

SCHEDULE 4

Part 3, article 10

Amendments consequential on provisions relating to Monitor

The National Health Service Trusts (Membership and Procedure) Regulations 1990

1.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990⁽¹⁾ are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) in the definition of “health service body”, for paragraph (h) substitute—

“(h) Monitor;”⁽²⁾; and

(b) omit the definition of “the Independent Regulator of NHS Foundation Trusts”.

(3) In regulation 11(1) (disqualification for appointment of chairman and non-executive directors), in sub-paragraph (i) for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The National Health Service Litigation Authority Regulations 1995

2.—(1) The National Health Service Litigation Authority Regulations 1995⁽³⁾ are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) in the definition of “health service body”, for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”; and

(b) omit the definition of “Independent Regulator of NHS Foundation Trusts”.

(3) In regulation 7(1)(g) (disqualification for appointment), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The Health Authorities (Membership and Procedure) Regulations 1996

3.—(1) The Health Authorities (Membership and Procedure) Regulations 1996⁽⁴⁾ are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) in the definition of “health service body”, for paragraph (f) substitute—

“(f) Monitor”; and

(b) omit the definition of “Independent Regulator of NHS Foundation Trusts”.

(3) In regulation 10(1)(m) (disqualification for appointment), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The National Institute for Clinical Excellence Regulations 1999

4. In regulation 1(2) of the National Institute for Clinical Excellence Regulations 1999⁽⁵⁾ (interpretation)—

(1) [S.I.1990/2024](#). Relevant amendments were made by [S.I. 2004/696](#).

(2) Monitor is the body corporate, formerly known as the Independent Regulator of NHS Foundation Trusts, continued under section 61(1) of the Health and Social Care Act 2012.

(3) [S.I.1995/2801](#). Relevant amendments were made by [S.I. 1998/646](#), [S.I. 2000/696](#) and [2433](#), [S.I. 2002/2469](#), [S.I. 2004/696](#) and [S.I. 2006/1722](#).

(4) [S.I.1996/707](#). Relevant amendments were made by [S.I. 2004/696](#).

(5) [S.I.1999/260](#). Relevant amendments were made by [S.I. 2004/696](#), [S.I. 2005/498](#), [S.I. 2005/1622](#), [S.I. 2008/2250](#) and [S.I. 2011/2851](#).

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- (a) in the definition of “health service body”, for paragraph (i) substitute—
“(i) Monitor;” and
- (b) omit the definition of “Independent Regulator of NHS Foundation Trusts”.

The Public Interest Disclosure (Prescribed Persons) Order 1999

5.—(1) In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(6) (persons prescribed for the purposes of section 43F of the Employment Rights Act 1996)—

- (a) for “Independent Regulator of NHS Foundation Trusts”, in each place it occurs, substitute “Monitor”; and
- (b) in paragraph (b) of the description of matters in respect of which that body is prescribed omit “under the National Health Service Act 2006”.

The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

6.—(1) The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(7) are amended as follows.

- (2) In regulation 1(2) (interpretation)—
 - (a) in the definition of “health service body”, for the second paragraph (g) substitute—
“(ga) Monitor;” and
 - (b) omit the definition of “the Independent Regulator of NHS Foundation Trusts”.
- (3) In regulation 5(1)(k) (disqualification for appointment: chairman and non-officer members), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The National Treatment Agency Regulations 2001

7.—(1) The National Treatment Agency Regulations 2001(8) are amended as follows.

- (2) In regulation 1(2) (interpretation)—
 - (a) in the definition of “health service body”, for paragraph (c) substitute—
“(c) Monitor;” and
 - (b) omit the definition of “Independent Regulator of NHS Foundation Trusts”.
- (3) In regulation 3(1)(g) (disqualification for appointment), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

8.—(1) The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002(9) are amended as follows.

- (2) In regulation 1(3) (interpretation), in the definition of “authorisation”, for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

(6) [S.I.1999/1549](#). The Schedule to the Order was substituted by [S.I. 2003/1993](#). The entry relating to the Independent Regulator of NHS Foundation Trusts was inserted by [S.I. 2009/2457](#). There are other amending instruments but none is relevant.

(7) [S.I. 2000/89](#). Relevant amendments were made by [S.I. 2002/2469](#) and [2861](#), [S.I. 2003/1616](#), [S.I. 2004/664](#) and [696](#), [S.I. 2005/525](#) and [1622](#), [S.I. 2006/552](#) and [562](#), [S.I. 2008/2250](#) and [S.I. 2011/2851](#).

(8) [S.I. 2001/715](#). Relevant amendments were made by [S.I. 2001/4044](#), [S.I. 2004/696](#) and [S.I. 2006/1722](#).

(9) [S.I. 2002/3048](#). Relevant amendments were made by [S.I. 2004/696](#) and [S.I. 2010/720](#).

(3) In regulation 4A(1)(a) (consultation of committees by NHS Foundation Trusts), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004

9. In the Annex to Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004⁽¹⁰⁾ (list of regulators), for the entry for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The Health Protection Agency Regulations 2005

10. In regulation 1(3) of the Health Protection Agency Regulations 2005⁽¹¹⁾ (interpretation), in the definition of “health service body”, for paragraph (j) substitute—

“(j) Monitor.”.

