

SCHEDULE 1

Regulation 4

Additional persons for whom a CCG has responsibility

1. In this Schedule—

“care home” and “children’s home” have the same meaning as in the Care Standards Act 2000⁽¹⁾;

“child” means a person under the age of 18;

“continuing care” means care provided over an extended period of time to a person to meet physical or mental health needs which have arisen as the result of illness;

“independent hospital” means a hospital as defined in section 275(1) of the 2006 Act (interpretation), that is not a health service hospital as defined there;

“local authority” means a county council, a district council for an area for which there is no county council, a London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly;

“planned service” means any service whose provision is planned and arranged by a CCG as part of the health service in response to the results of an assessment of a person’s physical or mental health needs and which is intended to bring about or promote a specific outcome in relation to those needs.

2. The list of persons referred to in regulation 4(1) is as follows—

- (a) every person present in the CCG’s area, in relation to the provision of ambulance services or accident and emergency services, whether provided at a hospital accident and emergency department, a minor injuries unit, a walk-in centre or elsewhere (but excluding any services provided after the person has been accepted as an in-patient, or at an out-patient appointment);
- (b) every person aged 18 or over who falls within paragraph 3, in relation to the provision of the accommodation or services referred to in paragraph 3(b);
- (c) every child who falls within paragraph 4;
- (d) every person who falls within paragraph 5 in relation to the provision of the accommodation or services referred to in paragraph 5(b);
- (e) every person who falls within paragraph 6 in relation to the provision of the accommodation or services referred to in paragraph 6(b);
- (f) every child who falls within paragraph 7 in relation to the provision of the accommodation or services referred to in paragraph 7(b);
- (g) every child who falls within paragraph 8;
- (h) every person present in the CCG’s area who is resident outside the United Kingdom and not provided with primary medical services by a member of any CCG;
- (i) every person resident in Scotland, Wales or Northern Ireland and present in the CCG’s area who is a qualifying patient within the meaning of section 130C of the 1983 Act⁽²⁾(section 130A:supplemental), and not provided with primary medical services by a member of any CCG;
- (j) every person who is a qualifying patient within the meaning of section 130C of the 1983 Act and liable to be detained under that Act in a hospital or registered establishment (within the meaning of that Act) in the CCG’s area.

(1) 2000 c. 14.

(2) Section 130C was inserted by section 30 of the Mental Health Act 2007 (c. 12). It has been amended, in relation to Wales, by Schedule 1 to the Mental Health (Wales) Measure 2010 (nawm 7).

Status: This is the original version (as it was originally made).

3. A person falls within this paragraph if—
- (a) the CCG has made an arrangement in the exercise of its commissioning functions (by itself or jointly with a local authority) by virtue of which the person is to be provided with services to meet his or her continuing care needs,
 - (b) those services consist of or include the provision of the following accommodation and services to meet the person’s continuing care needs—
 - (i) accommodation in a care home or independent hospital situated in the area of another CCG, and
 - (ii) at least one planned service (other than a service consisting only of NHS-funded nursing care) which is connected to the provision of such accommodation (whether or not the accommodation is arranged by the CCG referred to in sub-paragraph (a)),
 - (c) the person is resident in that accommodation and continues to need that planned service (or those planned services), and
 - (d) the person would not be a person for whom the CCG is responsible under section 3(1A) (a) of the 2006 Act.
- 4.—(1) A child falls within this paragraph if both of sub-paragraphs (2) and (3) apply to the child.
- (2) This sub-paragraph applies to a child if any of the following is the case—
- (a) the child is looked after by a local authority within the meaning of section 22 of the Children Act 1989⁽³⁾ (general duty of local authority in relation to children looked after by them), other than by way of being accommodated in a secure children’s home in respect of which the National Health Service Commissioning Board⁽⁴⁾ must arrange for the provision of services to children detained there⁽⁵⁾;
 - (b) the child is a relevant child within the meaning of section 23A of that Act⁽⁶⁾(the responsible authority and relevant children);
 - (c) the child is a person to whom section 24(1A) or (1B) of that Act⁽⁷⁾(persons qualifying for advice and assistance) applies;
 - (d) the child is provided with accommodation at a school to which he or she is admitted in accordance with a statement of special educational needs made under section 324 of the Education Act 1996⁽⁸⁾(statement of special educational needs); or
 - (e) the child requires accommodation in a care home, a children’s home or an independent hospital to meet the child’s continuing care needs.
- (3) This sub-paragraph applies to a child if—
- (a) the child is provided with—
 - (i) services which consist of or include the provision of accommodation situated in the area of another CCG or of a Local Health Board, under arrangements made by the CCG in the exercise of its commissioning functions (by itself or jointly with a local authority), or

