
STATUTORY INSTRUMENTS

2002 No. 3038

NATIONAL HEALTH SERVICE, ENGLAND

The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002

<i>Made</i>	- - - -	<i>9th December 2002</i>
<i>Laid before Parliament</i>		<i>10th December 2002</i>
<i>Coming into force</i>	- -	<i>1st January 2003</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by section 38(5) to (7) of, and paragraphs 4 and 5 of Schedule 6 to, the National Health Service Reform and Health Care Professions Act 2002⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 and shall come into force on 1st January 2003.

(2) These Regulations apply to England only.

(3) In these Regulations—

“the Act” means the National Health Service Reform and Health Care Professions Act 2002;

“the 1977 Act” means the National Health Service Act 1977⁽²⁾;

“chairman” means, unless the context otherwise requires, the chairman of the Commission;

“the health service” has the same meaning as in the 1977 Act, except that it includes services provided in pursuance of arrangements made in accordance with the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000⁽³⁾ in relation to the exercise of health-related functions of a local authority;

“health service body” means—

(a) a Strategic Health Authority, Special Health Authority, Primary Care Trust or NHS Trust;

⁽¹⁾ 2002 c. 17.

⁽²⁾ 1977 c. 49.

⁽³⁾ S.I.2000/617 (as amended by S.I. 2001/2237); see section 31 of the Health Act 1999 (c. 8) (“the 1999 Act”).

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(b) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(4); or the Scottish Dental Practice Board, the Common Services Agency for the Scottish Health Service or an NHS trust respectively constituted under sections 4, 10 and 12A of that Act;

(c) the Dental Practice Board constituted under section 37(1) of the 1977 Act;

“member” in relation to the Commission includes the chairman except where the context otherwise requires;

“primary care list” means a list either of persons undertaking to provide general medical services, general dental services, general ophthalmic services or, as the case may be, pharmaceutical services prepared pursuant to regulations made under section 29, 36, 39, 42 or 43 of the 1977 Act(5) or a list of persons approved for the purpose of assisting in the provision of any such services prepared pursuant to regulations made under section 43D of the 1977 Act(6).

Number of members

2.—(1) The Commission shall have a maximum of ten members, excluding the chairman.

(2) Subject to regulation 5, those ten members may include a maximum of three persons who are also employees, officers or members of a health service body.

Appointment of members

3.—(1) The members shall be appointed by the Secretary of State(7).

(2) Subject to paragraph (3) and regulation 7 (termination of tenure of office) a member’s term of office shall be for such period, not exceeding four years, as the Secretary of State shall specify on making the appointment.

(3) The term of office of a member appointed on establishment of the Commission shall be for such period, not exceeding three years, as the Secretary of State shall specify on making the appointments.

(4) 1978 c. 29. Section 2 was amended by the Health and Social Services and Social Security Adjudication Act 1983 (c. 41), Schedule 7, paragraph 1 and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 25; section 4 was amended by the Health and Medicines Act 1988 (c. 49), section 12(3) and Schedule 3; section 10 was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 2 and the 1990 Act, Schedule 10; section 12A was inserted by the 1990 Act, section 31 and amended by section 46(1) of the 1999 Act.

(5) Section 29 was extended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17; and amended by the following: the Health Services Act 1980 (c. 53) (“the 1980 Act”), sections 1 and 7 and Schedule 1, paragraph 42(b); the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); by S.I. 1985/39, article 7(3); the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 18; the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”), Schedule 2, paragraph 8; the Health and Social Care Act 2001 (“the 2001 Act”), section 17, and the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 2, paragraph 3; section 36(1) was so numbered by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), Schedule 3, paragraph 5(1) and amended by S.I. 1981/432, article 3(3)(a); by S.I. 1985/39, article 7(10); by the 1988 Act, Schedule 2, paragraph 4; by the 1990 Act, section 9(4) and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 25(a); section 36(4)–(8) was inserted by the 2001 Act, section 20(1)(4)(c); section 39 was extended by the 1988 Act, section 17; and amended by the 1980 Act, section and Schedule 1, paragraph 52; by the 1984 Act, section 1(4), Schedule 1, Part 1, paragraph 1 and Schedule 8, Part 1; by S.I. 1985/39, article 7(12); by the 1995 Act, Schedule 1, paragraph 28; by the Health Act 1999 (c. 8), section 9(4) and the 2001 Act, section 20(5) and 23(4); section 42 was substituted by the National Health Service (Amendment) Act 1986 (c. 66), section 3(1); extended by the 1988 Act (c.49), section 17; and amended by S.I. 1987/2202, article 4; by the 1990 Act, section 12(3); by the 1995 Act, Schedule 1, paragraph 30; and by the 2001 Act, section 43(2), (3) and (4).

