

**2004 No. 539**

**NATIONAL HEALTH SERVICE, ENGLAND AND  
WALES**

**The Public Benefit Corporation (Register of Members)  
Regulations 2004**

<i>Made</i> - - - -	<i>29th February 2004</i>
<i>Laid before Parliament</i>	<i>5th March 2004</i>
<i>Coming into force</i> - -	<i>1st April 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 195(2) of, and paragraph 22(3) of Schedule 1 to, the Health and Social Care (Community Health and Standards) Act 2003(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement, and interpretation**

1.—(1) These Regulations may be cited as the Public Benefit Corporation (Register of Members) Regulations 2004 and shall come into force on 1 April 2004.

(2) In these Regulations, “register” means the register of members kept by a public benefit corporation(b) under paragraph 20(1)(a) of Schedule 1 to the Health and Social Care (Community Health and Standards) Act 2003.

**Certain matters in register are not to be available to the public**

2. A public benefit corporation must not make any part of its register available for inspection by members of the public that shows details of—

- (a) where the constitution of the corporation provides for a patients’ constituency, any member who belongs to that constituency; or
- (b) any other member, if he so requests.

Signed by authority of the Secretary of State

29th February 2004

*John Hutton*  
Minister of State  
Department of Health

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(a) 2003 c. 43.

(b) For public benefit corporation, see section 1(2) of the Health and Social Care (Community Health and Standards) Act 2003.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations set out the circumstances in which the register of the members of an NHS foundation trust should not be made available to the public.

Regulation 2(a) provides that, if an NHS foundation trust has a patients' constituency, the details of the members who belong to that constituency must not be made available to the public in the register of members.

Regulation 2(b) provides that, where a member of an NHS foundation trust requests it, his details should not be made available to the public in the register of members. While such a request may be made for any reason, the regulation ensures consistency with section 11 of the Data Protection Act 1998.

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