(3) 1989 c. 41.

(4) The National Health Service Commissioning Board is established by section 1H of the 2006 Act as inserted by section 9(1) of the 2012 Act.

(5) See regulation 10 of these Regulations (services to be provided by the Board for prisoners and other detainees).

(6) Section 23A was inserted into the Children Act 1989 by section 2(1) and (4) of the Children (Leaving Care) Act 2000 (c.35).

(7) Section 24(1A) and (1B) were inserted into the Children Act 1989 by section 139(1) of, and paragraphs 54, 60(a) and 60(b) of Schedule 3 to the Adoption and Children Act 2002 (c.38).

(8) 1996 c. 56. Section 324 was amended by section 140(1) of, and paragraph 77(b) of Schedule 30 to, the School Standards and Framework Act 1998 (c. 31) and section 9 of the Special Educational Needs and Disability Act 2001 (c. 10).

- (ii) such services under arrangements made by the local authority and immediately before those arrangements were made the CCG was responsible for the child under section 3(1A) of the 2006 Act; and
 - (b) the child is both—
 - (i) resident in that accommodation, and
 - (ii) would not be a person for whom the CCG is responsible under section 3(1A)(a) of the 2006 Act.
- 5. A person falls within this paragraph if—
 - (a) the CCG has made an arrangement in the exercise of its commissioning functions (by itself or jointly with a local authority) by virtue of which immediately before attaining 18 the person was provided with services to meet his or her continuing care needs;
 - (b) those services consist of or include the provision of the following accommodation and services to meet the person’s continuing care needs—
 - (i) accommodation in a care home, a children’s home or an independent hospital situated in the area of another CCG, and
 - (ii) nursing and another service which is a planned service, as part of the health service to meet his or her continuing care needs;
 - (c) the person is resident in that accommodation and continues to need that planned service (or those planned services), and
 - (d) the person would not be a person for whom the CCG is responsible under section 3(1A)(a) of the 2006 Act.
- 6. A person falls within this paragraph if—
 - (a) a Primary Care Trust has made an arrangement before the relevant date in the exercise of its functions by virtue of regulation 3 of the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements)(England) Regulations 2002⁽⁹⁾ by virtue of which the person was provided with services to meet his or her continuing care needs;
 - (b) the rights and liabilities under that arrangement are transferred to the CCG by virtue of a scheme made under section 300 of the 2012 Act (transfer schemes);
 - (c) the person continues to need the provision of the following accommodation and services to meet the person’s continuing care needs—
 - (i) accommodation in a care home or independent hospital situated in the area of another CCG, and
 - (ii) at least one planned service (other than a service consisting only of NHS-funded nursing care) which is connected to the provision of such accommodation (whether or not the accommodation is arranged by the CCG); and
 - (d) the person would not be a person for whom the CCG is responsible under section 3(1A)(a) of the 2006 Act.
- 7. A child falls within this paragraph if—
 - (a) a Primary Care Trust has made an arrangement on or before 31st March 2013 in the exercise of its functions by virtue of regulation 3 of the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002 by virtue of which the child was provided with services to meet his or her continuing care needs;

(9) [S.I. 2002/2375](#) relevant amending instruments [S.I. 2006/359](#) and [S.I. 2010/2649](#).

Status: This is the original version (as it was originally made).

