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STATUTORY INSTRUMENTS

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**2015 No. 1479**

**NATIONAL HEALTH SERVICE, ENGLAND  
SOCIAL CARE, ENGLAND  
PUBLIC HEALTH, ENGLAND**

**The Care Quality Commission (Membership) Regulations 2015**

*Made* - - - - *7th July 2015*  
*Laid before Parliament* *14th July 2015*  
*Coming into force* - - *1st September 2015*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by section 161(3) and (4) of, and paragraph 3(3) to (5) of Schedule 1 to, the Health and Social Care Act 2008(1).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Care Quality Commission (Membership) Regulations 2015 and come into force on 1st September 2015.

(2) In these Regulations—

“NHS Act 2006” means the National Health Service Act 2006(2);

“NHS Body” means—

- (a) an English NHS body(3);
- (b) the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(4);
- (c) Monitor(5);
- (d) the Wales Centre for Health(6);

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(1) 2008 c.14. Paragraph 3(3) and (4) of Schedule 1 was amended by section 88 of the Care Act 2014 (c.14). See the definitions of “prescribed” and “regulations” in section 97(1) of the Health and Social Care Act 2008.

(2) 2006 c.41.

(3) See section 97(1) of the Health and Social Care Act 2008 for the definition of “English NHS body”.

(4) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) was established by S.I. 2005/2414.

(5) Monitor is the body corporate, formerly known as the Independent Regulator of NHS Foundation Trusts, continued under section 61 of the Health and Social Care Act 2012 (c.7).

(6) See section 2 of the Health (Wales) Act 2003 (c.4).

- (e) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006(7);
- (f) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;
- (g) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006(8);
- (h) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(9);
- (i) the Scottish Dental Practice Board constituted under section 4 of the National Health Service (Scotland) Act 1978(10);
- (j) the Common Services Agency for the Scottish Health Service constituted under section 10 of the National Health Service (Scotland) Act 1978(11);
- (k) Healthcare Improvement Scotland constituted under section 10A of the National Health Service (Scotland) Act 1978(12);
- (l) a National Health Service trust constituted under section 12A of the National Health Service (Scotland) Act 1978(13);
- (m) a special health and social care agency established under article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(14);
- (n) a Health and Social Care trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(15);
- (o) the Health and Social Care Regulation and Quality Improvement Authority established under article 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(16);
- (p) the Regional Health and Social Care Board established by section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(17);
- (q) the Regional Agency for Public Health and Social Well-Being established by section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

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(7) 2006 c.4.

(8) Section 22 of the National Health Service (Wales) Act 2006 (c.4) was amended by the Health and Social Care Act 2012, section 97 and paragraphs 12 and 18 of Schedule 21.

(9) 1978 c.29. Section 2 was amended by section 14(2) of, and paragraph 1 of Schedule 7 to, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), sections 28 and 66 of, and paragraph 19 of Schedule 9 and paragraph 1 of Schedule 10 to, the National Health Service and Community Care Act 1990 (c.19), paragraph 1 of Schedule 1 to the National Health Service Reform (Scotland) Act 2004 (asp 7), paragraph 2 of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) and section 2 of the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5).

(10) Section 4 was amended by sections 12 and 25 of, and Schedule 3 to, the Health and Medicines Act 1988 (c.49) and paragraph 2 of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13).

(11) Section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c.53), section 66(2) and paragraph 1 of Schedule 10 to the National Health Service and Community Care Act 1990 (c.19), section 65(1) and paragraph 44 of Schedule 4 to the Health Act 1999 (c.8), paragraph 2 of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) and section 63 of the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9).

(12) Section 10A was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

(13) Section 12A was inserted by section 31 of the National Health Service and Community Care Act 1990 and amended by paragraph 34 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c.46) and sections 46, 48 and 65(1) of, and paragraph 45 of Schedule 4 to, the Health Act 1999.

(14) S.I. 1990/247 (N.I. 3). The name “special health and social care agency” was given by section 1(4) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 c.1 (NI).

