

**2005 No. 2028**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service Appointments Commission  
(Establishment and Constitution) (Amendment) Order 2005**

<i>Made</i> - - - -	<i>13th July 2005</i>
<i>Laid before Parliament</i>	<i>27th July 2005</i>
<i>Coming into force</i> - -	<i>1st September 2005</i>

The Secretary of State for Health, in exercise of the powers conferred upon her by sections 11(1) and 126(3) of the National Health Service Act 1977(a) and of all other powers enabling her in that behalf hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the National Health Service Appointments Commission (Establishment and Constitution) (Amendment) Order 2005 and shall come into force on 1<sup>st</sup> September 2005.

(2) This Order applies in relation to England.

(3) In this Order “the principal Order” means the National Health Service Appointments Commission (Establishment and Constitution) Order 2001(b).

**Amendment of article 3 of the principal Order**

2. In article 3 of the principal Order (functions of the commission), after sub-paragraph (v), insert the following—

“(vi) trustees for NHS foundation trusts all or most of whose hospitals, establishments and facilities are situated in England;”.

Signed by authority of the Secretary of State for Health

13th July 2005

*Warner*  
Minister of State,  
Department of Health

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(a) 1977 c.49. Section 11(1) was substituted by section 65(1) and paragraphs 4 and 6 of Schedule 4 to the Health Act 1999 (c.8) (“the 1999 Act”). Section 126(3) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19) and by section 41(10) of, and paragraphs 3 and 27 of Part I of Schedule 1 to, the National Health Service (Primary Care) Act 1997 (c.46). 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.

(b) S.I. 2001/793.

**EXPLANATORY NOTE**

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

This Order amends the National Health Service Appointments Commission (Establishment and Constitution) Order 2001 to give the Commission the additional function of appointing trustees to NHS foundation trusts.

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