- (b) the rights and liabilities under that arrangement are transferred to the CCG by virtue of a scheme made under section 300 of the 2012 Act;
 - (c) the child continues to need services consisting of or including the provision of accommodation in a care home, a children's home or an independent hospital situated in the area of another CCG and nursing and another service which is a planned service as part of the health service to meet his or her continuing care needs; and
 - (d) the child would not be a person for whom the CCG is responsible under section 3(1A) (a) of the 2006 Act.
- 8.—(1) A child falls within this paragraph if—
- (a) a local authority has made an arrangement before the relevant date by virtue of which the child is provided with accommodation at a school in the area of another CCG or a Local Health Board, to which the child is admitted in accordance with a statement of special educational needs made under section 324 of the Education Act 1996;
 - (b) immediately before the child was accommodated at that school the child was either—
 - (i) provided with primary medical services by a person who is now a member of the CCG; or
 - (ii) usually resident in the area of the CCG and not provided with primary medical services by a person who is now a member of the CCG; and
 - (c) the child would not be a person for whom the CCG is responsible under section 3(1A) (a) of the 2006 Act.

SCHEDULE 2

Regulation 6

Prescribed dental services

1. Oral surgery.
2. Restorative dentistry.
3. Paedodontic/paediatric dentistry.
4. Orthodontics.
5. Oral and maxillofacial surgery.
6. Endodontics.
7. Periodontics.
8. Prosthodontics.
9. Oral medicine.
10. Oral microbiology.
11. Oral and maxillofacial pathology.
12. Dental and maxillofacial radiology.
13. Special care dentistry.

SCHEDULE 3

Regulation 10

Services in respect of persons detained in specified accommodation

PART 1

Secure children's homes to which regulation 10(2)(b) does not apply

1. Atkinson Secure Children's Home
2. Beechfield Secure Children's Home
3. Clare Lodge Secure Children's Home
4. Kylloe Secure Children's Home
5. Lansdowne Secure Children's Home
6. Leverton Secure Children's Home
7. St. Catherine's Secure Children's Home

PART 2

Secure training centres and immigration removal centres

Table 1 – Secure training centres

<i>Name of centre</i>	<i>Specified date</i>
Hassockfield Secure Training Centre	From 1st April 2014
Medway Secure Training Centre	From 1st April 2014
Rainsbrook Secure Training Centre	From 1st April 2014

Table 2 – Immigration removal centres

<i>Name of centre</i>	<i>Specified Date</i>
Brook House Immigration Removal Centre	From 1st April 2014
Campsfield House Immigration Removal Centre	From 1st April 2014
Colnbrook Immigration Removal Centre	From 1st April 2013
Dover Immigration Removal Centre	From 1st April 2013
Harmondsworth Immigration Removal Centre	From 1st April 2013
Haslar Immigration Removal Centre	From 1st April 2013
Morton Hall Immigration Removal Centre	From 1st April 2013
Tinsley House Immigration Removal Centre	From 1st April 2014
Yarls Wood Immigration Removal Centre	From 1st April 2013

SCHEDULE 4

Regulations 7, 10 and 11

Services for rare and very rare conditions

Interpretation

1. For the purposes of this Schedule—

- (a) an individual is a child if they have not yet attained the age of 18 years old;
- (b) an individual is a young person if they are aged 13 years old or over but have not yet attained the age of 21 years old; and
- (c) an individual is an adult if they are aged 18 years old or over,

unless, for the purposes of a service specified in this Schedule, the Board, or the person providing such a service pursuant to a commissioning contract with the Board, considers on clinical grounds that an individual should otherwise be treated as a child, a young person or an adult.

The services

- 2. Adult ataxia telangiectasia services.
- 3. Adult congenital heart disease services.
- 4. Adult highly specialist pain management services.
- 5. Adult highly specialist respiratory services.
- 6. Adult highly specialist rheumatology services.
- 7. Adult secure mental health services.
- 8. Adult specialist cardiac services.
- 9. Adult specialist eating disorder services.
- 10. Adult specialist endocrinology services.
- 11. Adult specialist intestinal failure services.
- 12. Adult specialist neurosciences services.
- 13. Adult specialist ophthalmology services.
- 14. Adult specialist orthopaedic services.
- 15. Adult specialist pulmonary hypertension services.
- 16. Adult specialist renal services.
- 17. Adult specialist services for patients infected with HIV.
- 18. Adult specialist vascular services.
- 19. Adult thoracic surgery services.
- 20. Alkaptonuria service.
- 21. Alström syndrome service.
- 22. Ataxia telangiectasia service for children.
- 23. Autoimmune paediatric gut syndromes service.
- 24. Autologous intestinal reconstruction service for adults.

