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STATUTORY INSTRUMENTS

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**2017 No. 958**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The NHS Counter Fraud Authority (Establishment, Constitution,  
and Staff and Other Transfer Provisions) Order 2017**

*Made* - - - - - *3rd October 2017*  
*Laid before Parliament* *4th October 2017*  
*Coming into force* *1st November 2017*

**THE NHS COUNTER FRAUD AUTHORITY  
(ESTABLISHMENT, CONSTITUTION, AND STAFF  
AND OTHER TRANSFER PROVISIONS) ORDER 2017**

PART 1

Introductory

1. Citation, commencement and application
2. Interpretation

PART 2

Establishment and Constitution

3. Establishment
4. Functions
5. Constitution and Governance
6. Appointments and tenure, etc

PART 3

Transfer of Staff and Property etc from the NHS Business Service Authority and provisions for continuity in relation to the work of NHS Protect and the Authority

7. Interpretation
8. Transfer of officers from the BSA to the Authority
9. Transfer of property from the BSA to the Authority
10. Transfer of data, records and information from the BSA to the Authority
11. Transfer of certain BSA liabilities
12. Supplementary provisions

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to The NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

## PART 4

### Abolition of the Authority

13. Abolition required under section 28A of the NHS Act 2006

## PART 5

### Revocation of Regulations

14. Revocation of Regulations delegating functions under Part 10 of the NHS Act 2006  
Signature

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## SCHEDULE 1 — Delegated functions under Part 10 of the NHS Act

1. Interpretation
2. Delegation of functions
3. Designated officers
4. Authorising senior officers
5. Fitness requirements for authorised officers
6. Records of authorised officers
7. Statement of authority
8. Production of statement
9. Requirement for specific authorisations in relation to personal records
10. Procedure for specific authorisations
11. Records of specific authorisations in relation to personal records
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13. Content of notices

## SCHEDULE 2 — Appointments, tenure, and conduct of business by the Authority

### PART 1 — Appointment and tenure of office of chairperson and non-officer members, and provision about interim arrangements

1. Appointment and tenure of chairperson and non-officer members
2. Appointment and tenure of chief executive and other officers, including interim arrangements
3. Disqualification of persons for appointment (chairperson and non-officer members)
4. Cessation of disqualification
5. Termination of tenure of office of chairperson and non-officer members
6. Suspension of appointee
7. Suspension of chairperson: appointment of vice-chairperson
8. Appointment of vice-chairperson
9. Powers of vice-chairperson

### PART 2 — Committees etc and the conduct of business by the Authority

10. Appointment of committees and sub-committees
11. Arrangements for the exercise of functions
12. Meetings and proceedings
13. Procedural requirements for meetings and proceedings of the Authority
14. Disability of chairperson and members in proceedings on account of pecuniary interest
15. Reports by the Authority

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## 16. Public meeting

### SCHEDULE 3 — Abolition of the Authority

1. Abolition of the Authority and Interpretation of this Schedule
2. Provision for the transfer of officers upon abolition of the Authority
3. Dismissal of employee because of transfer
4. Pensions
5. Provisions for the transfer of property and liabilities upon abolition of the Authority
6. Continuity and supplementary provisions

Explanatory Note

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 2 para. 3(2)(g) words inserted by [S.I. 2024/418 reg. 5\(a\)](#)
- Sch. 2 para. 3(2)(g) words inserted by [S.I. 2024/418 reg. 5\(b\)](#)