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STATUTORY INSTRUMENTS

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**2006 No. 2380**

**The Appointments Commission Regulations 2006**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Appointments Commission Regulations 2006 and shall come into force on 1st October 2006.

(2) In these Regulations—

“the 1977 Act” means the National Health Service Act 1977(1);

“the Act” means the Health Act 2006;

“the Commission” means the Appointments Commission(2);

“commissioner” means a health and social care commissioner(3);

“the chairman” means the chairman of the Commission;

“executive member” means an executive member of the Commission(4);

“Executive Committee” means a committee of a Primary Care Trust appointed under regulation 9(1) of the Primary Care Trusts (Membership and Procedure) Regulations 2000(5);

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

“health service body” means—

- (a) a Strategic Health Authority(6), Special Health Authority(7), Primary Care Trust(8), Local Health Board(9), NHS trust(10) or NHS foundation trust(11),
- (b) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(12), or the Scottish Dental Practice Board, the Common Service Agency for the Scottish Health Service or an NHS trust constituted under, respectively, sections 4, 10 or 12A of that Act(13),
- (c) the Secretary of State,
- (d) the Commission for Healthcare Audit and Inspection(14),

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(1) 1977 c.49.

(2) The Appointments Commission was established by section 57(1) of the Act.

(3) See paragraph 10(3)(c) and (4) of Schedule 4 to the Act.

(4) See paragraph 2(d) of Schedule 4 to the Act.

(5) S.I. 2000/89, to which there are no relevant amendments.

(6) See section 8 of the 1977 Act.

(7) See section 11 of the 1977 Act.

(8) See section 16A of the 1977 Act.

(9) See section 16BA of the 1977 Act.

(10) See section 5 of the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”).

(11) See section 1 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) (“the 2003 Act”).

(12) 1978 c.29.

(13) Section 4 was amended by section 12(3) of, and Schedule 3 to, the Health and Medicines Act 1988 (c.49) (“the 1988 Act”); section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c.53) and Schedule 10 to the 1990 Act; section 12A was inserted by section 31 of the 1990 Act and amended by section 46(1) of the 1999 Act.

(14) See section 41 of the 2003 Act.

- (e) the Dental Practice Board constituted under section 37(1) of the 1977 Act<sup>(15)</sup>,
  - (f) the Health Protection Agency<sup>(16)</sup>,
  - (g) the Independent Regulator of NHS Foundation Trusts<sup>(17)</sup>,
  - (h) the National Assembly for Wales,
  - (i) the Wales Centre for Health<sup>(18)</sup>,
  - (j) the Northern Ireland Central Services Agency for Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(19)</sup>,
  - (k) a special health and social services agency established under the Health and Personal Services (Special Agencies) (Northern Ireland) Order 1990<sup>(20)</sup>,
  - (l) a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972,
  - (m) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991<sup>(21)</sup>,
  - (n) the Department of Health, Social Services and Public Safety for Northern Ireland,
  - (o) a body in relation to which a direction has been given under section 58, 60 or 61 of the Act<sup>(22)</sup>, or
  - (p) a body which falls within paragraph (3);
- “health service hospital” has the meaning given by section 128(1) of the 1977 Act;
- “non-executive member” means a non-executive member of the Commission<sup>(23)</sup>;
- “national NHS disqualification” means—
- (a) a decision made by the FHSAA under section 49N of the 1977 Act<sup>(24)</sup> or under regulations corresponding to that section made under section 28X(4) of that Act<sup>(25)</sup> (persons performing primary medical and dental services), or
  - (b) 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 NHS Tribunal (Consequential Provisions) Regulations 2001<sup>(26)</sup> or regulation 6(4)(b) of the Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2002<sup>(27)</sup>;
- “the NHS Tribunal” means the Tribunal constituted under section 46 of the 1977 Act for England and Wales;
- “primary care list” means—
- (a) a list referred to in section 49N(1)(a) to (c) of the 1977 Act;

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(15) 1977 c.49. Section 37(1) was amended by section 12 of the 1988 Act and repealed in part by section 25 of, and Schedule 3 to, that Act, and amended by section 2(1) of, and paragraph 26 of Schedule 1 to, the 1995 Act and section 1(3) of, and paragraphs 1 and 17 of Schedule 1 to, the 2002 Act. The Dental Practice Board was abolished by sections 181 and 196 of, and Schedule 14 to, the 2003 Act.

(16) See section 1(1) of the Health Protection Agency Act 2004 (c.17).

(17) See section 2 of the 2003 Act.

(18) See the Health (Wales) Act 2003 (c.4).

(19) S.I. 1972/1265 (N.I. 14).

(20) S.I. 1990/247 (N.I. 3).

(21) S.I. 1991/194 (N.I. 1).

(22) A list of the bodies referred to in paragraphs (o) and (p) of the definition of “health service body” is available from the Appointments Commission, Blenheim House, West One, Duncombe Street, Leeds LS1 4PL (telephone 0113 394 2950).

(23) See paragraph 2(b) of Schedule 4 to the Act.

(24) Section 49N was inserted by section 25 of the 2001 Act and amended by section 2(5) of, and paragraphs 1 and 25 of Schedule 2 to, the 2002 Act and section 184 of, and paragraph 24(a) and (b) of Schedule 11 to, the 2003 Act.

(25) Section 28X was inserted by section 179(1) of the 2003 Act and amended by article 2 of and paragraphs 1 and 17 of Schedule 1 to, S.I. 2006/1407.

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

(27) S.I. 2002/1920, as amended by S.I. 2004/865.

- (b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the 1977 Act(28) as the list existed on or before 31st March 2004,
- (c) a list of persons undertaking to provide general dental services prepared in accordance with regulations under section 36 of the 1977 Act(29) as the list existed on or before 31st March 2006,
- (d) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1) of the 1977 Act(30) as the list existed on or before 31st March 2004,
- (e) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general dental services prepared in accordance with regulations under section 43D(1) of the 1977 Act as the list existed on or before 31st March 2006, or
- (f) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997(31) as the list existed on or before 31st March 2004;

“sentence of imprisonment” does not include a committal—

- (a) in default of payment of any sum of money,
- (b) for want of sufficient distress to satisfy any sum of money, or
- (c) for failure to do or abstain from doing anything required to be done or left undone.

(3) A body falls within this paragraph if arrangements providing for the Commission to assist in the exercise of any power relating to appointment of the body’s chairman, or any non-executive member of the body, have been entered into under section 63(4) of the Act and remain in force.

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(28) Section 29 was repealed by section 196 of, and Schedule 14 to, the 2003 Act.

(29) Section 36 was repealed by section 196 of, and Schedule 14 to, the 2003 Act.

(30) Section 43D was inserted by section 24 of the 2001 Act and amended by section 2(5) of, and paragraphs 1 and 20 of Schedule 2 to, the 2002 Act; section 43D(1) is repealed in part by section 196 of, and Schedule 14 to, the 2003 Act; section 43D(10)(a) and (b) was repealed by, and other parts of section 43D(10) were amended (in relation to Wales for certain purposes on a date to be appointed) by section 184 of, and paragraph 20 of Schedule 11 to, the 2003 Act.

(31) 1997 c.46; section 8ZA was inserted by section 26(2) of the 2001 Act and was amended by section 4(3) of, and paragraphs 1 and 3 of Schedule 3 to, the 2002 Act; and was repealed by section 196 of, and Schedule 14 to, the 2003 Act in relation to England and, in relation to Wales, repealed for certain purposes and otherwise repealed on a date to be appointed.