(15) S.I. 1991/194 (N.I. 1). The name “Health and Social Care trust” was given by section 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

(16) S.I. 2003/431. Article 3 was amended by paragraph 1(1)(a) and (b) of Schedule 1 to the Health and Social Care (Amendment) Act (Northern Ireland) 2014 c.5 (NI). The name “Health and Social Care Regulation and Quality Improvement Authority” was given by section 1(2) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

(17) 2009 c.1 (NI).

(r) the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

“performers list” means a list published in accordance with the Performers Lists Regulations;

“Performers Lists Regulations” means the National Health Service (Performers Lists) (England) Regulations 2013<sup>(18)</sup>;

“pharmaceutical list” means a list published in accordance with regulations made under section 129(2)(a) of the NHS Act 2006<sup>(19)</sup>.

## **Members**

2. The Commission must have no fewer than 6 and no more than 14 members in addition to the chair.

## **Tenure of office of non-executive members**

3.—(1) Subject to regulation 6, the term of office of a non-executive member is such period, not exceeding four years, as is specified by the Secretary of State at the time of the appointment.

(2) A non-executive member who has ceased to hold office may be reappointed

## **Disqualification for appointment or from holding office**

4. Subject to regulation 5, a person is disqualified from appointment or from holding office as a non-executive member where that person falls within one or more paragraphs of the Schedule.

## **Cessation of disqualification**

5.—(1) A person who is disqualified under paragraph 6 or 15 of the Schedule may, after the expiry of the period of two years beginning with the date of the dismissal or removal, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification ceases to have effect.

(2) Where the Secretary of State refuses an application to remove a disqualification, no further application may be made by that person until the expiry of the period of two years beginning with the date of the application, and this paragraph applies to any subsequent application.

(3) Where a person is disqualified under paragraphs 16 to 21 of the Schedule, the disqualification ceases on the expiry of—

(a) the period of two years beginning with the date of the termination or cessation of, or removal or disqualification from, office referred to in those paragraphs; or

(b) such longer period as the Secretary of State specifies when terminating that person’s period of office,

but, where application is made to the Secretary of State by that person, the Secretary of State may reduce the period of disqualification.

## **Termination of tenure of office of non-executive members**

6.—(1) A non-executive member may resign at any time by giving notice in writing to the Secretary of State.

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<sup>(18)</sup> S.I. 2013/335.

<sup>(19)</sup> Section 129(2)(a) was amended by paragraph 66 of Schedule 4 to the Health and Social Care Act 2012.

(2) Where a non-executive member other than the chair is appointed to be the chair, that member's tenure of office as such a non-executive member terminates when the appointment as chair takes effect.

(3) Paragraph (2) does not apply if—

- (a) the appointment as chair is on an interim basis; and
- (b) the period of the member's term of office as chair falls wholly within the period of the member's term of office as non-executive member other than chair.

(4) A non-executive member's tenure of office ceases upon being notified in writing by the Secretary of State—

- (a) that the Secretary of State is satisfied that a condition specified in paragraph 3(3) of Schedule 1 to the Health and Social Care Act 2008 (conditions for removal of non-executive members) is met in relation to that member; and
- (b) of the reason why the Secretary of State is so satisfied.

### **Suspension of non-executive members**

7.—(1) Paragraphs (2) to (4) apply where it appears to the Secretary of State in relation to a non-executive member that a condition in paragraph 3(3) of Schedule 1 to the Health and Social Care Act 2008 is or may be met.

(2) The Secretary of State may suspend the non-executive member from office by giving the member notice in writing to that effect.

(3) Such notice must give the reason for, and the period of, the suspension and the date that it is to begin.

(4) Where—

- (a) the Secretary of State has suspended a non-executive member under paragraph (2); and
- (b) the period of the suspension has not expired,

the Secretary of State may, by giving the member notice in writing to that effect, extend, or further extend, the suspension for a further specified period.

(5) A non-executive member must cease to perform that member's functions as a non-executive member for the period of the suspension but the period of that member's term of office is not affected by the suspension.

(6) Where a non-executive member is suspended under this regulation, the Secretary of State may, on application by the suspended member or otherwise, remove a suspension or reduce its period.

(7) Where the Secretary of State removes, or reduces the period of, the suspension under paragraph (6) the Secretary of State must notify the non-executive member in writing to that effect.