(6) Section 43D was inserted by the 2001 Act, section 24.

(7) See paragraph 6 of Schedule 6 to the 2002 Act for Secretary of State’s power to delegate.

Appointment of deputy-chairman

4.—(1) Subject to paragraph (2), the members may appoint one of their number (but not the chairman) to be deputy-chairman for such period, not exceeding the remainder of his term as a member, as they may specify on making the appointment.

(2) Any member so appointed may at any time resign from the office of deputy-chairman by giving notice in writing to the chairman.

(3) For the purposes of the circumstances where the chairman has died or has ceased to hold office, or where he is unable to perform his functions, references to the chairman in the Schedule to these Regulations shall, so long as there is no chairman available, be taken to include references to the deputy-chairman.

Disqualification for appointment

5.—(1) Subject to regulation 6 (cessation of disqualification) a person shall be disqualified for appointment as a member if—

- (a) he has within the preceding five years been convicted in the United Kingdom of any offence, or convicted elsewhere for an offence which, if committed in any part of the United Kingdom would constitute a criminal offence in that part, and in either case has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, and which has not been quashed on appeal;
- (b) he has
 - (i) been adjudged bankrupt or had a sequestration of his estate awarded; or
 - (ii) made a composition or arrangement with, or granted a trust deed for, his creditors;
- (c) he has been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body or a body specified in paragraph (4);
- (d) he is a person whose tenure of office as the chairman or as a member or director of a health service body or a body specified in paragraph (4) has been terminated on the grounds that—
 - (i) it was not in the interests of, or conducive to the good management of, the body that he should continue to hold office,
 - (ii) it was not in the interests of the health service that he should continue to hold office, or
 - (iii) he failed, without reasonable cause, to attend any meeting of that body for a period of three months or more,
 - (iv) he failed to declare a pecuniary interest or withdraw from consideration of any matter in respect of which he had a pecuniary interest;
- (e) he—
 - (i) is subject to a national disqualification under section 49N of the 1977 Act⁽⁸⁾ imposed by the Family Health Services Authority constituted under section 49S⁽⁹⁾ of the 1977 Act,
 - (ii) is subject to a national disqualification under a decision of the National Health Service Tribunal, which is treated as a national disqualification by virtue of

⁽⁸⁾ Section 49N was inserted by the 2001 Act, section 25.

⁽⁹⁾ Section 49S was inserted by the 2001 Act, section 27.

regulation 6 (4)(b) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2001⁽¹⁰⁾,

- (iii) has been refused nomination or approval to fill a vacancy for a medical practitioner pursuant to regulations made under section 29B(2A) of the 1977 Act⁽¹¹⁾ or refused admission to a primary care list, on grounds corresponding to the conditions referred to in section 49F(2),(3) or (4) of the 1977 Act⁽¹²⁾ (efficiency cases, fraud cases and unsuitability cases) and has not subsequently been approved or, as the case may be, included in a primary care list,
- (iv) is conditionally included in a primary care list under section 43ZA of the 1977 Act⁽¹³⁾,
- (v) has been removed from a primary care list under section 49F of the 1977 Act, or by a direction of the National Health Service Tribunal and has not subsequently been included in such a list,
- (vi) is contingently removed from a primary care list under section 49G of the 1977 Act⁽¹⁴⁾, or
- (vii) is suspended from a primary care list under section 49I of the 1977 Act⁽¹⁵⁾ or is treated as so suspended by virtue of regulation 6(2) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2001,

and in this sub-paragraph any reference to a provision in the 1977 Act includes a reference to the provision corresponding to that provision in Scotland and Northern Ireland;

- (f) he is subject to a disqualification order under the Company Directors Disqualification Act 1986⁽¹⁶⁾, the Companies (Northern Ireland) Order 1986⁽¹⁷⁾ or to an order made under section 429(2)(b) of the Insolvency Act 1986⁽¹⁸⁾ (failure to pay under county court administration order);
- (g) he has been—
 - (i) removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he by his conduct contributed to or facilitated; or
 - (ii) removed under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990⁽¹⁹⁾ (powers of Court of Session to deal with management or control of any body);
- (h) he is an employee or officer of the Commission;
- (i) he is a member of a Patients' Forum;

⁽¹⁰⁾ S.I. 2001/3744. The National Health Service Tribunal was abolished by the 2001 Act, section 16 with effect from 14th December 2001, subject to article 2(5) and (6) of S.I. 2001/3738 which provided for a later commencement date for section 16 in respect of certain types of case before the National Health Service Tribunal.

