
STATUTORY INSTRUMENTS

2003 No. 2123

**The Patients' Forums (Membership
and Procedure) Regulations 2003**

Disqualification for appointment

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

- (a) he has within the preceding five years been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body;
- (b) he is a person whose tenure of office as the chairman or as a member or director of a health service body has been terminated on the grounds that—
 - (i) it was not in the interests of, or conducive to the good management of, that 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,
 - (iii) he failed, without reasonable cause, to attend any meeting of that body for a period of 3 months or more, or
 - (iv) he failed to declare a pecuniary interest or withdraw from consideration of any matter in respect of which he had a pecuniary interest;
- (c) he—
 - (i) is subject to a national disqualification imposed by the Family Health Services Appeal Authority constituted under section 49S(1) 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 regulation 6(4)(b) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2001(2),
 - (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(3) 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(4) (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,
 - (v) has been removed from a primary care list on any of the grounds set out in 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,

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

(2) 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.

(3) 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 1, paragraph 5 (1) and (2).

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

- (vi) is contingently⁽⁵⁾ removed from a primary care list, or
- (vii) is suspended from a primary care list 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;
- (d) he is an employee, officer or member of the NHS trust or Primary Care Trust for which the Patients' Forum is established;
- (e) in the case of a PCT Patients' Forum, he is an individual who, or an employee, officer or member of an organisation which, provides services under arrangements made by the Primary Care Trust;
- (f) he is an employee, officer or member of the Strategic Health Authority which is responsible for performance managing the NHS trust or Primary Care Trust for which the Patients' Forum is established;
- (g) he is a member of an executive of a local authority (within the meaning of Part II of the Local Government Act 2000 (arrangements with respect to executives etc.))⁽⁶⁾;
- (h) he is an employee, officer or member of the Commission;
- (i) he is a person who provides staff support to the Patients' Forum under a contract between the Commission and an organisation of which he is an employee, officer member or representative;
- (j) he has previously served as a member of the Patients' Forum for 8 consecutive years and less than four years have passed since he ceased to be such a member;
- (k) he is a member of another Patients' Forum, unless he is a member appointed to a PCT Patients' Forum under paragraph (4)(a) of regulation 2;
- (l) he is a person whose role relates to the provision of independent advocacy services⁽⁷⁾ as an employee, officer or member of an organisation (other than a PCT Patients' Forum) which provides such services;
- (m) he is a member of the relevant overview and scrutiny committee (within the meaning of section 15 of the Act).

(2) For the purposes of paragraph (1)(a), a person shall not be treated as having been in paid employment by reason only of his having been the chairman or a member of, and in the case of an NHS trust, a member of the board of directors of, the health service body in question.

⁽⁵⁾ See section 49G of the 1977 Act and the powers to make corresponding provision in sections 28DA(7) and 43D(6) of that Act.

⁽⁶⁾ 2000 c. 22.

⁽⁷⁾ See section 19A of the 1977 Act.