### **Revocation**

8. The following Regulations are revoked—

- (a) the Care Quality Commission (Membership) Regulations 2008<sup>(20)</sup>;
- (b) the Care Quality Commission (Membership) (Amendment) Regulations 2011<sup>(21)</sup>; and
- (c) the Care Quality Commission (Membership) (Amendment) Regulations 2013<sup>(22)</sup>.

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<sup>(20)</sup> S.I. 2008/2252.

<sup>(21)</sup> S.I. 2011/2547.

<sup>(22)</sup> S.I. 2013/2157.

Signed by authority of the Secretary of State for Health.

7th July 2015

*Ben Gummer*  
Parliamentary Under-Secretary of State,  
Department of Health

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## SCHEDULE

Regulation 4

## GROUNDS FOR DISQUALIFICATION

1.—(1) The person has within the preceding five years—

- (a) been convicted in the United Kingdom of any criminal offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute a criminal offence; and
- (b) been sentenced to a sentence of imprisonment (whether suspended or not),

and the conviction has not been quashed nor the sentence reduced to a sentence other than a sentence of imprisonment (whether suspended or not) on appeal.

(2) For the purposes of this paragraph, the date of conviction is deemed to be the date on which the ordinary 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.

2. The person is an undisclosed bankrupt or a person whose estate has had sequestration awarded in respect of it and who has not been discharged.

3. The person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order(23) or an order to like effect made in Scotland or Northern Ireland.

4. The person is a person to whom a moratorium period under a debt relief order applies under Part 7A of the Insolvency Act 1986(24) (debt relief orders).

5. The person has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it.

6.—(1) The person has been dismissed (without being re-instated) by reason of misconduct from any paid employment where that dismissal has not been the subject of a finding of unfair dismissal by a tribunal or court.

(2) For the purposes of this paragraph, a person is not to be treated as having been in paid employment by reason only of that person having been—

- (a) the chair or non-executive director of an NHS trust;
- (b) the chair, or a governor or a non-executive director of an NHS foundation trust;
- (c) in the case of any other NHS body, the chair or a non-officer member of the body; or
- (d) a member of the Audit Commission.

7.—(1) The person is the subject of a national NHS disqualification, namely—

- (a) a decision made by the First-tier Tribunal under section 159 of the NHS Act 2006(25) or under regulations corresponding to that section made under section 91(3), 106(3), 123(3) or 146(3) of that Act (regulations in relation to lists of persons performing primary medical, dental, ophthalmic and local pharmaceutical services); or
- (b) a decision by the NHS Tribunal which is treated as a national disqualification by the FHSAA by virtue of regulation 6(4)(b) of the Abolition of the NHS Tribunal

(23) See Schedule 4A to the Insolvency Act 1986 (c.45), inserted by sections 257(2) of, and Schedule 20 to, the Enterprise Act 2002 (c.40).

(24) Part 7A was inserted by section 108 of, and Schedule 17 to, the Tribunals, Courts and Enforcement Act 2007 (c.15).

(25) Section 159 was amended by paragraph 119 of Schedule 2 to the Transfer of Tribunal Functions Order 2010 S.I. 2010/22 and paragraph 85 of Schedule 4 to the Health and Social Care Act 2012. Section 91(3) was amended by para 35 of Schedule 4 to the Health and Social Care Act 2012. Section 106(3) was amended by paragraph 47 of Schedule 4 to the Health and Social Care Act 2012. Section 123(3) was amended by paragraph 60 of Schedule 4 to the Health and Social Care Act 2012.

(Consequential Provisions) Regulations 2001(26) or regulation 6(4)(b) of the Abolition of the NHS Tribunal (Consequential Provisions) Regulations 2002(27).

(2) In this paragraph—

“FHSAA” means the Family Health Service Appeal Authority(28) constituted under section 169 of, and Schedule 13 to, the NHS Act 2006;

“NHS Tribunal” means the Tribunal constituted under section 46 of the National Health Service Act 1977(29).