25. Bardet-Biedl syndrome service.
26. Barth syndrome service.
27. Beckwith-Wiedemann syndrome with macroglossia service.
28. Behcet's syndrome service.
29. Bladder exstrophy service.
30. Blood and marrow transplantation services.
31. Bone anchored hearing aid services.
32. Breast radiotherapy injury rehabilitation service.
33. Child and adolescent mental health services – Tier 4.
34. Choriocarcinoma service.
35. Chronic pulmonary aspergillosis service.
36. Cleft lip and palate services.
37. Cochlear implantation services.
38. Complex childhood osteogenesis imperfecta service.
39. Complex Ehlers Danlos syndrome service.
40. Complex neurofibromatosis type 1 service.
41. Complex spinal surgery services.
42. Complex tracheal disease service.
43. Congenital hyperinsulinism service.
44. Craniofacial service.
45. Cryopyrin associated periodic syndrome service.
46. Cystic fibrosis services.
47. Diagnostic service for amyloidosis.
48. Diagnostic service for primary ciliary dyskinesia.
49. Diagnostic service for rare neuromuscular disorders.
50. Encapsulating peritoneal sclerosis treatment service.
51. Epidermolysis bullosa service.
52. Extra corporeal membrane oxygenation service for adults.
53. Extra corporeal membrane oxygenation service for neonates, infants and children with respiratory failure.
54. Ex-vivo partial nephrectomy service.
55. Fetal medicine services.
56. Gender identity development service for children and adolescents.
57. Gender identity disorder services.
58. Heart and lung transplantation service (including bridge to transplant using mechanical circulatory support).

Status: This is the original version (as it was originally made).

59. Highly specialist adult urinary and gynaecological surgery services.
60. Highly specialist allergy services.
61. Highly specialist colorectal surgery services.
62. Highly specialist dermatology services.
63. Highly specialist metabolic disorder services.
64. Highly specialist pain management services for children and young people.
65. Highly specialist palliative care services for children and young people.
66. Highly specialist services for adults with infectious diseases.
67. Hyperbaric oxygen treatment services.
68. Insulin-resistant diabetes service.
69. Islet transplantation service.
70. Liver transplantation service.
71. Lymphangiomyomatosis service.
72. Lysosomal storage disorder service.
73. Major trauma services.
74. McArdle's disease service.
75. Mental health service for deaf children and adolescents.
76. Middle ear implantable hearing aid services.
77. Neurofibromatosis type 2 service.
78. Neuromyelitis optica service.
79. Neuropsychiatry services.
80. Ocular oncology service.
81. Ophthalmic pathology service.
82. Osteo-odonto-keratoprosthesis service for corneal blindness.
83. Paediatric and perinatal post mortem services.
84. Paediatric cardiac services.
85. Paediatric intestinal pseudo-obstructive disorders service.
86. Pancreas transplantation service.
87. Paroxysmal nocturnal haemoglobinuria service.
88. Positron Emission Tomography – Computed Tomography services.
89. Primary ciliary dyskinesia management service.
90. Primary malignant bone tumours service.
91. Proton beam therapy service.
92. Pseudomyxoma peritonei service.
93. Pulmonary hypertension service for children.

