
Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Membership. (See end of Document for details)

SCHEDULES

SCHEDULE 1

THE CARE QUALITY COMMISSION

Membership

- 3 (1) The Commission is to consist of—
- (a) a chair appointed by the Secretary of State, ^{F1}...
 - (b) other members so appointed.
- [^{F2}(1A) The members appointed under sub-paragraph (1)(a) and (b)—
- (a) are not employees of the Commission, and
 - (b) are referred to in this Schedule as the “non-executive members”.
- [^{F3}(c) a chief executive appointed by the members appointed under paragraphs (a) and (b), and
- (d) other members appointed by the members appointed under paragraphs (a) and (b).]

(1B) The members appointed under sub-paragraph (1)(c) and (d)—

 - (a) are employees of the Commission, and
 - (b) are referred to in this Schedule as the “executive members”.

(1C) The number of non-executive members must exceed the number of executive members.]

(2) The Secretary of State must exercise the powers in [^{F4}sub-paragraph (1)(a) and (b)] so as to secure that the knowledge and experience of [^{F5}the non-executive members] of the Commission (taken together) includes knowledge and experience relating to health care, social care and the Mental Health Act 1983 (c. 20).

(3) The Secretary of State may, in the prescribed manner, remove the chair or [^{F6}any other non-executive member] from office if (but only if) the Secretary of State is satisfied that the person—

 - (a) is unable or unfit to carry out the duties of that office,
 - (b) is failing to carry out those duties, or
 - (c) is disqualified from holding office (or was disqualified at the time of appointment).

(4) The Secretary of State may by regulations make provision as to—

 - (a) the appointment of the chair and [^{F7}other non-executive members] (including the number, or limits on the number, [^{F8}of such members who may be appointed] be appointed and any conditions to be fulfilled for appointment), ^{F9}...

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- (b) subject to this paragraph of this Schedule, the tenure of office of the chair and [^{F10}other non-executive members] (including the circumstances in which they are to cease to hold office, are disqualified from holding office or may be suspended from office).
 - [^{F11}(c) the limits on the total number of members who may be appointed, and
 - (d) the minimum total number of members who must be appointed.]
- (5) Regulations under sub-paragraph (4)(b) relating to the suspension of a person from office may only provide for suspension where it appears to the Secretary of State that one of the conditions in sub-paragraph (3) is or may be satisfied in relation to that person.

Textual Amendments

- F1** Word in Sch. 1 para. 3(1) omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), ss. 88(1)(a), 127(1); S.I. 2014/2473, art. 3(c)
- F2** Sch. 1 para. 3(1A)-(1C) inserted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(2), 127(1); S.I. 2014/2473, art. 3(c)
- F3** Sch. 1 para. 3(1)(c)(d) inserted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(1)(b), 127(1); S.I. 2014/2473, art. 3(c)
- F4** Words in Sch. 1 para. 3(2) substituted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(3)(a), 127(1); S.I. 2014/2473, art. 3(c)
- F5** Words in Sch. 1 para. 3(2) substituted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(3)(b), 127(1); S.I. 2014/2473, art. 3(c)
- F6** Words in Sch. 1 para. 3(3) substituted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(4), 127(1); S.I. 2014/2473, art. 3(c)
- F7** Words in Sch. 1 para. 3(4)(a) substituted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(5)(a)(i), 127(1); S.I. 2014/2473, art. 3(c)
- F8** Words in Sch. 1 para. 3(4)(a) substituted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(5)(a)(ii), 127(1); S.I. 2014/2473, art. 3(c)
- F9** Word in Sch. 1 para. 3(4) omitted (1.10.2014) by virtue of Care Act 2014 (c. 23), ss. 88(5)(b), 127(1); S.I. 2014/2473, art. 3(c)
- F10** Words in Sch. 1 para. 3(4)(b) substituted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(5)(c), 127(1); S.I. 2014/2473, art. 3(c)
- F11** Sch. 1 para. 3(4)(c)(d) inserted (1.10.2014) by Care Act 2014 (c. 23), ss. 88(5)(d), 127(1); S.I. 2014/2473, art. 3(c)

Commencement Information

- I1** Sch. 1 para. 3 partly in force; Sch. 1 para. 3 in force for specified purposes at Royal Assent, see s. 170
- I2** Sch. 1 para. 3 in force at 1.10.2008 in so far as not already in force by S.I. 2008/2497, art. 2(n)(i)

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