⁽¹¹⁾ Section 29B was inserted by the 1997 Act, section 32(1) and section 29B(2A) was inserted by the 2001 Act, section 20(1) and (3)(a) and amended by the Act, Schedule 2, Part I, paragraph 5(1) and (2).

⁽¹²⁾ Section 49F was inserted by the 2001 Act, section 25.

⁽¹³⁾ Section 43ZA was inserted by the 2001 Act, section 21 and amended by the Act, section 2(5) and Schedule 2, paragraphs 1 and 18.

⁽¹⁴⁾ Section 49G was inserted by the 2001 Act, section 25 and amended by the Act, section 2(5) and Schedule 2, Part I, paragraphs 1 and 21(b).

⁽¹⁵⁾ Section 49I was inserted by the 2001 Act, section 25 and amended by the Act, section 29(5) and Schedule 2, Part I, paragraphs 1 and 21(c).

⁽¹⁶⁾ 1986 c. 46.

⁽¹⁷⁾ S.I. 1986/1032 (N.I.6).

⁽¹⁸⁾ 1986 c. 45.

⁽¹⁹⁾ 1990 c. 40.

(j) he has previously served as a member of the Commission for two terms of office (whether consecutive or not).

(2) For the purposes of paragraph (1)(a), the date of conviction shall be deemed to be the date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

(3) For the purposes of paragraph (1)(c), a person shall not be treated as having been in paid employment by reason only of his having been the chairman or member or director of a health service body.

(4) The bodies referred to in paragraph (1) as specified are—

- (a) the General Social Care Council(20);
- (b) the Commission for Health Improvement(21);
- (c) the Human Fertilisation and Embryology Authority(22);
- (d) the National Biological Standards Board(23);
- (e) the Public Health Laboratory Service Board(24);
- (f) the National Radiological Protection Board(25);
- (g) the National Care Standards Commission(26).

Cessation of disqualification

6.—(1) Where a person is disqualified under regulation 5(1)(b) by reason of having been adjudged bankrupt or having had a sequestration of his estate awarded—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the day of the annulment;
- (b) if he is discharged, the disqualification shall cease on the day of his discharge.

(2) Where a person is disqualified under regulation 5(1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors—

- (a) if he pays his debts in full, the disqualification shall cease on the day on which such payment is completed; and
- (b) in any other case, it shall cease on the fifth anniversary of the day on which the terms of the deed of composition or arrangement, or, as the case may be, of the trust deed, are fulfilled.

(3) Subject to paragraph (4), where a person is disqualified under regulation 5(1)(c) he may, after the second anniversary of the day on which he was dismissed, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification shall cease.

(4) Where the Secretary of State refuses an application to remove a disqualification, no further application may be made by that person until the second anniversary of the day of the refusal and this paragraph shall apply to any subsequent application.

(20) See section 54(1)(a) of the Care Standards Act 2000 (c. 14).

(21) See section 19 of, and Schedule 2 to, the 1999 Act. (Schedule 2 was amended by section 14 of the Act).

(22) See section 5 of the Human Fertilisation and Embryology Act 1990 (c. 37).

(23) See section 1 of the Biological Standards Act 1975 (c. 4).

(24) See section 5(5) and Schedule 3 to the 1977 Act.

(25) See section 1 of the Radiological Protection Act 1970 (c. 46).

(26) See section 6 of the Care Standards Act 2000 (c. 14).

(5) Where a person is disqualified under regulation 5(1)(d), the disqualification shall cease on the second anniversary of the termination of his tenure of office, or such longer period as may be specified on the termination, but the Secretary of State may, on application being made to him by that person, reduce the period of disqualification.

Termination of tenure of office

7.—(1) A member may resign his office at any time during his term of office, by giving notice in writing to the Secretary of State.

(2) Where an existing member is appointed to be the chairman, his original tenure of office shall terminate when his appointment as chairman takes effect.

(3) Where the Secretary of State is of the opinion that it is not in the interests of the Commission or the health service that a member should continue to hold office, he may terminate his tenure of office by giving him notice in writing to that effect.