94. Pulmonary thromboendarterectomy service.
95. Radiotherapy services.
96. Rare mitochondrial disorders service.
97. Reconstructive surgery service for adolescents with congenital malformation of the female genital tract.
98. Retinoblastoma service.
99. Secure forensic mental health service for young people.
100. Severe acute porphyria service.
101. Severe combined immunodeficiency and related disorders service.
102. Severe intestinal failure service.
103. Severe obsessive compulsive disorder and body dysmorphic disorder service.
104. Small bowel transplantation service.
105. Specialist burn care services.
106. Specialist cancer services.
107. Specialist cancer services for children and young people.
108. Specialist dentistry services for children and young people.
109. Specialist ear, nose and throat services for children and young people.
110. Specialist endocrinology and diabetes services for children and young people.
111. Specialist gastroenterology, hepatology and nutritional support services for children and young people.
112. Specialist genetic services.
113. Specialist gynaecology services for children and young people.
114. Specialist haematology services for children and young people.
115. Specialist haemoglobinopathy services.
116. Specialist immunology services for patients with deficient immune systems.
117. Specialist mental health services for deaf adults.
118. Specialist morbid obesity services.
119. Specialist neonatal care services.
120. Specialist neuroscience services for children and young people.
121. Specialist ophthalmology services for children and young people.
122. Specialist orthopaedic surgery services for children and young people.
123. Specialist paediatric intensive care services.
124. Specialist paediatric liver disease service.
125. Specialist perinatal mental health services.
126. Specialist plastic surgery services for children and young people.
127. Specialist rehabilitation services for patients with highly complex needs.

Status: This is the original version (as it was originally made).

128. Specialist renal services for children and young people.
129. Specialist respiratory services for children and young people.
130. Specialist rheumatology services for children and young people.
131. Specialist services for children and young people with infectious diseases.
132. Specialist services for complex liver, biliary and pancreatic diseases in adults.
133. Specialist services for haemophilia and other related bleeding disorders.
134. Specialist services for severe personality disorder in adults.
135. Specialist services to support patients with complex physical disabilities.
136. Specialist surgery for children and young people.
137. Specialist urology services for children and young people.
138. Spinal cord injury services.
139. Stem cell transplantation service for juvenile idiopathic arthritis and related connective tissue disorders.
140. Stickler syndrome diagnostic service.
141. Vein of Galen malformation service.
142. Veterans' post traumatic stress disorder programme.
143. Wolfram syndrome service.
144. Xeroderma pigmentosum service.

SCHEDULE 5

Regulation 25(3)

Persons disqualified from being a chair, CCG member
or social services authority member of a review panel

1. A Member of Parliament, Member of the European Parliament or member of the London Assembly.
- 2.—(1) An individual who, by arrangement with a CCG, provides it with any service or facility in order to support that CCG in discharging its commissioning functions, or an employee or member (including shareholder) of, or a partner in, a body which does so.
(2) The services and facilities mentioned in sub-paragraph (1) do not include services commissioned by a CCG in the exercise of its commissioning functions.
3. A person who, within the period of five years immediately preceding the date of the proposed appointment, has been convicted—
 - (a) in the United Kingdom of any offence; or
 - (b) outside the United Kingdom of an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence in that part,and, in either case, the final outcome of the proceedings was a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

4. A person who is subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986(10), sections 56A to 56K of the Bankruptcy (Scotland) Act 1985(11) or Schedule 2A to the Insolvency (Northern Ireland) Order 1989(12) (which relate to bankruptcy restrictions orders and undertakings).

5.—(1) A person who has been dismissed within the period of five years immediately preceding the date of the proposed appointment, otherwise than because of redundancy, from paid employment by any of the following—

- (a) the Board;
- (b) a CCG;
- (c) a social services authority;
- (d) a Strategic Health Authority(13);
- (e) a Primary Care Trust(14);
- (f) an NHS trust(15);
- (g) an NHS foundation trust;
- (h) a Special Health Authority(16);
- (i) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- (j) a Health Board or Special Health Board constituted under the National Health Service (Scotland) Act 1978(17);
- (k) a Scottish NHS trust established under section 12A of the National Health Service (Scotland) Act 1978(18);
- (l) a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972(19);
- (m) the Care Quality Commission established by section 1 of the Health and Social Care Act 2008(20);
- (n) the Health Protection Agency established by section 1 of the Health Protection Agency Act 2004(21);

(10) 1986 c. 45. Schedule 4A was inserted by the Enterprise Act 2002 (c. 40), Schedule 20.

(11) 1985 c. 66. Sections 56A to 56K were inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 2(1).

