

**2001 No. 793**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service Appointments Commission  
(Establishment and Constitution) Order 2001**

<i>Made</i> - - - -	<i>9th March 2001</i>
<i>Laid before Parliament</i>	<i>9th March 2001</i>
<i>Coming into force</i>	<i>1st April 2001</i>

The Secretary of State for Health, in exercise of the powers conferred upon 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, extent and interpretation**

1.—(1) This Order may be cited as the National Health Service Appointments Commission (Establishment and Constitution) Order 2001 and shall come into force on 1st April 2001.

(2) This Order extends to England only.

(3) In this Order “the Commission” means the National Health Service Appointments Commission established by this Order.

**Establishment of the National Health Service Appointments Commission**

2. There is hereby established a Special Health Authority which shall be known as the National Health Service Appointments Commission.

**Functions of the Commission**

3. Subject to, and in accordance with, such directions as the Secretary of State may give(b), the Commission shall perform—

(a) such functions in connection with the appointment of—

(i) the chairman and members of Health Authorities and Primary Care Trusts established for areas in England;

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(a) 1977 c. 49; section 11 was amended by paragraph 31 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”), by paragraph 2 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and by paragraph 6 of Schedule 4 to the Health Act 1999 (c. 8) (“the 1999 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. The functions of the Secretary of State under those provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of, and the entry for the 1977 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

(b) See in particular, sections 16D, 17 and 18 of the National Health Service Act 1977 (c. 49) (“the 1977 Act”); sections 16D and 17 were inserted by section 12(1) of the 1999 Act. Section 18 was amended by Schedule 10 to the 1990 Act, by section 3(8) of the 1995 Act, by paragraph 9 of Schedule 1 to the 1995 Act and by section 12(3) of the 1999 Act.

- (ii) the chairman and directors of NHS trusts all or most of whose hospitals, establishments and facilities are situated in England;
  - (iii) special trustees for health service hospitals situated in England<sup>(a)</sup>;
  - (iv) trustees for NHS trusts all or most of whose hospitals, establishments and facilities are situated in England<sup>(b)</sup>; and
  - (v) trustees for Primary Care Trusts established for areas in England<sup>(c)</sup>,
- and,
- (b) such other functions,
- as the Secretary of State may direct.

#### **Constitution of the Commission**

4. The Commission shall consist of—
- (a) the chairman;
  - (b) not less than four nor more than eight members who are not officers of the Commission (to be known as Regional Commissioners); and
  - (c) the chief officer of the Commission.

#### **Remuneration of members**

5. The Commission 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).

Signed by authority of the Secretary of State for Health

9th March 2001

*John Denham*  
Minister of State,  
Department of Health

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<sup>(a)</sup> See section 95 of the 1977 Act; for the definition of “health service hospital” see section 128(1) of the 1977 Act as amended by paragraph 77(d) of Schedule 1 to the 1980 Act, section 26(2)(c) of the 1990 Act and paragraph 38(2)(a) of Schedule 4 to the 1999 Act.

<sup>(b)</sup> See section 11 of the 1990 Act.

<sup>(c)</sup> See section 11 of the 1990 Act.

## **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 Health Service Appointments Commission (“the Commission”), to exercise such of the Secretary of State’s functions in connection with the appointment of chairmen, members or directors of health service bodies in England, special trustees of health service hospitals in England and trustees for NHS trusts and Primary Care Trusts in England, and such other functions as he may direct it to perform.

Article 2 of the Order established the Commission, the functions of which are described in article 3 and are to be specified more particularly in directions given by the Secretary of State. Provision is also made for the constitution of the Commission (article 4) and for the remuneration of members of the Commission (article 5).

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