.

(15) S.I. 2001/3744, as modified and amended by S.I. 2002/2469.

(16) S.I. 2002/1920.

(17) Section 46 was repealed by the 2001 Act, section 67, Schedule 5, Part 1, paragraph 5 and Schedule 6, Part 1; the NHS Tribunal, except for prescribed cases, had effect in relation to England only until 14th December 2001, and in relation to Wales, only until 26th August 2002; see S.I. 2001/3738, article 2(5) and (6)(b) which sets out the prescribed cases for England, and S.I. 2002/1919, article 2(2) and (3)(b) which sets out the prescribed cases for Wales.

(18) Section 28X is inserted by section 179 of the Act on a date to be appointed.

(19) Section 29 was extended by the 1988 Act, section 17; and was amended by the 1980 Act, sections 1 and 7 and Schedule 1, paragraph 42(b); the 1983 Act, Schedule 6, paragraph 2; the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); by S.I. 1985/39, article 7(3); the 1995 Act, Schedule 1, paragraph 18; the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”), Schedule 2, paragraph 8; the 2001 Act, section 17; the 2002 Act, Schedule 2, paragraph 3; is repealed by the Act, section 196, Schedule 14 on a date to be appointed; section 36(1) was so numbered by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), Schedule 3, paragraph 5(1); amended by S.I. 1981/432, article 3(3)(a); by S.I. 1985/39, article 7(10); by the 1988 Act, Schedule 2, paragraph 4; by the 1990 Act, section 24 and by the 1995 Act, Schedule 1, paragraph 25(a); section 36(4) to (8) was inserted by the 2001 Act, section 20(1)(4)(c); and is repealed by the Act, section 196, Schedule 14 on a date to be appointed; section 39 was extended by the 1988 Act, section 17; was amended by the 1980 Act, sections 1 and 3, and Schedule 1, paragraph 52; by the 1984 Act, section 1(4), Schedule 1, Part 1, paragraph 1 and Schedule 8, Part 1; by S.I. 1985/39, article 7(12); by the 1995 Act, Schedule 1, paragraph 28; by the 1999 Act, section 9(4); the 2001 Act, section 20(5) and 23(4); section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(1); was extended by the 1988 Act, section 17; was amended by S.I. 1987/2202, article 4; by the 1990 Act, section 12(3); by the 1995 Act, Schedule 1, paragraph 30; and by the 2001 Act, sections 42(2) and 43(2), (3) and (4); section 43 was amended by the 1980 Act, section 21(1) and (2); by the 1990 Act, section 66(1), Schedule 9, paragraph 18(2); the 1995 Act, section 2(1), Schedule 1, paragraph 31; the 1997 Act, sections 29(1) and 41(10), Schedule 2, paragraph 14; the Pharmacists (Fitness to Practise) Act 1997 (c. 19) section 1, Schedule, paragraph 6 on a date to be appointed; the 2001 Act, section 20(1) and (7) on a date to be appointed in relation to England and section 42(2); by the 2002 Act, section 2(5), Schedule 2, paragraphs 1, 17(1), (2), (3), and in relation to section 43(2BA) and (2BB), by section 2(5) of that Act, Schedule 2, paragraphs 17(1), (4), (5)(a) and (b) on a date to be appointed; section 43(1) is amended by the Act, section 184, Schedule 11 on a date to be appointed.

(20) Section 43D was inserted by section 24 of the 2001 Act, and was amended by the 2002 Act, section 2(5), Schedule 2, Part 1, paragraphs 1, 20(1), (2), (3)(a) and (b), (4), (5)(a) and (b), (6)(a) and (b), (7), (8), (9)(a) and (b)(i) and (ii); section 43D(1) is repealed in part by the Act, section 196, Schedule 14 on a date to be appointed; section 43D(10) is amended by the Act, section 184, Schedule 11 on a date to be appointed.

