STATUTORY INSTRUMENTS

2015 No. 1479

NATIONAL HEALTH SERVICE, ENGLAND
SOCIAL CARE, ENGLAND
PUBLIC HEALTH, ENGLAND

The Care Quality Commission (Membership) Regulations 2015

Made - - - -	*7th July 2015*
Laid before Parliament	*14th July 2015*
Coming into force - -	*1st September 2015*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by section 161(3) and (4) of, and paragraph 3(3) to (5) of Schedule 1 to, the Health and Social Care Act 2008(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Care Quality Commission (Membership) Regulations 2015 and come into force on 1st September 2015.

(2) In these Regulations—

"NHS Act 2006" means the National Health Service Act 2006(**2**);

"NHS Body" means—

(a) an English NHS body(**3**);

(b) the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(**4**);

(c) Monitor(**5**);

(d) the Wales Centre for Health(**6**);

(**1**) 2008 c.14. Paragraph 3(3) and (4) of Schedule 1 was amended by section 88 of the Care Act 2014 (c.14). See the definitions of "prescribed" and "regulations" in section 97(1) of the Health and Social Care Act 2008.
(**2**) 2006 c.41.
(**3**) See section 97(1) of the Health and Social Care Act 2008 for the definition of "English NHS body".
(**4**) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) was established by S.I. 2005/2414.
(**5**) Monitor is the body corporate, formerly known as the Independent Regulator of NHS Foundation Trusts, continued under section 61 of the Health and Social Care Act 2012 (c.7).
(**6**) See section 2 of the Health (Wales) Act 2003 (c.4).

(e) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006(**7**);

(f) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;

(g) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006(**8**);

(h) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**9**);

(i) the Scottish Dental Practice Board constituted under section 4 of the National Health Service (Scotland) Act 1978(**10**);

(j) the Common Services Agency for the Scottish Health Service constituted under section 10 of the National Health Service (Scotland) Act 1978(**11**);

(k) Healthcare Improvement Scotland constituted under section 10A of the National Health Service (Scotland) Act 1978(**12**);

(l) a National Health Service trust constituted under section 12A of the National Health Service (Scotland) Act 1978(**13**);

(m) a special health and social care agency established under article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(**14**);

(n) a Health and Social Care trust established under article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**15**);

(o) the Health and Social Care Regulation and Quality Improvement Authority established under article 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**16**);

(p) the Regional Health and Social Care Board established by section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**17**);

(q) the Regional Agency for Public Health and Social Well-Being established by section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

(**7**) 2006 c.4.

(**8**) Section 22 of the National Health Service (Wales) Act 2006 (c.4) was amended by the Health and Social Care Act 2012, section 97 and paragraphs 12 and 18 of Schedule 21.

(**9**) 1978 c.29. Section 2 was amended by section 14(2) of, and paragraph 1 of Schedule 7 to, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), sections 28 and 66 of, and paragraph 19 of Schedule 9 and paragraph 1 of Schedule 10 to, the National Health Service and Community Care Act 1990 (c.19), paragraph 1 of Schedule 1 to the National Health Service Reform (Scotland) Act 2004 (asp 7), paragraph 2 of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) and section 2 of the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5).

(**10**) Section 4 was amended by sections 12 and 25 of, and Schedule 3 to, the Health and Medicines Act 1988 (c.49) and paragraph 2 of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13).

(**11**) Section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c.53), section 66(2) and paragraph 1 of Schedule 10 to the National Health Service and Community Care Act 1990 (c.19), section 65(1) and paragraph 44 of Schedule 4 to the Health Act 1999 (c.8), paragraph 2 of Schedule 2 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) and section 63 of the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9).

(**12**) Section 10A was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

(**13**) Section 12A was inserted by section 31 of the National Health Service and Community Care Act 1990 and amended by paragraph 34 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c.46) and sections 46, 48 and 65(1) of, and paragraph 45 of Schedule 4 to, the Health Act 1999.

(**14**) S.I. 1990/247 (N.I. 3). The name "special health and social care agency" was given by section 1(4) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 c.1 (NI).

(**15**) S.I. 1991/194 (N.I. 1). The name "Health and Social Care trust" was given by section 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

(**16**) S.I. 2003/431. Article 3 was amended by paragraph 1(1)(a) and (b) of Schedule 1 to the Health and Social care (Amendment) Act (Northern Ireland) 2014 c.5 (NI). The name "Health and Social Care Regulation and Quality Improvement Authority" was given by section 1(2) of the Health and Social care (Reform) Act (Northern Ireland) 2009.