(4) If a member fails to attend any meeting of the Commission for a period of three months the Secretary of State shall terminate that person's tenure of office, unless he is satisfied that—

- (a) the absence was due to a reasonable cause; and
- (b) the person in question will be able to attend meetings of the Commission within such period as the Secretary of State considers reasonable.

(5) Where a person has been appointed to be a member, and—

- (a) it comes to the notice of the Secretary of State that at the time of his appointment he was disqualified under regulation 5, the Secretary of State shall declare that the person in question was not duly appointed and notify him in writing to that effect; or
- (b) he becomes disqualified for appointment under regulation 5, and notifies (as he should) the Secretary of State; or
- (c) he becomes disqualified for appointment under regulation 5 and this comes to the attention of the Secretary of State otherwise than by the member's notification, the Secretary of State shall notify him in writing of such disqualification,

and upon receipt of notification from the member or the Secretary of State, as the case may be, his tenure of office, if any, shall be terminated and he shall cease to act as such a member.

(6) If it appears to the Secretary of State that a member has failed to comply with regulation 10(1) (disability on account of pecuniary interest) he may terminate that person's tenure of office by giving him notice in writing to that effect.

Appointment of committees and sub-committees

8.—(1) The Commission may appoint a committee to discharge, or assist it in discharging, its functions.

(2) A committee appointed under paragraph (1) may consist wholly or partly of members of the Commission or wholly of persons who are not members of the Commission.

(3) A committee appointed under paragraph (1) may, subject to such directions as may be given by the Commission, appoint sub-committees consisting wholly or partly of members of the committee (whether or not they are members of the Commission) or wholly of persons who are not members of the Commission or the committee.

(4) Regulation 5, other than paragraph (1)(h), and regulation 6 apply to the appointment of members of committees and sub-committees appointed under this regulation as they apply to the appointment of members of the Commission.

Meetings and proceedings

9.—(1) The meetings and proceedings of the Commission shall be conducted in accordance with the rules set out in Schedule 1 to these Regulations and with Standing Orders made under paragraph (2).

(2) Subject to those rules and to any directions given by the Commission under regulation 8(3) the Commission—

- (a) shall make, and may vary, suspend or revoke, Standing Orders for the regulation of its proceedings and business; and
- (b) may make, vary, suspend or revoke Standing Orders relating to the quorum, proceedings and place of meeting of any committee or sub-committee of the Commission but, if there are no such relevant Standing Orders, the quorum, proceedings and place of meeting shall be such as the committee or sub-committee may determine.

(3) The proceedings of the Commission shall not be invalidated by any vacancy in its membership or by any defect in a member's appointment.

Disability of members in proceedings on account of pecuniary interest

10.—(1) Subject to the following provisions of this regulation, if a member has any pecuniary interest, direct or indirect, in any matter and is present at any meeting of the Commission at which the matter is the subject of consideration, he shall at that meeting and as soon as practicable after its commencement, disclose his interest and shall not take part in the consideration or discussion of the matter or vote on any question with respect to it.

(2) The Secretary of State may, subject to such conditions as he may think fit to impose, remove any disability imposed by this regulation in any case in which it appears to him to be in the interests of the health service that the disability should be removed.

(3) The Commission may, by Standing Orders made under regulation 9(2), provide for the exclusion of a member from a meeting of the Commission while any matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to a member by virtue of paragraph 7 of Schedule 6 to the Act (remuneration and allowances) shall not be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), the circumstances in which a member shall be treated for the purpose of this regulation as having an indirect pecuniary interest in a matter include—

- (a) if he, or a nominee of his, is a director of a company or other body, not being a public body, which has a direct pecuniary interest in the matter under consideration; or
- (b) if he is a partner of, or is in the employment of, a person who has a direct pecuniary interest in the matter under consideration,

and in the case of persons living together as a couple (whether married or not) the interest of one shall, if known to the other, be deemed for the purpose of this regulation to be also an interest of that other.

(6) A member shall not be treated as having a pecuniary interest in any matter by reason only—

- (a) of his membership of a company or other body if he has no beneficial interest in any securities of that company or other body; or
- (b) of an interest in any company, body or person with which he is connected as mentioned in paragraph (5) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence him in the consideration or discussion of, or in voting on, any question with respect to that matter.

