

**EXPLANATORY MEMORANDUM TO**  
**THE PRIMARY CARE TRUSTS (MEMBERSHIP, PROCEDURE AND**  
**ADMINISTRATION ARRANGEMENTS) AMENDMENT REGULATIONS**

**2010 No. 2539**

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Amendment (England) Regulations 2010 (“the Regulations”) amend the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 which make provision about appointments.
  - 2.2 The Regulations allow Primary Care Trust (PCT) chairs and non-officer members to hold a public appointment on more than one PCT Board.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None
4. **Legislative Context**
  - 4.1 The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 make provision concerning the membership and procedure of PCTs in England, established under the National Health Service Act 1977 as amended by the National Health Service Act 2006.
  - 4.2 The Regulations amend the 2000 Regulations by removing the restriction placed on chairs and non-officer members of PCTs to allow them to be appointed to more than one PCT board at any time.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**
  - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 The recent NHS White Paper announced that PCTs will be abolished from April 2013. The amendment to enable PCT chairs and non-officer members to hold office on more than one PCT Board will help in the practical management of PCT board membership during the transition period for the NHS.

7.2 Currently, Regulations only allow a chair or non-officer member to hold office on one PCT Board. It is anticipated that as current chairs and non-officer members leave office, it may be difficult to attract and recruit suitable applicants during the transition period. Allowing non-executives to serve on multiple PCT Boards will provide flexibility and help maintain stability to organisations during the transition period.

- *Consolidation*

7.3 Executive board members are able to hold more than one position on boards and this amendment seeks to align arrangements and provide consistency for all board members.

## **8. Consultation outcome**

8.1 We have consulted with the Appointments Commission who make appointments to PCTs on behalf of the Secretary of State for Health. The Appointments Commission agree that the policy will benefit the NHS by ensuring boards remain effective, quorate and functional. There is no legal requirement to hold a formal consultation.

## **9. Guidance**

9.1 Notification of the change in policy will be sent to current chairs and non-officer members of PCTs.

## **10. Impact**

10.1 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen. The impact on the public sector relates to those chairs and non-officer members of PCTs who wish to be appointed to more than one PCT board.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The purpose of the Regulations is to ensure that PCT boards remain effective, quorate and functional until they are abolished from April 2013.

12.2 The Appointments Commission will report to the Department of Health on cases where this policy is implemented.

## **13. Contact**

Julie Nichols at the Department of Health, Tel: 0113 254 5915 or email: [julie.nichols@dh.gsi.gov.uk](mailto:julie.nichols@dh.gsi.gov.uk) can answer any queries regarding the instrument.