

1999 No. 220

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Institute for Clinical Excellence (Establishment and Constitution) Order 1999

Made - - - - *2nd February 1999*

Laid before Parliament *3rd February 1999*

Coming into force *26th February 1999*

The Secretary of State for Health, in exercise of powers conferred on him by section 11(1), (2) and (4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Institute for Clinical Excellence (Establishment and Constitution) Order 1999 and shall come into force on 26th February 1999.

(2) In this Order, “the Institute” means the National Institute for Clinical Excellence established by this Order.

Establishment of the National Institute for Clinical Excellence

2. There is hereby established a Special Health Authority which shall be known as the National Institute for Clinical Excellence.

Functions of the Institute

3. Subject to and in accordance with such directions as the Secretary of State may give(b), the Institute shall perform such functions in connection with the promotion of clinical excellence in the health service as the Secretary of State may direct.

Constitution of the Institute

4. The Institute shall consist of—

- (a) a chairman;
- (b) seven members who are not officers of the Institute; and
- (c) four members who are officers of the Institute, and who shall include the persons who for the time being hold the offices of Chief Officer, Chief Finance Officer and Clinical Director.

(a) 1977 c. 49; section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53), by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 2 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”); sub-paragraph (7) was inserted in paragraph 9 of Schedule 5 by paragraph 7(2) of Schedule 1 to the 1990 Act and was amended by paragraph 60(b) of Schedule 1 to the 1995 Act.

(b) See, in particular, sections 13, 17 and 18 of the National Health Service Act 1977 (c. 49); section 13 was amended by paragraph 33 of Schedule 1 to the Health Services Act 1980 (c. 53) (“the 1980 Act”), by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 4 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”); section 17 was substituted by paragraph 8 of Schedule 1 to the 1995 Act; section 18 was amended by paragraphs 38 and 92 of Schedule 1 to the 1980 Act, by article 7(2) of S.I. 1985/39, by Schedule 10 to the 1990 Act, by section 3(8) of the 1995 Act and by paragraph 9 of Schedule 1 to the 1995 Act.

Remuneration of members

5. The Institute is hereby specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the National Health Service Act 1977 (definition of “relevant authority” for the purposes of paying remuneration to members of Health Authorities and certain Special Health Authorities).

2nd February 1999

Frank Dobson
One of Her Majesty’s Principal Secretaries of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment and constitution of a Special Health Authority, to be known as the National Institute for Clinical Excellence (“the Institute”), to exercise on behalf of the Secretary of State such functions in connection with the promotion of clinical excellence in the health service as he may direct it to perform.

Article 2 of the Order establishes the Institute, the functions of which are described in article 3 and are to be specified in directions given by the Secretary of State. Provision is made for the constitution of the Institute (article 4) and for the remuneration of members of the Institute who are not also its officers (article 5).

£1.00

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WO 4034 2/99 ON (MFK)