8. The person has been refused inclusion—

- (a) under regulations made under section 129 of the NHS Act 2006, in a pharmaceutical list; or
- (b) in a performers list,

and has not subsequently been included in a pharmaceutical list or, as the case may be, a performers list.

9. The person is conditionally included—

- (a) under regulations made under section 148 of the NHS Act 2006(30), in a pharmaceutical list; or
- (b) under regulation 10 of the Performers Lists Regulations, in a performers list.

10. The person has been removed—

- (a) under section 151 of the NHS Act 2006(31), from a pharmaceutical list; or
- (b) from a performers list.

11. The person is contingently removed, under section 152 of the NHS Act 2006(32), from a pharmaceutical list.

12. The person is suspended—

- (a) under section 154 or 155 of the NHS Act 2006(33), from a pharmaceutical list; or
- (b) under regulation 12 of the Performers Lists Regulations, from a performers list.

13. The person is one in whose case a body that licences or regulates a profession has made a decision under any enactment in force in Wales, Scotland or Northern Ireland corresponding to those prescribed in paragraphs 7 to 12 where that decision has like effect to the circumstances in those paragraphs.

14. The person is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(34);
- (b) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland Order) 2002(35); or

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(26) [S.I. 2001/3744](#). Relevant amending instrument is [S.I. 2002/2469](#).

(27) [S.I. 2002/1920](#)

(28) The Family Health Services Appeal Authority was abolished on 18 January 2010 by article 3 of [S.I. 2010/22](#).

(29) [1977 c.49](#). Section 46 was repealed by the Health and Social Care Act 2001, paragraph 5(8) of Schedule 5 and Schedule 6, Part 1.

(30) Section 148 was amended by paragraph 113 of Schedule 2 to [S.I. 2010/22](#) and paragraph 77 of Schedule 4 to the Health and Social Care Act 2012.

(31) Section 151 was amended by paragraph 79 of Schedule 4 to the Health and Social Care Act 2012.

(32) Section 152 was amended by paragraph 80 of Schedule 4 to the Health and Social Care Act 2012.

(33) Section 154 was amended by paragraph 113 of Schedule 2 to the Transfer of Tribunal Functions Order 2010 ([S.I. 2010/22](#)) and paragraph 81 of Schedule 4 to the Health and Social Care Act 2012. Section 155 was amended by paragraph 116 of Schedule 2 to [S.I. 2010/22](#) and paragraph 82 of Schedule 4 to the Health and Social Care Act 2012.

(34) [1986 c.46](#). Section 1A (disqualification undertakings) was inserted by section 6 of the Insolvency Act 2000 ([c.39](#)).

(35) [S.I. 2002/3150 \(N.I. 4\)](#).

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- (c) an order made under section 429(2)(b) of the Insolvency Act 1986<sup>(36)</sup> (disabilities on revocation of administration order against an individual).
15. The person has been removed—
- (a) 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 that person was responsible or to which that person was privy, or which that person, by his conduct, contributed to or facilitated; or
  - (b) under section 34 of the Charities and Trustee Investment (Scotland) Act 2005<sup>(37)</sup> (powers of Court of Session to deal with management of charities) from being concerned in the management or control of any charity or body controlled by a charity.
16. The person's tenure of office as the chair or as a member, director or governor of an NHS body has been terminated on the ground that—
- (a) it was not in the interests of, or conducive to the good management of, that NHS body or the health service that that person should continue to hold that office;
  - (b) that person failed, without reasonable cause, to attend any meeting of that NHS body for a period of three months or more; or
  - (c) that person failed to declare a pecuniary interest or withdraw from consideration of any matter in respect of which that person had a pecuniary interest.
17. The person ceased to be a member of a local authority by virtue of section 85 of the Local Government Act 1972<sup>(38)</sup> (vacation of office by failure to attend meetings).
18. The person—
- (a) is disqualified from being or becoming a member of a local authority by virtue of a decision of the First-tier Tribunal made under section 78A of the Local Government Act 2000<sup>(39)</sup> or a decision of a Welsh case tribunal under section 79 of that Act, or
  - (b) is subject to an order under section 34(4) of the Localism Act 2011<sup>(40)</sup> (disqualification from being or becoming a member or co-opted member of a local authority).
19. The person ceased to be a Scottish councillor by virtue of section 35 of the Local Government (Scotland) Act 1973<sup>(41)</sup> (vacation of office by failure to attend meetings).

