

**2005 No. 108**

**NATIONAL HEALTH SERVICE**

**The Health Boards (Membership and Procedure) (Scotland)  
Amendment Regulations 2005**

<i>Made</i> - - - -	<i>2nd March 2005</i>
<i>Laid before the Scottish Parliament</i>	<i>3rd March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

The Scottish Ministers in exercise of the powers conferred by sections 2(10), 105(7) and 108(1) of, and by paragraphs 4 and 11 of Schedule 1 to, the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Health Boards (Membership and Procedure) (Scotland) Amendment Regulations 2005 and shall come into force on 1st April 2005.

**Amendment of the Health Boards (Membership and Procedure) (Scotland) Regulations 2001**

2.—(1) The Health Boards (Membership and Procedure) (Scotland) Regulations 2001(b) are amended as follows.

(2) In regulation 1(2) (interpretation) omit the definition of “NHS trust”.

(3) In regulation 4 (remuneration of members) omit “, or Chief Officer of a National Health Service trust”.

(4) In regulation 7(1) (appointment and powers of vice-chairperson) omit “, or Chief Officer of a National Health Service trust”.

(5) In regulation 8(3) (meetings and minutes) omit “, or Chief Officer of a National Health Service trust”.

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(a) 1978 c.29. Section 105(7) was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 4 of Schedule 1 was amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), Schedule 5, paragraph 3; paragraph 11 of Schedule 1 was amended by the 1980 Act, Schedule 6, paragraph 7(4)(a) and Schedule 7 and the 1990 Act, Schedule 5, paragraph 7. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2001/302 to which there are amendments not relevant to these Regulations.

(6) After regulation 9 (standing orders) insert–

**“Remote participation in Health Board meetings**

**9A.**—(1) The meetings of a Board and its committees and sub-committees may (as well as being conducted by all members being present together in a pre-determined place) be conducted in any other way in which each member is enabled to participate although not present with others in such a place.

(2) A meeting shall be conducted by virtue of paragraph (1) above only on the direction of the chairperson, whom failing the vice-chairperson, of the Board, committee or, as the case may be, sub-committee.

(3) In relation to meetings so conducted–

- (a) regulation 8(2) to (4), 11(1) and paragraphs 4, 5(1) to (3) and 6 of the Schedule have effect as if the references to the presence or absence of the chairperson, vice-chairperson or other members were references to their participation or non-participation in a meeting so conducted; and
- (b) paragraph 1(1), 2(1) and 5(4) of the Schedule have effect as if the references to the place of an intended meeting were omitted.”.

(7) In regulation 10(2) (appointment and functions of committees) omit “, including trustees of a NHS trust,”.

(8) In paragraph 4 (quorum) and paragraph 5(2) (conduct of meetings) of the Schedule (matters to be included in standing orders) omit “, or Chief Officer of a National Health Service trust”.

St Andrew’s House,  
Edinburgh  
2nd March 2005

*ANDREW P KERR*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

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

These Regulations amend the Health Boards (Membership and Procedure) Regulations 2001 (“the principal Regulations”) which make provision as to the membership and procedure of Health Boards established under the National Health Service (Scotland) Act 1978.

Regulation 2(2) to (5), and (7) and (8) remove references in the principal Regulations to National Health Service trusts, their trustees and Chief Officers following the dissolution of all such bodies.

Regulation 2(6) makes provision as to the procedure of Health Boards, their committees and sub-committees. It inserts a new regulation 9A into the principal Regulations which allows the chairperson or vice chairperson of a Health Board, committee or sub-committee to direct that a meeting may be conducted in any way in which each member is able to participate in the meeting although not present in a pre-determined place with the other members of the Board, committee or sub-committee.

Regulation 2(6) also makes provision regarding the effect of other provisions of the principal Regulations in relation to meetings conducted in that way.

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