(12) S.I. 1989/2405 (N.I. 19). Schedule 2A was inserted by S.I. 2005/1455 (N.I. 10).

(13) Strategic Health Authorities are continued in existence or established under section 13 of the 2006 Act. They are abolished by section 33 of the 2012 Act.

(14) Primary Care Trusts are continued in existence or established under section 18 of the 2006 Act. They are abolished by section 34 of the 2012 Act.

(15) NHS trusts are established under section 25 of the 2006 Act or section 18 of the National Health Service (Wales) Act 2006 (c. 42). NHS Trusts in England are abolished by section 179 of the 2012 Act.

(16) Special Health Authorities are established under section 28 of the 2006 Act or section 22 of the National Health Service (Wales) Act 2006.

(17) 1978 c. 29. Section 2 was amended by paragraph 1 of Schedule 7 to the Health and Social Services Adjudications Act 1983 (c. 41), section 28 of, and paragraph 19(1) of Schedule 9 and paragraph 1 of Schedule 10 to, the National Health Service and Community Care Act 1990 (c. 19), paragraph 1(2) of Schedule 1 to the National Health Service Reform (Scotland) Act 2004 (asp 7), paragraph 2(2) of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) and section 2(1) of the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5).

(18) Section 12A was inserted by section 31 of the National Health Service and Community Care Act 1990 and amended by paragraph 34 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46) and sections 46(1) and 48 of, and paragraph 45 of Schedule 4 to, the Health Act 1999 (c. 8).

(19) S.I. 1972/1265 (N.I. 14). Health and Social Services Boards were dissolved by section 1(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

(20) 2008 c. 14.

(21) 2004 c. 17. The Health Protection Agency is abolished by section 56 of the 2012 Act.

Status: This is the original version (as it was originally made).

- (o) Monitor⁽²²⁾;
 - (p) the Wales Centre for Health established by section 2 of the Health (Wales) Act 2003⁽²³⁾;
 - (q) the Common Services Agency for the Scottish Health Service constituted by section 10 of the National Health Service (Scotland) Act 1978⁽²⁴⁾;
 - (r) Healthcare Improvement Scotland, established by section 10A of the National Health Service (Scotland) Act 1978⁽²⁵⁾;
 - (s) the Scottish Dental Practice Board constituted under section 4 of the National Health Service (Scotland) Act 1978⁽²⁶⁾;
 - (t) the Northern Ireland Central Services Agency for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972⁽²⁷⁾;
 - (u) the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009⁽²⁸⁾;
 - (v) the Regional Agency for Public Health and Wellbeing established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
 - (w) the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
 - (x) Health and Social Care trusts (formerly known as Health and Social Services trusts), established under the Health and Personal Social Services (Northern Ireland) Order 1991⁽²⁹⁾;
 - (y) Special health and social care agencies (formerly known as Special health and social services agencies), established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990⁽³⁰⁾;
 - (z) the Patient and Client Council established under section 16 of the Health and Social Care (Reform) Act (Northern Ireland) 2009; and
 - (aa) the Health and Social Care Regulation and Quality Improvement Authority (formerly known as The Northern Ireland Health and Personal Social Services Regulation and Improvement Authority), established under the Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003⁽³¹⁾.
- (2) For the purposes of paragraph (1), a person is not to be treated as having been in paid employment by reason only of having been—

⁽²²⁾ “Monitor” is the new name given to the Independent Regulator of NHS Foundation Trusts: see section 61 of the 2012 Act, and generally, Chapter 1 of Part 3 of that Act.

⁽²³⁾ 2003 c. 4. The Wales Centre for Health is abolished under S.I. 2009/2653 (W215).

⁽²⁴⁾ Section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c. 53), paragraph 1 of Schedule 10 to the National Health Service and Community Care Act 1990, paragraph 44 of Schedule 8 to the Health Act 1999 (c. 8) and paragraph 2(4) of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13).

⁽²⁵⁾ Section 10A was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

⁽²⁶⁾ Section 4 was amended by section 12(3) of, and Schedule 3 to, the Health and Medicines Act 1988 (c. 49) and paragraph 2(3) of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005.