(7) Where a member—

- (a) has an indirect pecuniary interest in a matter by reason only of a beneficial interest in securities of a company or other body;
- (b) the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the lesser;
- (c) if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class; and
- (d) he has declared his interest,

this regulation shall not prohibit him from taking part in the consideration or discussion of the matter, or from voting on any question with respect to it.

(8) This regulation applies to a committee or sub-committee as it applies to the Commission and applies to a member of any such committee or sub-committee (whether or not he is also a member of the Commission) as it applies to a member of the Commission.

(9) In this regulation—

“public body” includes any body established for the purpose of carrying on, under national ownership, any industry or part of any industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907⁽²⁷⁾;

“securities” means—

- (a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in any share or such debentures; or
- (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any industrial or provident society or building society;

“shares” means shares in the share capital of a company or other body or the stock of a company or other body.

Access to meetings and documents

11. Schedule 2 has effect.

Signed by authority of the Secretary of State for Health

9th December 2002

David Lammy
Parliamentary Under Secretary of State,
Department of Health

SCHEDULE ONE

Regulation 9(1)

Rules as to meetings and proceedings of the Commission

1. The first meeting of the Commission shall be held on such day and at such place as may be fixed by the chairman, and he shall be responsible for convening the meeting.

2.—(1) The chairman may call a meeting of the Commission at any time.

(2) If a requisition for a meeting, signed by at least half of the members, is presented to the chairman, and the chairman either—

(a) refuses to call a meeting; or

(b) without so refusing, does not within 21 days after the requisition has been presented to him call a meeting,

those members may forthwith call a meeting.

(3) Before each meeting of the Commission, a notice of the meeting which—

(a) specifies the principal business proposed to be transacted at it; and

(b) is signed by the chairman or by an officer of the Commission authorised by the chairman to sign on his behalf,

shall be delivered to each member, or sent by post to his last known address, at least seven clear days before the day of the meeting.

(4) The proceedings of any meeting shall not be invalidated by a failure to deliver such notice to any member.

(5) In the case of a meeting called under sub-paragraph (2) above by members, the notice shall be signed by those members and no business other than that specified in the notice shall be transacted at the meeting.

3.—(1) At any meeting of the Commission the chairman or, in his absence, the deputy-chairman (if there is one and he is present) shall preside.

(2) If the chairman and any deputy-chairman are absent, such other member present as the other members present shall choose for the purpose shall preside.

4. Every question at a meeting shall be determined by a majority of votes of the members present and competent to vote on the question and, in the case of an equality of votes, the chairman or, in his absence, the person presiding at the meeting shall have a second and casting vote.

5.—(1) Subject to sub-paragraph (2) below, no business shall be transacted at any meeting unless at least half of the members are present.

(2) The chairman shall be present at any meeting of the Commission which is convened for the purpose of appointing a person to act as Chief Executive.

6.—(1) The minutes of the proceedings of a meeting shall be drawn up and shall be signed at the next ensuing meeting by the person presiding at that next meeting.

(2) The names of the members present at a meeting shall be recorded in the minutes.

SCHEDULE TWO

Regulation 11

Access to meetings and documents**PART 1****Access to meetings and documents**

1.—(1) Sections 100A to 100D of the Local Government Act 1972 (“the 1972 Act”)(28) (admission to meetings of principal councils, access to agenda and connected reports, inspection of minutes and other documents after meetings, access to meetings and documents of certain authorities) shall apply to the Commission as they apply to a principal council within the meaning of Part VA of the 1972 Act, but subject to the following modifications, namely—

- (a) the proper officer for the purposes of sections 100B, 100C and 100D shall be a member or employee of the Commission appointed for the purpose by the Commission; and
- (b) the reference in section 100C(1) to the period of six years shall be construed as a reference to the period of four years and the reference in section 100D(2) to the period of four years shall be construed as a reference to the period of two years.

(2) Sections 100A to 100D of the 1972 Act shall apply also in relation to a committee or sub-committee of the Commission as they apply to a principal council within the meaning of Part VA of that Act but subject to paragraph (1)(a) and (b) and to the following further modifications, namely—

- (a) where the meeting of the committee or sub-committee is to be held at premises other than the offices of the Commission, section 100A(6)(a) shall be taken to have been complied with if the notice is given by posting it at those premises;
- (b) for the purposes of section 100A(6)(c), premises belonging to the Commission shall be treated as belonging to the committee or sub-committee;
- (c) for the purposes of sections 100B(1), 100C(1) and 100D(1), offices of the Commission shall be treated as offices of the committee or sub-committee.

