

2010 No. 1072

PUBLIC HEALTH

NATIONAL HEALTH SERVICE, ENGLAND

SOCIAL CARE

The Appointments Commission (Amendment) Regulations 2010

<i>Made</i> - - - -	<i>28th March 2010</i>
<i>Laid before Parliament</i>	<i>1st April 2010</i>
<i>Coming into force</i> - -	<i>1st June 2010</i>

The Secretary of State for Health makes the following Regulations, in exercise of the powers conferred by section 79(3) of, and paragraph 6(2) of Schedule 4 to, the Health Act 2006(a).

Citation and commencement

1. These Regulations may be cited as the Appointments Commission (Amendment) Regulations 2010 and shall come into force on 1st June 2010.

Amendment relating to suspension

2.—(1) The Appointments Commission Regulations 2006 (“the 2006 Regulations”)(b) are amended as follows.

(2) After regulation 8 of the 2006 Regulations (suspension of chairman, non-executive members and commissioners) insert—

Suspension of chairman: appointment of vice-chairman

“8A.—(1) This regulation applies where the chairman has been suspended under regulation 8(1).

(2) If a vice-chairman has been appointed(c), the Secretary of State may direct that that appointment ceases to have effect.

(3) In those circumstances the Secretary of State may appoint another non-executive member to be vice-chairman.

(4) The appointment of a vice-chairman under paragraph (3) shall be for such period, not exceeding the shorter of—

(a) 2006 c. 28. Paragraph 6 of Schedule 4 was amended by section 19 of, and paragraph 8 of Schedule 3 to the Health Act 2009 (c. 21). See section 71(1) of the Health Act 2006 for the meaning of “regulations”.

(b) S.I. 2006/2380 to which there are no relevant amendments. The Appointments Commission was established by section 57(1) of the Health Act 2006. See section 71(1) of that Act 2006 for the definition of “the Commission”.

(c) See paragraph 6(1) of Schedule 4 to the Health Act 2006 for the power to appoint a vice-chairman.

- (a) the period ending with either—
 - (i) the appointment of a new chairman, or
 - (ii) the revocation or expiry of the existing chairman’s suspension; and
- (b) the remainder of the vice-chairman’s period of office as a member of the Commission.

(5) A person appointed under paragraph (3) may resign the office of vice-chairman by giving notice in writing to the Secretary of State.

(6) The Secretary of State may terminate a person’s appointment as vice-chairman under paragraph (3) if satisfied that it would be in the interests of, or conducive to the good management of the Commission for another non-executive member to be vice-chairman.

(7) If—

- (a) a person resigns from the office of vice-chairman under paragraph (5); or
- (b) the Secretary of State terminates a person’s appointment as vice-chairman under paragraph (6),

the Secretary of State may appoint another non-executive member as vice-chairman under paragraph (3).”.

Signed by authority of the Secretary of State for Health

Ann Keen
Parliamentary Under-Secretary of State,
Department of Health

28th March 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Appointments Commission Regulations 2006.

Regulation 2 inserts a new regulation 8A which makes provision for the Secretary of State to direct that the appointment of a vice-chairman ceases to have effect. It also makes provision for the Secretary of State to be able to appoint another non-executive member to be vice-chairman.

The amendments made by these Regulations apply in relation to a vice-chairman appointed at any time, including a time before the coming into force of the power in paragraph 6(2) of Schedule 4 to the Health Act 2006 under which these Regulations are made^(a).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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^(a) See paragraph 19 of Schedule 3 to the Health Act 2009 (c. 21).

STATUTORY INSTRUMENTS

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£4.00