(**17**) 2009 c.1 (NI).

(r) the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

"performers list" means a list published in accordance with the Performers Lists Regulations;

"Performers Lists Regulations" means the National Health Service (Performers Lists) (England) Regulations 2013(**18**);

"pharmaceutical list" means a list published in accordance with regulations made under section 129(2)(a) of the NHS Act 2006(**19**).

Members

2. The Commission must have no fewer than 6 and no more than 14 members in addition to the chair.

Tenure of office of non-executive members

3.—(1) Subject to regulation 6, the term of office of a non-executive member is such period, not exceeding four years, as is specified by the Secretary of State at the time of the appointment.

(2) A non-executive member who has ceased to hold office may be reappointed

Disqualification for appointment or from holding office

4. Subject to regulation 5, a person is disqualified from appointment or from holding office as a non-executive member where that person falls within one or more paragraphs of the Schedule.

Cessation of disqualification

5.—(1) A person who is disqualified under paragraph 6 or 15 of the Schedule may, after the expiry of the period of two years beginning with the date of the dismissal or removal, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification ceases to have effect.

(2) Where the Secretary of State refuses an application to remove a disqualification, no further application may be made by that person until the expiry of the period of two years beginning with the date of the application, and this paragraph applies to any subsequent application.

(3) Where a person is disqualified under paragraphs 16 to 21 of the Schedule, the disqualification ceases on the expiry of—

(a) the period of two years beginning with the date of the termination or cessation of, or removal or disqualification from, office referred to in those paragraphs; or

(b) such longer period as the Secretary of State specifies when terminating that person's period of office,

but, where application is made to the Secretary of State by that person, the Secretary of State may reduce the period of disqualification.

Termination of tenure of office of non-executive members

6.—(1) A non-executive member may resign at any time by giving notice in writing to the Secretary of State.

(**18**) S.I. 2013/335.
(**19**) Section 129(2)(a) was amended by paragraph 66 of Schedule 4 to the Health and Social Care Act 2012.

(2) Where a non-executive member other than the chair is appointed to be the chair, that member's tenure of office as such a non-executive member terminates when the appointment as chair takes effect.

(3) Paragraph (2) does not apply if—

(a) the appointment as chair is on an interim basis; and

(b) the period of the member's term of office as chair falls wholly within the period of the member's term of office as non-executive member other than chair.

(4) A non-executive member's tenure of office ceases upon being notified in writing by the Secretary of State—

(a) that the Secretary of State is satisfied that a condition specified in paragraph 3(3) of Schedule 1 to the Health and Social Care Act 2008 (conditions for removal of non-executive members) is met in relation to that member; and

(b) of the reason why the Secretary of State is so satisfied.

Suspension of non-executive members

7.—(1) Paragraphs (2) to (4) apply where it appears to the Secretary of State in relation to a non-executive member that a condition in paragraph 3(3) of Schedule 1 to the Health and Social Care Act 2008 is or may be met.

(2) The Secretary of State may suspend the non-executive member from office by giving the member notice in writing to that effect.

(3) Such notice must give the reason for, and the period of, the suspension and the date that it is to begin.

(4) Where—

(a) the Secretary of State has suspended a non-executive member under paragraph (2); and

(b) the period of the suspension has not expired,

the Secretary of State may, by giving the member notice in writing to that effect, extend, or further extend, the suspension for a further specified period.

(5) A non-executive member must cease to perform that member's functions as a non-executive member for the period of the suspension but the period of that member's term of office is not affected by the suspension.

(6) Where a non-executive member is suspended under this regulation, the Secretary of State may, on application by the suspended member or otherwise, remove a suspension or reduce its period.

(7) Where the Secretary of State removes, or reduces the period of, the suspension under paragraph (6) the Secretary of State must notify the non-executive member in writing to that effect.

Revocation

8. The following Regulations are revoked—

(a) the Care Quality Commission (Membership) Regulations 2008(**20**);

(b) the Care Quality Commission (Membership) (Amendment) Regulations 2011(**21**); and

(c) the Care Quality Commission (Membership) (Amendment) Regulations 2013(**22**).

(**20**) S.I. 2008/2252.
(**21**) S.I. 2011/2547.
(**22**) S.I. 2013/2157.

Signed by authority of the Secretary of State for Health.

Ben Gummer
Parliamentary Under-Secretary of State,
Department of Health

7th July 2015