(3) Section 100H of the 1972 Act (supplemental provisions and offences) shall apply to the Commission subject to the following modifications—

- (a) any reference to any provision of Part VA of that Act or to any right conferred by that Part includes a reference to any such provision as it applies by virtue of this Part of this Schedule or, as the case may be, to any right conferred by Part VA of the 1972 Act as it so applies;
- (b) in subsection (2)(b) the reference to supplying a copy shall be construed as supplying a copy before the end of the period of three days beginning with the day on which the copy is requested;
- (c) in subsections (3) and (5) the references to a principal council shall be construed as references to the Commission;
- (d) subsection (5) shall apply to any meeting of a committee or sub-committee of the Commission.

(4) Subject to paragraph 5, Schedule 12A to the 1972 Act (exempt information) shall apply to the Commission as it applies to the principal council and thus the definition of “the authority” in paragraph 2 of Part III shall be construed as though the references in that definition to the principal council were references to the Commission.

(28) 1972 c. 70. Section 100A was amended by S.I. 2002/715, article 2; section 100B was amended by S.I. 2002/715, article 3(a) and (b); section 100D was amended by the Local Government Act 2000 (c. 22), section 97(1), (2), 107 and Schedule 6.

- (5) The application of Schedule 12A is subject to the following modifications—
- (a) Part I shall apply as though—
- (i) in paragraph 1 (information concerning employees of the authority) after the words “the authority” there were inserted “or any Strategic Health Authority(29), National Health Service Trust(30) or Primary Care Trust(31)”;
 - (ii) paragraphs 2, 2A, 3, 5, 6 and 13 were omitted; and
 - (iii) after paragraph 6 there were inserted the following paragraphs—
- 6A.** Information relating to the physical or mental health of any particular person.
- 6B.** Information relating to—
- (a) any particular person who is or was included in a list of persons undertaking to provide services under Part II of the National Health Service Act 1977 or is an applicant for inclusion in such a list; or
 - (b) any particular person who is or was providing services, or has made a request to become a person providing services under section 28C of the 1977 Act; or
 - (c) any particular person who is or was performing personal medical services or personal dental services in accordance with arrangements under section 28C of the 1977 Act; or
 - (d) any particular employee, former employee or applicant to become an employee of a person referred to in paragraphs (a), (b) or (c).”.
- (b) Part II shall apply as though—
- (i) in paragraph 1 after the words “paragraphs 1 to 5” there were inserted “or 6B”; and
 - (ii) paragraph 7 were omitted.

PART 2

Access to information relating to members of the Commission

2.—(1) The Commission shall maintain a register containing the name and address of every member of the Commission and of every committee appointed by the Commission.

- (2) A written summary of the rights—
- (a) to attend meetings of the Commission and its committees, and
 - (b) to inspect and copy, and be furnished with, documents relating to the Commission or its committees,

which are for the time being conferred by virtue of Part 1 shall be kept at the offices of the Commission.

(3) The register maintained by the Commission under paragraph (1) and the summary kept by it under paragraph (2) shall be open to inspection by the public at all reasonable hours and without payment at the offices of the Commission, and any person may, on payment of such reasonable fee as the Commission may determine—

(29) See section 8 of the 1977 Act (as substituted by section 1(2) of the Act).

(30) See section 5 of the 1990 Act (as amended by sections 13(1)(a), (10) and 65(2) and Schedule 5 of the 1999 Act).

(31) See section 16A of the 1977 Act (as inserted by section 2(1) of the 1999 Act and as substituted by section 2(1) and (2) of the Act).

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- (a) make copies of or extracts from any such register or summary kept by it; and
- (b) require the Commission to supply him, before the end of the period of three days beginning with the day on which the request is made, with a photographic copy of, or extracts from, any such register or summary.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning the membership and procedure of the Commission for Patient and Public Involvement in Health established by section 20 of the National Health Service Reform and Health Care Professions Act 2002. In particular, they make provision for the numbers, appointment and tenure of office of members (regulations 2 and 3), the appointment of a deputy-chairman (regulation 4), disqualification for appointment (regulations 5 and 6), termination of tenure of office (regulation 7), the appointment of committees and sub-committees (regulation 8), meetings and proceedings, including provision for disability for participation in proceedings on account of pecuniary interest (regulations 9 and 10, and Schedule 1), and access to meetings and documents of the Commission (regulation 11 and Schedule 2).