The Health and Social Care Information Centre Regulations 2005

11. In regulation 3(1)(h) of the Health and Social Care Information Centre Regulations 2005⁽¹²⁾ (disqualification for appointment), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The NHS Institute for Innovation and Improvement Regulations 2005

12. In regulation 3(1)(h) of the NHS Institute for Innovation and Improvement Regulations 2005⁽¹³⁾ (disqualification for appointment), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005

13. In regulation 3(1)(h) of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005⁽¹⁴⁾ (disqualification for appointment), for “the Independent Regulator of NHS foundation trusts” substitute “Monitor”.

NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005

14. In regulation 3(1)(h) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005⁽¹⁵⁾ (disqualification for appointment), for “the Independent Regulator of NHS foundation trusts” substitute “Monitor”.

The Care Quality Commission (Membership) Regulations 2008

15. In regulation 1(2) of the Care Quality Commission (Membership) Regulations 2008⁽¹⁶⁾ (interpretation), in the definition of “NHS body”, for paragraph (c) substitute—

“(c) Monitor;”.

⁽¹⁰⁾ [S.I. 2004/1861](#). The Annex to Schedule 1 was substituted by [S.I. 2010/131](#) and amended by [S.I. 2011/2581](#) and [S.I. 2012/725](#).

⁽¹¹⁾ [S.I. 2005/408](#). Relevant amendments were made by [S.I. 2005/1622](#) and [3491](#) and [S.I. 2008/2250](#).

⁽¹²⁾ [S.I. 2005/500](#). There are no relevant amendments.

⁽¹³⁾ [S.I. 2005/1447](#). There are no relevant amendments.

⁽¹⁴⁾ [S.I. 2005/2415](#). Relevant amendments were made by [S.I. 2006/633](#).

⁽¹⁵⁾ [S.I. 2005/2531](#). Relevant amendments were made by [S.I. 2006/640](#) and [S.I. 2010/671](#).

⁽¹⁶⁾ [S.I. 2008/2252](#). Relevant amendments were made by [S.I. 2011/2851](#).

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The National Information Governance Board for Health and Social Care Regulations 2008

16. In regulation 1(3) of the National Information Governance Board for Health and Social Care Regulations 2008(17) (interpretation), in the definition of “health service body”, for paragraph (h) substitute—

“(h) Monitor;”.

The Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009

17.—(1) Schedule 3 to the Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009(18) (transitory, transitional and saving provisions in relation to the functions of the CHAI and the CSCI under the 2003 Act) is amended as follows.

(2) In paragraph 8—

- (a) in the heading to that paragraph, for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”; and
- (b) in sub-paragraph (1)(b), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009

18.—(1) The English text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(19) is amended as follows.

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “health service body” (*“corff gwasanaeth iechyd”*), for paragraph (d) substitute—
 - “(d) Monitor;”; and
- (b) omit the definition of “Independent Regulator of NHS Foundation Trusts” (*“Rheoleiddiwr Annibynnol Ymddiriedolaethau Sefydledig GIG”*).

(3) In regulation 15(1)(g) (disqualification for appointment of chair and non-executive directors), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

(4) The Welsh text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 is amended as follows.

(5) In regulation 1(2) (dehongli)—

- (a) in the definition of “corff gwasanaeth iechyd” (*“health service body”*), for paragraph (ch) substitute—
 - “(ch) Monitor;”; and
- (b) omit the definition of “Rheoleiddiwr Annibynnol Ymddiriedolaethau Sefydledig GIG” (*“Independent Regulator of NHS Foundation Trusts”*).

(6) In regulation 15(1)(e) (datgymhwyso rhag penodi cadeirydd a chyfarwyddwyr anweithredol), for “Rheolydd Annibynnol Ymddiriedolaethau Sefydledig GIG” substitute “Monitor”.

(17) S.I. 2008/2558. Relevant amendments were made by S.I. 2011/2851.

(18) S.I. 2009/462. There are no relevant amendments.

(19) S.I. 2009/1385 (W.141). Relevant amendments were made by S.I. 2011/2581.

The Medical Profession (Responsible Officers) Regulations 2010

19. In regulation 9(4) of the Medical Profession (Responsible Officers) Regulations 2010(**20**) (nomination of responsible officer by the Secretary of State), for “the Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

The Equality Act 2010 (Specific Duties) Regulations 2011

20. In Schedule 1 to the Equality Act 2010 (Specific Duties) Regulations 2011(**21**) (public authorities required to publish information), for the entry for the Independent Regulator of NHS Foundation Trusts substitute “Monitor”.

The Health Research Authority Regulations 2011

21. In regulation 1(2) of the Health Research Authority Regulations 2011(**22**) (interpretation), in the definition of “health service body”, for sub-paragraph (f) substitute—

“(f) Monitor;”.

The National Health Service Trust Development Authority Regulations 2012

22.—(1) The National Health Service Trust Development Authority Regulations 2012(**23**) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “health service body”, for sub-paragraph (f) substitute—

“(f) Monitor;”.

(3) In paragraph 3(1)(h) (disqualification for appointment), for “chairman or another member of the Independent Regulator of NHS foundation trusts” substitute “chair or another member of Monitor”.

The Health Education England Regulations 2012

23. In regulation 1(2) of the Health Education England Regulations 2012(**24**) (interpretation), in the definition of “health service body”, for paragraph (f) substitute—

“(f) Monitor;”.

(20) [S.I. 2010/2841](#). There are no relevant amendments.

(21) [S.I. 2011/2260](#). Schedule 1 was amended by [S.I. 2012/641](#).

(22) [S.I. 2011/2341](#) as amended by [S.I. 2012/1108](#).

(23) [S.I. 2012/922](#).

(24) [S.I. 2012/1290](#).