⁽²⁷⁾ The Northern Ireland Central Services Agency for the Health and Social Services was dissolved by section 1(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

⁽²⁸⁾ 2009 c. 1 (N.I.).

⁽²⁹⁾ S.I. 1991/194 (N.I. 1). Health and Social Services trusts established under Article 10 of S.I. 1991/194 (N.I.) were renamed Health and Social Care trusts under section 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

⁽³⁰⁾ S.I. 1990/247 (N.I. 3). Special health and social services agencies established under Article 10 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 were renamed Special health and social care agencies under section 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

⁽³¹⁾ S.I. 2003/431 (N.I. 9). The Northern Ireland Health and Personal Social Services Regulation and Improvement Authority established under Article 10 of S.I. 2003/431 (N.I. 9) was renamed The Health and Social Care Regulation and Quality Improvement Authority under section 1(2) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

- (a) in the case of an NHS foundation trust, the chairman, a governor or a non-executive director of the trust;
 - (b) in the case of a CCG, the chair or a member of the governing body of that CCG; or
 - (c) in the case of any other NHS body, the chairman or chair, or a member or a director of the NHS body in question.
6. A person's term of office as the chairman or chair or as a member, director or governor of any of the bodies specified in paragraph 5(1) has been terminated on the grounds—
- (a) that it was not in the interests of, or conducive to the good management of, that body that they should continue to hold office;
 - (b) that it was not in the interests of the health service that they should continue to hold office;
 - (c) of non-attendance at meetings;
 - (d) of non-disclosure of a pecuniary interest;
 - (e) of misbehaviour, misconduct or failure to carry out the person's duties.
7. A health care professional or other professional person who has at any time been subject to an investigation or proceedings, by any body which regulates or licenses the profession concerned ("the regulatory body"), in connection with the person's fitness to practise or any alleged fraud, the final outcome of which was—
- (a) the person's suspension from a register held by the regulatory body, where that suspension has not been terminated;
 - (b) the person's erasure from such a register, where the person has not been restored to the register;
 - (c) a decision by the regulatory body which had the effect of preventing the person from practising the profession in question, where that decision has not been superseded; or
 - (d) a decision by the regulatory body which had the effect of imposing conditions on the person's practice of the profession in question, where those conditions have not been lifted.
8. A person who is subject to—
- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(32) or the Company Directors Disqualification (Northern Ireland) Order 2002(33); or
 - (b) an order made under section 429(2) of the Insolvency Act 1986(34) (disabilities on revocation of administration order against an individual).
9. A person who has at any time been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners for England and Wales(35), the Charity Commission, the Charity Commission for Northern Ireland or the High Court, on the grounds of misconduct or mismanagement in the administration of the charity for which the person was responsible, to which the person was privy, or which the person by their conduct contributed to or facilitated.
10. A person who has at any time been removed, or is suspended, from the management or control of any body under—

(32) 1986 c. 46.

(33) S.I. 2002/3150 (N.I. 4).

(34) 1986 c. 45. The original subsections (1) and (2) were substituted by paragraph 3(2) of Schedule 16 to the Tribunals, Courts and Enforcement Act 2007 (c. 15), and subsection (2) was amended by paragraph 15 of Schedule 23 to the Enterprise Act 2002 (c. 40).

(35) The Charity Commissioners for England and Wales were replaced by the Charity Commission: section 6 of the Charities Act 2006 (c. 50).

Status: This is the original version (as it was originally made).

- (a) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990⁽³⁶⁾ (powers of the Court of Session to deal with the management of charities); or
- (b) section 34(5)(e) or (ea) of the Charities and Trustee Investment (Scotland) Act 2005⁽³⁷⁾ (powers of the Court of Session to deal with the management of charities).

⁽³⁶⁾ 1990 c. 40. Section 7 was repealed by paragraph 7(b) of Schedule 4 to the Charities and Trustee Investment (Scotland) Act 2005 (asp 10).

⁽³⁷⁾ 2005 (asp 10). Section 34 was amended by section 122 of the Public Services Reform (Scotland) Act 2010 (asp 8).