- (d) a services list referred to in section 8ZA of the National Health Service (Primary Care) Act 1997⁽²¹⁾; or
- (e) a list corresponding to a services list prepared by virtue of regulations made under section 41 of the Health and Social Care Act 2001⁽²²⁾.

Number of members

- 2. In addition to the chairman, the CSCI shall have five other members.

Tenure of office of members

3.—(1) Subject to regulation 7, the term of office of a member shall be such period, not exceeding four years, as specified by the Secretary of State to the relevant Special Health Authority⁽²³⁾ before the appointment is made.

(2) Subject to regulation 4, a member shall, on termination of his office, be eligible for re-appointment.

Disqualification for appointment or from holding office

4.—(1) Subject to regulation 5, a person is disqualified for appointment or from holding office as a member if—

- (a) he is included in any list maintained by the Secretary of State under section 1 of the Protection of Children Act 1999⁽²⁴⁾ (list of persons considered unsuitable to work with children) or section 81 of the 2000 Act⁽²⁵⁾ (list of persons considered unsuitable to work with vulnerable adults);
- (b) he has within the previous 5 years been convicted—
 - (i) of an offence under the 2000 Act or regulations made under it, or
 - (ii) in the British Islands⁽²⁶⁾ of any other offence, or convicted elsewhere of such an offence which, if committed in any part of the British Islands would constitute a criminal offence in that part, and in either case 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,
 and which has not been quashed on appeal;
- (c) he has—
 - (i) been adjudged bankrupt or had a sequestration of his estate awarded, or
 - (ii) made a composition or arrangement with, or granted a trust deed for, his creditors;
- (d) he is subject to a disqualification order under the Company Directors Disqualification Act 1986⁽²⁷⁾, under Part 2 of the Companies (Northern Ireland) Order 1986⁽²⁸⁾ or to an

(21) 1997 c. 46; section 8ZA was inserted by section 26(2) of the 2001 Act, and was amended by the 2002 Act, section 4(3), Schedule 3, Part 1, paragraphs 1, 3(1), (2), (3)(a) and (b), (4), (5)(a) and (b), (6)(a) and (b) and (7); and is repealed by the Act, section 196, Schedule 14 on a date to be appointed.

(22) 2001 c. 15; section 41(1) is repealed in part by the Act, section 196, Schedule 14 on a date to be appointed.

(23) See paragraph 3(2) of Schedule 7 to the Act for the “relevant Special Health Authority”.

(24) 1999 c. 14; section 1(2)(a) was amended by the 2000 Act, section 95(2), by section 97(2) on a date to be appointed, and by section 98(4); section 1(2)(aa) is inserted by the 2000 Act, section 96(2) on a date to be appointed.

(25) Section 81 has not yet been brought into force.

(26) See the Interpretation Act 1978 (c. 30), Schedule 1.

(27) 1986 c. 46.

(28) S.I. 1986/1032 (N.I. 6), as modified by the Criminal Justice and Police Act 2001 (c. 16) (“the Criminal Justice Act”), sections 50, 54 and Schedule 1, Part 1, paragraph 41; amended by the Youth Justice and Criminal Evidence Act 1999 (c. 23), Schedule 3, paragraphs 13 to 15; the Criminal Justice Act, Schedule 2, paragraph 17; the Open-Ended Investment Companies

order made under section 429(2)(b) of the Insolvency Act 1986(29) (failure to pay under a county court administration order);

