

SCHEDULE 4

Regulation 12(5)

Individuals excluded from being lay members of CCG governing bodies

1. An employee of a local authority in England and Wales or of any equivalent body in Scotland or Northern Ireland.

2. An officer or employee of the Department of Health.

3. A chairman, director, member or employee of an NHS body(1), other than a CCG, an NHS foundation trust(2) or a Primary Care Trust(3).

4. A chairman, director, governor, member or employee of an NHS foundation trust.

5. An employee of a Primary Care Trust.

6. A member or employee of the Care Quality Commission.

7. A member or employee of Monitor(4).

8. An individual who provides any services as part of the health service pursuant to arrangements made by the CCG in the exercise of its commissioning functions, or an employee or member (including shareholder) of, or a partner in, a body which does so.

For the purposes of this paragraph, a CCG's commissioning functions are the functions of the group in arranging for the provision of services as part of the health service.

9. An individual who provides any services as part of the health service pursuant to arrangements made by the Board in the exercise of its commissioning functions, or an employee or member (including shareholder) of, or a partner in, a body which does so.

10. For the purposes of this paragraph, the Board's commissioning functions are the functions of the Board in arranging for the provision of services as part of the health service.

11. A person who contracts with a local authority to provide services in pursuance of the social services functions of the authority within the meaning of the Local Authority Social Services Act 1970(5), or an employee of such a person.

12. An employee of a party to arrangements to perform dental services pursuant to arrangements made under section 25 of the National Health Service (Scotland) Act 1978(6) or section 57 of the National Health Service (Wales) Act 2006(7), where the employee is employed for purposes connected with the provision of those services.

13. An employee of a party to arrangements to perform ophthalmic services pursuant to arrangements made under section 26 of the National Health Service (Scotland) Act 1978(8) or section 71 of the National Health Service (Wales) Act 2006, where the employee is employed for purposes connected with the provision of those services.

(1) "NHS body" is defined in section 275(1) of the 2006 Act. The definition is inserted by paragraph 138(2)(c) of Schedule 4 to the 2012 Act, and is to be read with paragraph 138(4) and (5) of that Schedule.

(2) NHS foundation trusts are provided for by section 30 of, and Schedule 7 to, the 2006 Act, and by Part 4 of the 2012 Act.

(3) Primary Care Trusts are to be abolished when section 34 of the 2012 Act comes into force.

(4) "Monitor" is the new name given to the Independent Regulator of NHS Foundation Trusts by section 61(1)(b) of the 2012 Act.

(5) 1970 c. 42. The definition is in section 1A, inserted by section 102(3) of the Local Government Act 2000 (c. 22).

(6) 1978 c. 29. Relevant amendments were made by section 15 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13).

(7) 2006 c. 42.

(8) Relevant amendments to section 26 of the National Health Service (Scotland) Act 1978 were made by the Health and Social Security Adjudication Act 1984 (c. 48), Schedule 1, Part 2, paragraph 1 and by section 13(2) of the Smoking, Health and Social Care (Scotland) Act 2005 .

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

14. An employee of a party to arrangements to provide pharmaceutical services under section 27 or 27A of the National Health Service (Scotland) Act 1978⁽⁹⁾ or section 80 or 81 of the National Health Service (Wales) Act 2006, or provide local pharmaceutical services under section 92 of, or Schedule 7 to, the National Health Service (Wales) Act 2006, where the employee is employed for purposes connected with the provision of those services.

(1) For the purposes of this paragraph a person included in a pharmaceutical list is a party to arrangements to provide pharmaceutical services.

15. An employee of a party to arrangements to perform primary medical services under section 17C of the National Health Service (Scotland) Act 1978⁽¹⁰⁾ or section 41 of the National Health Service (Wales) Act 2006, where the employee is employed for purposes connected with the provision of those services.

(9) Relevant amendments to section 27 of the National Health Service (Scotland) Act 1978 were made by the Health Services Act 1980 (c. 53), section 20(2), by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(7), by the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28), section 3, and by the Health and Social Care Act 2001 (c.15), section 44(2). Section 27A was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 27(2).

(10) Section 17C was inserted into the National Health Service (Scotland) Act 1978 by section 21(2) of the National Health Service (Primary Care) Act 1997. Relevant amendments were made to section 17C by section 2 of the Primary Medical Services (Scotland) Act 2004 (asp 1).