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STATUTORY INSTRUMENTS

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**2012 No. 1425**

**NATIONAL HEALTH SERVICE, ENGLAND**

The National Patient Safety Agency  
(Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>29th May 2012</i>
<i>Laid before Parliament</i>		<i>7th June 2012</i>
<i>Coming into force</i>	- -	<i>9th July 2012</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 272(7) and (8) and 273(1) of, and paragraph 5 of Schedule 6 to, the National Health Service Act 2006<sup>(1)</sup>:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Patient Safety Agency (Amendment) Regulations 2012.

(2) These Regulations come into force on 9th July 2012.

(3) In these Regulations, “the Principal Regulations” means the National Patient Safety Agency Regulations 2001<sup>(2)</sup>.

**Amendment of the Principal Regulations**

2.—(1) The following amendments are made to the Principal Regulations.

(2) In regulation 1 (citation, commencement, extent and interpretation), in paragraph (3), omit the definitions of “appointee”, “the chairman”, “health service body”, and “member”.

(3) In regulation 2 (appointment and tenure of office of chairman and non-officer members)—

(a) in paragraph (1) omit “chairman and”;

(b) for paragraph (2) substitute—

“(2) Subject to regulation 5 (termination of tenure of office), the term of office of the non-officer members is to be such period as the Secretary of State specifies on making the appointment.”;

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(1) 2006 c. 41. The powers exercised in making these Regulations are exercisable by the Secretary of State only in relation to England, by virtue of section 271(1) of the National Health Service Act 2006.

(2) S.I. 2001/1742, as amended by S.I. 2004/696, S.I. 2006/1722 and S.I. 2010/2538.

- (c) in paragraph (3) omit “the chairman and”; and
- (d) after paragraph (3) add—
  - “(4) Any officer member must be appointed as a member by the non-officer members.”.
- (4) In regulation 3 (disqualification for appointment), in subsection (1), for “Subject to regulation 4 (cessation of disqualification), a person shall be disqualified for appointment as the chairman or” substitute “A person is to be disqualified for appointment”.
- (5) Omit regulation 4 (cessation of disqualification).
- (6) In regulation 5 (termination of tenure of office of chairman and non-officer members)—
  - (a) in each of paragraphs (1), (2), (4) and (5) omit “the chairman or”;
  - (b) omit paragraph (3); and
  - (c) in paragraph (4) for “such chairman or non-officer member” substitute “such non-officer member”.
- (7) Omit regulations 5A (suspension of appointee) to 6A (powers of vice-chairman).
- (8) In regulation 7(3) (appointment of committees and sub-committees) for “Regulations 3 and 4 apply” substitute “Regulation 3 applies”.
- (9) For regulation 9 (meetings and proceedings) substitute—
  - “9. Subject to regulation 10 and to any directions as may be given by the Secretary of State, the Agency may regulate its own procedure and that of its committees and sub-committees.”(3).
- (10) In regulation 10 (disability of chairman and members in proceedings on account of pecuniary interest)—
  - (a) in each of paragraphs (1), (4) and (7) omit “the chairman or”;
  - (b) omit paragraph (3);
  - (c) in paragraph (5) for “paragraphs (2) and (6), the chairman or” substitute “paragraph (6)”;
  - and
  - (d) in paragraph (6) for “Neither the chairman nor a member shall” substitute “A member shall not”.
- (11) Omit the Schedule (rules as to meetings and proceedings of the Agency).

29th May 2012

*Andrew Lansley*  
Secretary of State,  
Department of Health

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(3) “The Agency” is defined in regulation 1(3) of the National Patient Safety Agency Regulations 2001, [S.I. 2001/1742](#), and is to be abolished by section 281 of the Health and Social Care Act 2012 ([c. 7](#)) on a date to be appointed by the Secretary of State by order under section 306 of that Act.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Patient Safety Agency Regulations 2001, [S.I. 2001/1742](#) (“the Principal Regulations”). The National Patient Safety Agency (“the Agency”) is established by article 2 (establishment of the Agency) of the National Patient Safety Agency (Establishment and Constitution) Order 2001, [S.I. 2001/1743](#).

Regulation 2(2) removes redundant definitions from regulation 1 of the Principal Regulations (citation, commencement, extent and interpretation).

Regulation 2(3) amends regulation 2 of the Principal Regulations (appointment and tenure of office of chairman and non-officer members) to provide for the Secretary of State to appoint, and specify the period of the term of office of, non-officer members of the Agency. Paragraph (3) also provides for the appointment of officer members by the non-officer members.

Regulation 2(4) and (8) make provision consequent on the omission of regulation 4 of the Principal Regulations (cessation of disqualification) by paragraph (5).

Regulation 2(6) omits from regulation 5 of the Principal Regulations (termination of tenure of office of chairman and non-officer members) references to “the chairman” and omits provision for failure to attend meetings for a period of three months.

Regulation 2(7) and (11) omit regulations 5A (suspension of appointee) to 6A (powers of vice-chairman) of, and the Schedule (rules as to meetings and proceedings of the Agency) to, the Principal Regulations.

Regulation 2(9) amends regulation 9 of the Principal Regulations (meetings and proceedings) to remove the provision for the Agency to adopt Standing Orders and provide for the Agency to regulate its own procedure and that of its committees and sub-committees.

Regulation 2(10) amends regulation 10 of the Principal Regulations (disability of chairman and members in proceedings on account of pecuniary interest) to remove references to the chairman of the Agency and to remove provision for the Agency to make Standing Orders providing for the exclusion of members from meetings if they have a pecuniary interest in a matter under consideration.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.