EXPLANATORY MEMORANDUM TO THE COMMISSION FOR PATIENT AND PUBLIC INVOLVEMENT IN HEALTH (MEMBERSHIP AND PROCEDURE) (AMENDMENT) REGULATIONS

2006 No. 486

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 Regulations make consequential amendments to the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 arising from a new Schedule 12A to the Local Government Act 1972 ("LGA") substituted by the Local Government (Access to Information) (Variation) Order 2006.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative Background

4.1. This instrument makes consequential amendments to the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 to make it compatible with the new Schedule 12A of the Local Government Act 1972.

4.2. The Order is made under the powers given to the Secretary of State for Health by section 38(7) of, and paragraph 5 of Schedule 6 to, the National Health Service Reform and Health Care Professions Act 2002.

4.3 The CPPIH (Membership and Procedure) Regulations 2002 make provision about, amongst other things, the meetings and proceedings of the Commission for Patient and Public Involvement in Health ("CPPIH") and the public access that should be given to the meetings and documents of CPPIH. These amending Regulations remove the modification of Schedule 12A to the LGA in its application to CPPIH so that the new Schedule 12A (which lists information which will be exempt from access requirements under the LGA) will apply without modification to CPPIH. This is appropriate as Schedule 12A has been replaced by a new Schedule 12A to bring it more closely into line with the Data Protection Act 1998 and the Freedom of Information Act 2000.

5. Extent

5.1. This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1. CPPIH is a national organisation that operates at arms length to the Government. It is responsible for making appointments to Patients' Forums and for ensuring they are funded and supported to carry out their functions. It also advises the Government on the effectiveness of patient and public involvement.

The Department of Health intends to include provision in forthcoming legislation to abolish CPPIH.

The proposed changes are minor and relate only to CPPIH.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or the voluntary sector.

9. Contact

9.1. Clare Allcock at the Department of Health, tel: 020 7972 5771 or email: clare.allcock@dh.gsi.gov.uk, can answer any queries regarding the instrument.