<sup>(36)</sup> 1986 c.45. Section 429(2) was amended by paragraph 15 of Schedule 23 to the Enterprise Act 2002 (c.40).

<sup>(37)</sup> 2005 asp 10. Section 34 was amended by section 122 of the Public Services Reform (Scotland) Act 2010 (asp 8).

<sup>(38)</sup> 1972 c. 70. Section 85 was modified by the Waste Regulation and Disposal (Authorities) Order 1985 (S.I. 1985/1884), article 10, Schedule 3; subsections (2A) and (2B) were inserted in relation to England by S.I. 2001/2237, article 7(a), and in relation to Wales, by S.I. 2002/808, article 7(a); sub-section (3) was amended in relation to England by S.I. 2001/2237, article 7(b), and in relation to Wales, by S.I. 2002/808, article 7(b); subsection (3A) was inserted by the Local Government Act 2000 (c. 22), section 107, Schedule 5, paragraph 9, and was amended in relation to England by S.I. 2001/2237, article 7(c), and in relation to Wales, by S.I. 2002/808, article 7(c); sub-sections (3B), (3C) and (3D) were inserted by the Local Government (Wales) Measure 2011 (nawm 4), section 31; sub-section (4) was inserted by the Local Government Act 1985 (c. 51), section 84, Schedule 14, paragraph 7, and was repealed in part by the Education Reform Act 1988 (c. 40), section 237, Schedule 13, Part 1; the functions of the Secretary of State under section 85(3), so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), article 2, Schedule 1; see the entry in Schedule 1 to that Order for the Local Government Act 1972. The functions were subsequently transferred to the Welsh Ministers by virtue of paragraph 30(1) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

<sup>(39)</sup> 2000 c.22. Section 78A was inserted and section 79 amended by the Local Government and Public Involvement in Health Act 2007 (c.28), section 198. See section 76 of the Local Government Act 2000 for the function of case tribunals. Section 78A was repealed by the Localism Act 2011 (c.20), section 237 and Part 5 of Schedule 25.

<sup>(40)</sup> 2011 c.20.

<sup>(41)</sup> 1973 c.65. Section 35 was amended by the Ethical Standards In Public Life etc. (Scotland) Act 2000 (asp 7), section 29(1); the functions of the Secretary of State under section 35(3) transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).



**20.** The person is disqualified from being or becoming a Scottish councillor by virtue of a decision of the Standards Commission for Scotland made under section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000**(42)**.

**21.** The person has been removed from office as a member of Social Care and Social Work Improvement Scotland, established under section 44 of the Public Services Reform (Scotland) Act 2010**(43)** (Social Care and Social Work Improvement), pursuant to paragraph 5 of Schedule 11 to that Act (removal of members).

**22.** The person is included in the children's barred list or adults' barred list, maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006**(44)** or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland.

**23.** The person's registration as a provider or manager of an establishment or agency under Part 2 of the Care Standards Act 2000 has been cancelled by the registration authority under section 14 of that Act**(45)** except where—

- (a) that decision has been subject to a direction by the Tribunal given under section 21 of that Act that it is not to have effect; or
- (b) the cancellation was only by reason of an application for cancellation having been made by the registered person pursuant to section 15(1)(b) of that Act**(46)**.

**24.** The person's application for registration under Part 1 of the Health and Social Care Act 2008 has been refused under section 12 or 15 of that Act.

**25.** The person's registration as a provider or manager of an establishment or agency under Part 1 of the Health and Social Care Act 2008 has been cancelled by the Commission under section 17 of that Act except where—

- (a) that decision has been subject to a direction by the First-tier Tribunal given under section 32 of that Act**(47)** that it is not to have effect; or
- (b) the cancellation was only by reason of an application for cancellation having been made by the registered person pursuant to section 19(1)(b) of that Act**(48)**.