- (e) he has been removed—
- (i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated, or
 - (ii) under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(30) (powers of Court of Session to deal with management of charities) from being concerned in the management or control of any body;
- (f) he has been dismissed (without being re-instated) by reason of misconduct from any paid employment with—
- (i) a health service body,
 - (ii) an establishment of a description specified in section 4(8)(a) of the 2000 Act,
 - (iii) an agency of a description specified in section 4(9)(a) of the 2000 Act(31),
 - (iv) a local authority(32), or
 - (v) a Scottish council,
- where that dismissal has not been the subject of a finding of unfair dismissal by a tribunal or court;
- (g) his tenure of office as the chairman or member or director of an NHS body has been terminated on the grounds that it was not in the interests of the health service that he should continue to hold office in the body;
- (h) he is a person whose tenure of office as the chairman or 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 in question 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 or more, or
 - (iii) he failed to declare a pecuniary interest, or withdraw from consideration of any matter in which he had a pecuniary interest;
- (i) he—
- (i) ceased to be a member of a local authority by virtue of section 85 of the Local Government Act 1972(33) (vacation of office by failure to attend meetings), or

Act (Northern Ireland) 2002 (c. 13) (N.I.), section 3; and by the Limited Liability Partnerships Act (Northern Ireland) 2002 (c. 12) (N.I.), Schedule, paragraph 1; and repealed in part by S.I. 2001/3649, S.R.(NI) 2003 No 3, and S.I. 2003/2904 (N.I. 17).

(29) 1986 c. 45; section 429(2) is amended by the Enterprise Act 2002 (c. 40), section 269, Schedule 23, paragraphs 1 and 15 which section will be brought into force on 1st April 2004.

(30) 1990 c. 40; the functions of the Lord Advocate transferred to the Secretary of State by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), article 2(1) and Schedule; see the entry in the Schedule for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

(31) Section 4(9)(a) was amended by the Adoption and Children Act 2002 (c. 38), section 8(3)(b).

(32) See section 148 of the Act for the meaning of “local authority”.

(33) 1972 c. 70, as modified by the Waste Regulation and Disposal (Authorities) Order 1985 (S.I. 1985/1884), article 10, Schedule 3; sub-sections 2A and 2B were inserted in relation to England by S.I. 2001/2237, articles 1(2), 2(a), and 7(a), and in relation to Wales, by S.I. 2002/808, articles 2(a) and 7(a); sub-section (3) was amended in relation to England by S.I. 2002/2237, articles 1(2), 2(a), and 7(b), and in relation to Wales, by S.I. 2002/808, articles 2(a) and 7(b); sub-section 3A was inserted by the Local Government Act 2000 (c. 22), section 107, Schedule 5, paragraph 9, and was amended in relation to England by S.I. 2002/2237, articles 1(2), 2(a), 7(c)(i) and (ii), and in relation to Wales, by S.I. 2002/808, articles 2(a) and 7(c)(i) and (ii); sub-section (4) was inserted by the Local Government Act 1985 (c. 51), section 84, Schedule 14, paragraph 7, and was repealed in part by the Education Reform Act 1988 (c. 40), section 237, Schedule 13, Part 1; the functions of the

- (ii) is disqualified from being or becoming a member of a local authority by virtue of a decision of a case tribunal made under section 79 of the Local Government Act 2000(34);
- (j) he—
 - (i) ceased to be a Scottish councillor by virtue of section 35 of the Local Government (Scotland) Act 1973(35) (vacation of office by failure to attend meetings), or
 - (ii) is disqualified from being or becoming a Scottish councillor by virtue of a decision of the Standards Commission for Scotland made under section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000(36);
- (k) he—
 - (i) is the subject of a national NHS disqualification,
 - (ii) has been refused nomination or approval to fill a vacancy for a medical practitioner pursuant to regulations made under section 29B(2A) of the 1977 Act and has not subsequently been approved or included in such a list(37),
 - (iii) has been removed from, or refused admission to, a primary care list on grounds corresponding to the conditions referred to in section 49F(2), (3) or (4) of that Act(38) (efficiency cases, fraud cases and unsuitability cases) and has not subsequently been included in such a list,
 - (iv) is contingently removed from a primary care list under—
 - (aa) section 49G of the 1977 Act(39), or
 - (bb) regulations made under section 28X or 43D of the 1977 Act, or
 - (v) is suspended from a primary care list under—
 - (aa) section 49I of the 1977 Act(40) or is treated as so suspended by virtue of regulation 6(2) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2001 or regulation 6(2) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2002, or
 - (bb) regulations made under section 28X or 43D of the 1977 Act,
 and in this sub-paragraph any reference to a provision in the 1977 Act includes a reference to the provision corresponding to that provision in Scotland and Northern Ireland;

Secretary of State under section 85(3), so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the 1999 Order, article 2, Schedule 1; *see* the entry in Schedule 1 for the Local Government Act 1972.

