Health Act 2006

2006 CHAPTER 28

PART 5

APPOINTMENTS COMMISSION

Delegation of appointment functions

58 Commission to exercise Secretary of State's appointment functions

(1) The Commission is to exercise so much of any function of the Secretary of State relating to the appointment of any persons within subsection (2), (3) or (4) as may be specified in a direction given by the Secretary of State.

(2) The persons within this subsection are—

(a) chairmen and non-executive members of Strategic Health Authorities, Primary Care Trusts, NHS trusts or Special Health Authorities;

(b) trustees for NHS trusts or Primary Care Trusts; and

(c) special trustees to which **[**[F1]section 212 of the 2006 Act or section 160 of the National Health Service (Wales) Act 2006**]** applies (special trustees for university and teaching hospitals).

(3) The persons within this subsection are

[[F2](a) chairmen and non-executive members of any of the statutory bodies listed in Schedule 5, and

(b) non-executive members of the Council for Healthcare Regulatory Excellence.**]**

(4) The persons within this subsection are chairmen and non-executive members of any other body (however established) which has functions relating to—

(a) health,

(b) social care, or

(c) the regulation of professions associated with health or social care.

(5) For the purposes of subsection (4) it is immaterial—

(a) that a body has functions relating to matters other than those specified in that subsection, or

(b) that the body's functions are not exercisable only in relation to England.

Textual Amendments

F1 Words in s. 58(2)(c) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 284** (with Sch. 3 Pt. 1)

F2 Words in s. 58(3) substituted (25.8.2008) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 10 para. 20**; S.I. 2008/2214, art. 2(b)

Commencement Information

I1 S. 58 in force at 28.9.2006 for specified purposes and 1.10.2006 in so far as not already in force by S.I. 2006/2603, **art. 4(2)**

59 Cases where appointment functions exercisable jointly etc.

(1) This section applies if a function of the Secretary of State relating to the appointment of any persons within section 58(2), (3) or (4) is exercisable by the Secretary of State jointly or concurrently with—

(a) a devolved authority, or

(b) any other person who is not a Minister of the Crown.

(2) A requirement to exercise the function jointly or concurrently does not prevent the Secretary of State from giving a direction under section 58 in respect of the function, but he must not do so unless he first consults the devolved authority or other person.

(3) If the Secretary of State gives such a direction, so much of the functions of the Secretary of State and the devolved authority or other person as is specified in the direction is exercisable by the Commission acting alone.

(4) Subsections (2) and (3) do not apply if the function is exercisable jointly or concurrently with the Scottish Ministers, but the Secretary of State may nevertheless give a direction under section 58 in respect of the exercise of any function that he has.

Commencement Information

I2 S. 59 in force at 28.9.2006 for specified purposes and 1.10.2006 in so far as not already in force by S.I. 2006/2603, **art. 4(2)**

60 Commission to exercise Privy Council's appointment functions

(1) The Commission is to exercise so much of any function of the Privy Council relating to the appointment of members to any of the regulatory bodies listed in Schedule 6 as may be specified in a direction given by the Privy Council.

(2) The Commission is to exercise so much of any function of the Privy Council relating to the appointment of members to the Council of the Royal Pharmaceutical Society of Great Britain as may be specified in a direction given by the Privy Council.

[F3(3) The Commission is to exercise so much of any function of the Privy Council relating to the appointment of—

(a) the chair of the Council for Healthcare Regulatory Excellence, or
(b) members of the Office of the Health Professions Adjudicator,

as may be specified in a direction given by the Privy Council.**]**

Textual Amendments

F3 S. 60(3) inserted (25.8.2008 for specified purposes, 4.6.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), **Sch. 10 para. 21**; S.I. 2008/2214, art. 2(c); S.I. 2009/1310, art. 2(a)

Commencement Information

I3 S. 60 in force at 28.9.2006 for specified purposes and 1.10.2006 in so far as not already in force by S.I. 2006/2603, **art. 4(2)**

61 Commission to exercise Assembly's appointment functions

The Commission is to exercise so much of any function of the National Assembly for Wales relating to the appointment of members to the Commission for Healthcare Audit and Inspection or the Health Protection Agency as may be specified in a direction given by the Assembly.

Commencement Information

I4 S. 61 in force at 28.9.2006 for specified purposes and 1.10.2006 in so far as not already in force by S.I. 2006/2603, **art. 4(2)**

62 Exercise of appointments functions

(1) This section applies where any function is exercisable by the Commission in relation to an appointment by virtue of a direction under section 58, 60 or 61.

(2) Subject to the following provisions of this section, the function is exercisable by the Commission in relation to the appointment in such manner as it thinks fit, having regard to the provisions of any enactment or instrument relating to the making of the appointment (as they have effect in accordance with subsection (3)).

(3) References in any such provisions to things done, or falling to be done, by or in relation to the Secretary of State, the Privy Council or the National Assembly for Wales have effect, so far as necessary in connection with the function being exercisable by the Commission, as references to things done, or falling to be done, by or in relation to the Commission.

(4) The direction mentioned in subsection (1) may contain provisions relating to the manner in which the function is to be exercised.

(5) Those provisions may, in particular, include provisions relating to—
(a) matters to which the Commission is to have regard,
(b) any criteria to be used, or
(c) the procedure to be followed,

in relation to making appointments in exercise of the function.

(6) The Commission must take into account any guidance which—

(a) is issued by the Commissioner for Public Appointments or any government department, and

(b) relates to the making of appointments to public bodies.

Commencement Information

I5 S. 62 in force at 28.9.2006 for specified purposes and 1.10.2006 in so far as not already in force by S.I. 2006/2603, **art. 4(2)**

Status:
Point in time view as at 25/08/2008.

Changes to legislation:
There are currently no known outstanding effects for the Health Act 2006, Cross Heading: Delegation of appointment functions.