**26.** The person's registration under Part 1 of the Health and Social Care Act 2008 has been cancelled by an order of a justice of the peace under section 30 of that Act**(49)** (urgent procedure for cancellation) except where that order has been subject to a direction by the First-tier Tribunal given under section 32 of that Act that it ceases to have effect.

**27.** The person is one in whose case a decision which is of like effect to those listed in paragraph 24, 25 or 26 has been made under any enactment in force in Scotland or Northern Ireland corresponding to Part 1 of the Health and Social Care Act 2008.

**28.—(1)** The person's registration as a health care professional has been withdrawn or suspended.

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**(42)** 2000 asp 7. Section 19 was amended by the Water Services etc. (Scotland) Act 2005 (asp 3), section 32 and Schedule 5, paragraph 6(a). See section 8 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 for the functions of the Standards Commission for Scotland.

**(43)** 2010 asp 8.

**(44)** 2006 c.47. Section 2 was amended by articles 3 and 4 of S.I. 2012/3006.

**(45)** 2000 c.14. Section 14 was amended by paragraph 107 of Schedule 3 to the Adoption and Children Act 2002 (c.38), paragraph 12 of Schedule 5 to the Health and Social Care Act 2008 (c.14) and section 26 of the Children and Young Persons Act 2008 (c.23).

**(46)** Section 15 was amended by paragraph 14 of Schedule 5 to Health and Social Care Act 2008 and section 102 of the Children and Families Act 2014 (c.6).

**(47)** Section 32 was amended by paragraph 474 of Schedule 1 to S.I. 2009/56.

**(48)** Section 19(1) was amended by section 86 of the Care Act 2014 (c.23).

**(49)** Section 30 was amended by section 155 of the Health and Social Care Act 2012 (c.7).

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(2) “Health care professional” means a person who is a member of a profession regulated by a body for the time being mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(50).

29. The person has been removed or suspended—

- (a) in Wales, from a register maintained under section 56 of the Care Standards Act 2000(51) pursuant to rules made under sections 59 and 71 of that Act;
- (b) in England, from a register maintained under article 5 of the Health and Social Work Professions Order 2002(52), pursuant to article 29 of that Order; or
- (c) from a corresponding register maintained under any enactment in force in Scotland or Northern Ireland.

## EXPLANATORY NOTE

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

These Regulations revoke and replace the Care Quality Commission (Membership) Regulations 2008 (S.I. 2008/2252) and make provision concerning membership of the Care Quality Commission established by section 1(1) of the Health and Social Care Act 2008 (c.14).

In particular they make provision for the maximum and minimum number of members (regulation 2), tenure of office of non-executive members (regulation 3), disqualification from holding office as a non-executive member (regulations 4 and 5 and the Schedule, which contains the grounds for disqualification), termination of the tenure of office of a non-executive member (regulation 6) and suspension from office of non-executive members (regulation 7).

Regulation 8 revokes S.I. 2008/2252, the Care Quality Commission (Membership) (Amendment) Regulations 2011 (S.I. 2011/2547) and the Care Quality Commission (Membership) (Amendment) Regulations 2013 (S.I. 2013/2157), which have become spent on the revocation of S.I. 2008/2252. S.I. 2011/2547 made amendments to S.I. 2008/2252 in respect of the minimum and maximum number of members who may be appointed to the Commission and grounds for disqualification of members. S.I. 2013/2157 made amendments to S.I. 2008/2252 in respect of the maximum number of members who may be appointed to the Commission.

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

(50) 2002 c.17. Section 25(3) was amended by paragraph 17 of Schedule 10 to the Health and Social Care Act 2008 (c.14), paragraph 10 of Schedule 4 to S.I. 2010/231 and paragraph 56 of Schedule 15 to the Health and Social Care Act 2012.

(51) Section 56 was amended by regulation 232 of S.I. 2007/3101 and paragraph 3 of Schedule 15(1) to the Health and Social Care Act 2012. Section 59 was amended by paragraph 7 of Schedule 15(1) to the Health and Social Care Act 2012. Section 71 was amended by S.I. 2007/3101 and paragraph 19 of Schedule 15(1) to the Health and Social Care Act 2012.

(52) S.I. 2002/254. Article 5 was amended by S.I. 2009/1182.