- (34) 2000 c. 22; *see* section 76 for the function of case tribunals.
- (35) 1973 c. 65; section 35 was amended by the *Ethical Standards In Public Life etc. (Scotland) Act 2000 (asp 7)*, section 29(1); the functions of the Secretary of State under section 35(3) transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (36) 2000 asp 7; *see* section 8 for the functions of the Standards Commission for Scotland.
- (37) Section 29B was inserted by the 1997 Act, section 32(1); was amended by the 2001 Act, sections 15(1), (3), (2)(a), (b), 20(1) and (3)(b); the 2002 Act, sections 2(5) and 37(2), Schedule 2, Part 1, paragraphs 1, 5(1), (2), (3)(a), (b), and (5), and Schedule 9, Part 1; section 29B(2A) was inserted by the 2001 Act, section 20(1) and (3)(a), and was amended by the 2002 Act, Schedule 2, Part 1, paragraphs 1, 5(1) and (2); section 29B(3A) was inserted by the 2001 Act, section 20(1), (3)(c), and was amended by the 2002 Act, section 2(5), Schedule 2, Part 1, paragraphs 1, 5, (4)(a) and (b); section 29 is repealed by the Act, section 196, Schedule 14 on a date to be appointed.
- (38) Section 49F was inserted by the 2001 Act, section 25, and was amended by the 2002 Act, section 2(5), Schedule 2, Part 1, paragraphs 1 and 21(a); section 49F(1)(a) and (c) are repealed by the Act, section 196, Schedule 14 on a date to be appointed.
- (39) 49G was inserted by the 2001 Act, section 25, and was amended by the 2002 Act, section 2(5), Schedule 2, Part 1, paragraphs 1 and 21(b).
- (40) 49I was inserted by the 2001 Act, section 25, and was amended by the 2002 Act, section 2(5), Schedule 2, Part 1, paragraphs 1 and 21(c).

- (l) he is a person whose registration as a provider or manager of an establishment or agency under Part 2 of the 2000 Act has been cancelled by the registration authority⁽⁴¹⁾ under section 14 of that Act⁽⁴²⁾ except where—
 - (i) that decision has been subject to a direction by the Tribunal⁽⁴³⁾ given under section 21 of the 2000 Act that it shall not have effect, or
 - (ii) the cancellation was only by reason of an application for cancellation having been made by him pursuant to section 15(1)(b) of the 2000 Act; or
- (m) he is an employee of the CSCI.

(2) For the purposes of paragraph (1)(b), 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(f), 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.

Cessation of disqualification

5.—(1) Where a person is disqualified under regulation 4(1)(c)(i) by reason of having been adjudged bankrupt or having had a sequestration of his estate awarded—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of annulment;
- (b) if he is discharged, the disqualification shall cease on the date of his discharge.

(2) Where a person is disqualified under regulation 4(1)(c)(ii) by reason of his having made a composition or arrangement with, or having granted a trust deed for, his creditors—

- (a) if he pays his debts in full, the disqualification shall cease on the date on which such payment is completed; and
- (b) in any other case, disqualification shall cease on the expiry of a period of five years beginning with the date on which the terms of the deed of composition or arrangement or, as the case may be, the terms of the trust deed are fulfilled.

