STATUTORY INSTRUMENTS

2004 No. 19

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Trusts (Membership and Procedure) Amendment (England) Regulations 2004

Made - - - -	*8th January 2004*
Laid before Parliament	*14th January 2004*
Coming into force - -	*1st March 2004*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 5(7) of the National Health Service and Community Care Act 1990(**a**) and section 126(3) and (4) of the National Health Service Act 1977(**b**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service Trusts (Membership and Procedure) Amendment (England) Regulations 2004 and shall come into force on 1st March 2004.

(2) These Regulations apply to England only.

Amendment of Regulations

2. In regulation 11 of the National Health Service Trusts (Membership and Procedure) Regulations 1990(**c**) (disqualification for appointment of chairman and non-executive directors), after paragraph 5A insert—

(**a**) 1990 c.19; section 5(7) was amended by section 2(1) of, and paragraph 69(d) of Schedule 1 to, the Health Authorities Act 1995 (c.17).

(**b**) 1977 c.49; section 126(3) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act") and section 41(1) of, and paragraph 27 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.46); section 126(4) was amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37(1) and (6) of Schedule 4 to, the Health Act 1999 (c.8) ("the 1999 Act"), section 67(1) of, and paragraph 5(1) and (13)(b) of Schedule 5 to, the Health and Social Care Act 2001 (c.15) and sections 6(3)(c) and 37(1) of, and paragraphs 1 and 10(a) of Schedule 8 to, the National Health Service Reform and Health Care Professions Act 2002 (c.17). 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.

(**c**) S.I. 1990/2024.

"(5B) A person shall not be disqualified by paragraph (1)(e) from being the chairman or non-executive director of an NHS trust by reason of being a chairman or member of the NHSU or the NHS Professionals Special Health Authority."(**a**).

Signed by authority of the Secretary of State for Health

John Hutton
Minister of State,
Department of Health

8th January 2004

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend regulation 11 of the National Health Service Trust (Membership and Procedures) Regulations 1990 which makes provision relating to the membership and procedure of National Health Service trusts. The amendment will provide that the chairman and members of the NHSU or the NHS Professionals Special Health Authority are not disqualified for appointment as a chairman or non-executive director of a National Health Service trust.

(**a**) For the NHSU see S.I. 2003/2772 and S.I. 2003/2773. For the NHS Professionals Special Health Authority see S.I. 2003/3059 and S.I. 2003/3060.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
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E0027 1/2004 140027T 19585

ISBN 0-11-048427-4

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