2002 No. 1759

NATIONAL HEALTH SERVICE ENGLAND AND WALES

The National Institute for Clinical Excellence (Amendment) Regulations 2002

Made - - - - -	*9th July 2002*
Laid before Parliament	*9th July 2002*
Coming into force - -	*1st August 2002*

The Secretary of State for Health and the National Assembly for Wales, acting concurrently in exercise of powers conferred by sections 16(2) and 126(4) of, and paragraph 12 of Schedule 5 to, the National Health Service Act 1977(**a**) and now vested in them and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, application, commencement and interpretation

1.—(1) These Regulations which may be cited as the National Institute for Clinical Excellence (Amendment) Regulations 2002 apply to England and Wales and shall come into force on 1st August 2002.

(2) In these Regulations the "principal Regulations" means the National Institute for Clinical Excellence Regulations 1999(**b**);

Amendment of regulation 4 of the principal Regulations

2. Regulation 4 of the principal Regulations (appointment of chief officers), is amended as follows—

(a) in paragraph (1) for the word "four" substitute the word "five";

(b) delete paragraph (2).

Amendment of regulation 9 of the principal Regulations

3.—(1) Regulation 9 of the principal Regulations (appointment of committees and sub-committees), is amended in accordance with the following provisions.

(2) In paragraph (1)—

(a) delete the words "the following committees—(a)";

(**a**) 1977 c. 49; section 16 was substituted by paragraph 9 of Schedule 4 to the Health Act 1999 (c. 8) ("the 1999 Act"); section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act") and by paragraph 37(6) of the 1999 Act; paragraph 12 of Schedule 5 was amended by article 7 of S.I. 1985/39, by paragraph 9 of Schedule 1 to the 1990 Act, by paragraph 60(e) of Schedule 1 to the Health Authorities Act 1995 (c. 17) and by paragraph 39(4) of Schedule 4 to the 1999 Act. *See* section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act, for the definitions of "prescribed" and "regulations". The functions of the Secretary of State under sections 16(2) and 126(4) 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 ("the 1999 Order") as amended by section 66(4) to (6) of the 1999 Act. Functions under these sections of the 1977 Act, in relation to the National Institute for Clinical Excellence, are, by their nature, exercisable concurrently by the Secretary of State and the National Assembly for Wales by virtue of article 2(c) of the 1999 Order.

(**b**) S.I. 1999/260 as amended by S.I. 1999/2218.

(b) delete sub-paragraph (b).

(3) In paragraph (3)—

(a) delete the words "and the members of the Appraisal Committee";

(b) delete the words after "Institute" where it appears for the second time to the end.

Signed on behalf of the National Assembly for Wales under
Section 66(1) of the Government of Wales Act 1998(**a**)

Dafydd Ellis Thomas
4th July 2002 — The presiding Officer of the National Assembly

Hunt
Parliamentary Under-Secretary of State
9th July 2002 — Department of Health

(**a**) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Institute for Clinical Excellence Regulations 1999 (the principal Regulations) which make provision concerning the membership and procedure of the National Institute for Clinical Excellence (the Institute) which is a Special Health Authority established under the National Health Service Act 1977.

Regulation 2 provides for the Institute to appoint five instead of four officer members and removes the requirement for the Secretary of State to approve the appointment of the chief officer of the Institute.

Regulation 3 removes the requirement for the Institute to appoint the Appraisal Committee and for the Secretary of State to approve the appointment of members of the Partners Council.

STATUTORY INSTRUMENTS

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