(3) Subject to paragraph (7), where a person is disqualified under regulation 4(1)(e) he may, after the expiry of two years beginning with the date on which he was removed from office or from being concerned in the management or control of any body, as the case may be, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification shall cease.

(4) Subject to paragraph (7), where a person is disqualified under regulation 4(1)(f) he may, after the expiry of two years beginning with the date on which he was dismissed, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification shall cease.

(5) Subject to paragraph (7), where a person is disqualified under regulation 4(1)(g) or (h), the disqualification shall cease on the expiry of a period of two years beginning with the date of the termination of his tenure of office or such longer period as the person or body may specify when terminating his period of office, but the Secretary of State may, on application being made to him

⁽⁴¹⁾ See section 5 of the 2000 Act for the meaning of “registration authority” as amended by the Act, section 147, Schedule 9 on a date to be appointed.

⁽⁴²⁾ Section 14(2) is amended by the [Adoption and Children Act 2002 Act \(c. 38\)](#), section 139(1), Schedule 3, paragraphs 103 and 107 on a date to be appointed.

⁽⁴³⁾ See section 121 of the 2000 Act for the meaning of “Tribunal”.

by the disqualified person, reduce the period of disqualification for the purposes of his appointment to the CSCI.

(6) Subject to paragraph (7), where a person is disqualified under regulation 4(1)(i)(i) or (j)(i) he may, after the expiry of the period of two years beginning with the date on which he ceased to be a member of a local authority or a Scottish councillor, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification shall cease.

(7) Where the Secretary of State refuses an application to remove or to reduce the period of a disqualification no further application may be made to him by that person until the expiry of a period of two years beginning with the date of the refusal and this paragraph shall apply to any subsequent application.

Suspension of members

6.—(1) Paragraphs (2) to (4) apply where it appears to the Secretary of State in relation to a member that one of the conditions in paragraph 3(3) of Schedule 7 to the Act is or may be satisfied.

(2) Where this paragraph applies, the Secretary of State may suspend the member from office by giving him notice in writing to that effect.

(3) Such notice shall give the reason for, and the period of, the suspension and the date that it is to begin.

(4) Where this paragraph applies, the Secretary of State may—

(a) before the period referred to in the notice has expired, extend, or further extend, the suspension for a further specified period, or

(b) if it has expired, impose a further suspension for a specified period,

by giving the member notice in writing to that effect.

(5) Where a member is suspended under this regulation, he may apply in writing to the Secretary of State to remove the suspension or to reduce its period, and the Secretary of State may so direct that the suspension shall cease or the period of it be reduced.

(6) A member shall cease to perform his functions as a member for the period of the suspension but the period of his term of office shall not be affected by the suspension.

(7) Where the Secretary of State removes a suspension before the end of the period specified by him in a notice given under paragraph (2), or reduces its period, he shall notify the member in writing to that effect.

Termination of tenure of office

7.—(1) A member may resign his office at any time during his term of office by giving notice in writing to the Secretary of State.

(2) Where during his term of office a member other than the chairman is appointed to be the chairman, his tenure of office as such a member shall terminate when his appointment as chairman takes effect.

(3) If the Secretary of State is satisfied that one of the conditions specified in paragraph 3(3) of Schedule 7 to the Act is met in relation to a member, he may remove the member from office by giving him notice in writing to that effect, and the notice shall state the reason for his removal, and that the member's tenure of office shall cease forthwith.

Signed by authority of the Secretary of State for Health

9th December 2003

Stephen Ladyman
Minister of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning membership of the Commission for Social Care Inspection (the CSCI) established by section 42(1) of the Health and Social Care (Community Health and Standards) Act 2003. In particular, they make provision for the numbers and tenure of office of members (regulations 2 and 3), disqualification for appointment or from holding office (regulations 4 and 5), for suspension from office (regulation 6) and for termination of the tenure of office of a member (regulation 7).

Provision is also made for the manner in which the chairman or any other member may be removed from office (regulation 7).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.