

2002 No. 1760

NATIONAL HEALTH SERVICE ENGLAND AND WALES

**The National Institute for Clinical Excellence
(Establishment and Constitution) Amendment Order 2002**

Made - - - - - 9th July 2002

Laid before Parliament 9th July 2002

Coming into force - - 1st August 2002

The Secretary of State for Health and the National Assembly for Wales, acting concurrently in exercise of powers conferred by sections 11(1), (2) and (4) and 126(3) and (4) of the National Health Service Act 1977(a) and now vested in them and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, application and commencement

1. This Order which may be cited as the National Institute for Clinical Excellence (Establishment and Constitution) Amendment Order 2002 applies to England and Wales and shall come into force on 1st August 2002.

Amendment of the National Institute for Clinical Excellence (Establishment and Constitution) Order 1999

2.—(1) Article 4 of the National Institute for Clinical Excellence (Establishment and Constitution) Order 1999(b) (constitution of the Institute) is amended as follows—

- (a) in paragraph (b) for the word “seven” substitute the word “eight”;
- (b) in paragraph (c) for the word “four” substitute the word “five”;

(a) 1977 c. 49, section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53) and 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”) and by paragraph 6 of Schedule 4 to the Health Act 1999 (c. 8) (“the 1999 Act”), section 126(3) was amended by section 65(2) of the 1990 Act, by paragraph 57 of Schedule 1 to the 1995 Act and by paragraph 27 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46); section 126(4) was amended by section 65(2) of the 1990 Act and by paragraph 37(6) of the 1999 Act. The functions of the Secretary of State under section 11(1), (2) and (4) and 126(4) are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 S.I.1999/672 (“the 1999 Order”) as amended by section 66(4) to (6) of the 1999 Act. Functions under these sections of the 1977 Act, in relation to the National Institute for Clinical Excellence, are, by their nature, exercisable concurrently by the Secretary of State and the National Assembly for Wales by virtue of article 2(c) of the 1999 Order.

(b) S.I. 1999/220 as amended by S.I. 1999/2219.

(c) after paragraph (c) add a new paragraph—

“(2) The members mentioned in paragraph (1)(b) above shall include a person with particular experience suited to the interests of Wales.”.

Signed on behalf of the National Assembly for Wales under
section 66(1) of the Government of Wales Act 1998^(a)

4th July 2002

Dafydd Ellis Thomas
The Presiding Officer of the National Assembly

9th July 2002

Hunt
Parliamentary Under-Secretary of State
Department of Health

^(a) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the National Institute for Clinical Excellence (Establishment and Constitution) Order 1999 to increase the number of members of the Institute who are not officers of the Institute from seven to eight and to specify that one such member shall have experience suited to the interests of Wales and to increase the number of members of the Institute who are officers of the Institute from four to five.

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The National Institute for Clinical Excellence
(Establishment and Constitution) Amendment Order 2002

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