
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 301

**The National Health Service Trusts (Membership
and Procedure) (Scotland) Regulations 2001**

**PART IV
PROCEEDINGS**

Meetings and minutes

9.—(1) The meetings and proceedings of the management team and any committee shall be conducted in accordance with the standing orders made pursuant to regulation 10.

(2) At every meeting of the management team, the chairperson, if present, shall preside.

(3) If the chairperson is absent from any meeting, the vice-chairperson, if present, shall preside, and if the chairperson and vice-chairperson are both absent, the members present at the meeting shall elect from among themselves a trustee to act as chairperson for that meeting.

(4) All acts of, and all questions coming and arising before, the management team shall be done and decided by a majority of the members of the management team present and voting at a meeting of the management team and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(5) The proceedings of the management team or of any committee shall not be invalidated by any vacancy in its membership or by any defect in the appointment of any director or member of such committee.

Standing orders

10.—(1) Subject to paragraph (2) and to such directions as may be given by the Scottish Ministers, the management team shall make, and may vary and revoke, standing orders for the regulation of the procedure and business of the management team and of any committee.

(2) Standing orders made under paragraph (1) shall include the matters set out in Schedule 1.

Appointment and functions of committees

11.—(1) The management team may, and if so directed by the Scottish Ministers shall, appoint committees for such purposes as the management team may determine, subject to such restrictions or conditions as the management team may think fit, or as the Scottish Ministers may direct.

(2) Any committee, but not any sub-committee, appointed under paragraph (1) shall include at least one member of the management team and may include persons, including members of Health Boards, who are co-opted, and may consist wholly or partly of members of the management team of a NHS trust.

(3) Any sub-committee appointed under paragraph (1) may include persons, including members of Health Boards, who are co-opted and may consist wholly or partly of members of the management team or wholly of persons who are not members of the management team.

Conflict of interest

12.—(1) Subject to such exceptions and qualifications as may, with the approval of the Scottish Ministers, be specified in standing orders, if a director, or any associate of theirs has any pecuniary or other interest, direct or indirect, in any contract or proposed contract (not being a contract for the provision of any of the services mentioned in Part II of the Act) or other matter, and that director is present at a meeting of the management team or of a committee of a NHS trust at which the contract or other matter is the subject of consideration, they shall at the meeting, and as soon as practicable after its commencement, disclose the fact, and shall not take part in the consideration and discussion of, the contract, proposed contract or other matter or vote on any question with respect to it.

(2) The Scottish Ministers may, subject to such conditions as they may think fit to impose, remove any disability imposed by this regulation in any case in which it appears to them in the interests of the national health service that the disability should be removed.

(3) Any remuneration, compensation or allowances payable to a director by virtue of paragraphs 9, 16(d), and 20 of Schedule 7A to the Act⁽¹⁾ shall not be treated as a pecuniary interest for the purpose of this regulation.

(4) A director shall not be treated as having an interest in any contract, proposed contract or other matter by reason only that they, or an associate of theirs, has an interest in any company, body or person which is so remote or insignificant that they cannot reasonably be regarded as likely to effect any influence in the consideration or discussion of or in voting on, any question with respect to that contract or matter.

(5) This regulation applies to a committee of a NHS trust as it applies to the management team and applies to any member of any such committee (whether or not they are also a director of the NHS trust) as it applies to a director of the NHS trust.

(6) For the purposes of this regulation, the word "associate" has the meaning given by section 74 of the Bankruptcy (Scotland) Act 1985⁽²⁾.

(1) Schedule 7A was inserted by the 1990 Act, section 31.

(2) 1985 c. 66. Section 74 was amended by the Bankruptcy (Scotland) Regulations 1985 (S.I.1985/1925), regulation 11.