

## SCHEDULES

### SCHEDULE 6

Section 20(11)

#### THE COMMISSION FOR PATIENT AND PUBLIC INVOLVEMENT IN HEALTH

##### *Status*

- 1 The Commission for Patient and Public Involvement in Health (“the Commission”) is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commission’s property is not to be regarded as property of, or property held on behalf of, the Crown.

##### *Powers*

- 2 (1) Subject to any directions given by the Secretary of State, the Commission may do anything which appears to it to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) acquiring and disposing of land and other property, and
  - (b) entering into contracts.

##### *Membership*

- 3 The Commission is to consist of a chairman appointed by the Secretary of State, and a number of other members.

##### *Appointment, procedure etc*

- 4 (1) The Secretary of State may by regulations make provision as to—
- (a) the appointment of the chairman and other members of the Commission (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment, and the terms of their appointment),
  - (b) the tenure of office of the chairman and other members of the Commission (including circumstances in which they cease to hold office or may be removed or suspended from office),
  - (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the Commission (including committees and sub-committees which consist of or include persons who are not members of the Commission),
  - (d) the procedure of the Commission and any of its committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment).

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- (2) The regulations may, in particular, make provision to deal with cases where the post of any officer of the Commission is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.
- 5 The regulations may include provision applying, or corresponding to, any provision of Part 5A of the Local Government Act 1972 (access to meetings and documents), with or without modifications.
- 6 (1) The Secretary of State may direct a Special Health Authority to exercise—
- (a) his function of appointing the chairman under paragraph 3, and
  - (b) any functions conferred on him by regulations made under paragraph 4 in relation to the appointment or the tenure of office of the chairman and the other members.
- (2) If he does so, the 1977 Act has effect as if—
- (a) the directions were directions of the Secretary of State under section 16D of that Act, and, accordingly,
  - (b) the functions were exercisable by the Special Health Authority under section 16D.

#### *Remuneration and allowances*

- 7 (1) The Commission may pay to its chairman and to any other member such remuneration and allowances as the Secretary of State may determine.
- (2) The Commission may pay to any member of a committee or sub-committee such allowances as the Secretary of State may determine.
- (3) If the Secretary of State so determines, the Commission must pay, or make provision for the payment of, such pension, allowance or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the chairman or any other member of the Commission.
- (4) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of the Commission to receive compensation, the Commission must pay to him such compensation as the Secretary of State may determine.

#### *Staff*

- 8 (1) There is to be a Chief Executive of the Commission who is to be an employee of the Commission and is to be responsible to the Commission for the general exercise of the Commission's functions.
- (2) Subject to sub-paragraph (3), the Chief Executive is to be appointed by the Commission.
- (3) The first Chief Executive is to be appointed by the Secretary of State on such terms and conditions as the Secretary of State may determine.
- (4) The Commission may appoint such other employees as it considers appropriate, on such terms and conditions as the Commission may determine.

### *Delegation of functions*

- 9           The Commission may arrange for the discharge of any of its functions by a committee, sub-committee, member or employee of the Commission.

### *Assistance*

- 10       (1) The Commission may arrange for such persons as it thinks fit to assist it in the discharge of any of its functions.
- (2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

### *Payments and loans to the Commission*

- 11       (1) The Secretary of State may make payments out of money provided by Parliament to the Commission of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) The Secretary of State may make loans out of money provided by Parliament to the Commission on such terms (including terms as to repayment and interest) as he may determine.
- (3) The approval of the Treasury is required as to the amount and terms of any loan under sub-paragraph (2).
- (4) The Secretary of State may give directions to the Commission as to the application of any sums he pays it under sub-paragraph (1) or (2), and the Commission must comply with any such directions.

### *Accounts and audit*

- 12       (1) The Commission must keep accounts in such form as the Secretary of State may determine.
- (2) The Commission must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) The Commission must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts and of his report before Parliament.
- (5) In this paragraph, “financial year” means—
- (a) the period beginning with the date on which the Commission is established and ending with the next 31st March, and
- (b) each successive period of 12 months ending with 31st March.

### *Reports and other information*

- 13       (1) The Commission shall—
- (a) prepare a report in relation to its activities in each financial year,

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- (b) as soon as possible after the end of each financial year, send a copy of its report for that year to the Secretary of State,
  - (c) publish any such report in whichever way the Commission considers appropriate,
  - (d) make such other reports to the Secretary of State, and supply to him such information, as he may require.
- (2) The Secretary of State shall lay before Parliament any report he receives under subparagraph (1)(b).
- (3) The Secretary of State may make regulations providing for the Commission to make other reports, in accordance with the regulations, to prescribed persons or descriptions of person.
- (4) In this paragraph “financial year” has the meaning given in paragraph 12(5).

*Application of seal and evidence*

- 14 The application of the seal of the Commission must be authenticated by the signature—
- (a) of any member of the Commission, or
  - (b) of any other person who has been authorised by the Commission (whether generally or specially) for that purpose.
- 15 A document purporting to be duly executed under the seal of the Commission or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

*Miscellaneous amendments*

- 16 In the First Schedule to the Public Records Act 1958 (c. 51) (definition of public records), the following entry is inserted at the appropriate place in Part 2 of the Table at the end of paragraph 3—
- “Commission for Patient and Public Involvement in Health.”
- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments etc subject to investigation), the following entry is inserted at the appropriate place—
- “Commission for Patient and Public Involvement in Health.”
- 18 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—
- “The Commission for Patient and Public Involvement in Health.”
- 19 In Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities for the purposes of the Act), in Part 3 (National Health Service), after paragraph 45A there is inserted—
- “45B The Commission for Patient and Public Involvement in Health.”