

## SCHEDULES

### SCHEDULE 5

#### REGIONAL AND AREA HEALTH AUTHORITIES, FAMILY PRACTITIONER COMMITTEES, AND SPECIAL HEALTH AUTHORITIES

#### PART III

##### SUPPLEMENTARY PROVISIONS

###### *Corporate status*

- 8 Each Regional Health Authority, Area Health Authority, special health authority and Family Practitioner Committee (hereinafter in this Schedule referred to severally as "an authority") shall be a body corporate.

###### *Pay and allowances*

- 9 (1) The Secretary of State may pay to the chairman of an authority other than a Family Practitioner Committee such remuneration as he may determine with the approval of the Minister for the Civil Service.
- (2) The Secretary of State may provide as he may determine with the approval of the Minister for the Civil Service for the payment of a pension, allowance or gratuity to or in respect of the chairman of an authority other than such a Committee.
- (3) Where a person ceases to be chairman of an authority other than such a Committee, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to him a payment of such amount as the Secretary of State may determine with the approval of the Minister for the Civil Service.
- (4) The Secretary of State may pay to a member of an authority, or of a committee or sub-committee of an authority, such travelling and other allowances (including attendance allowance or compensation for the loss of remunerative time) as he may determine with the approval of the Minister for the Civil Service.
- (5) Allowances shall not be paid in pursuance of sub-paragraph (4) above except in connection with the exercise, in such circumstances as the Secretary of State may determine with the approval of the Minister for the Civil Service, of such functions as he may so determine.
- (6) Payments under this paragraph shall be made at such times, and in such manner and subject to such conditions, as the Secretary of State may determine with the approval of the Minister for the Civil Service.

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### *Staff*

- 10 (1) An authority other than a Family Practitioner Committee may employ, on such terms as it may determine in accordance with regulations and such directions as may be given by the Secretary of State, such officers as it may so determine ; and regulations made for the purposes of this sub-paragraph may contain provision—
- (a) with respect to the qualifications of persons who may be employed as officers of an authority ;
  - (b) requiring an authority to employ, for the purpose of performing prescribed functions of the authority or any other body, officers having prescribed qualifications or experience ; and
  - (c) as to the manner in which any officers of an authority are to be appointed.
- (2) Regulations may provide for the transfer of officers from one authority to another which is not a Family Practitioner Committee, and for arrangements under which the services of an officer of an authority are placed at the disposal of another authority or a local authority.
- (3) Directions may be given—
- (a) by the Secretary of State to an authority to place services of any of its officers at the disposal of another authority,
  - (b) subject to any directions given by the Secretary of State in pursuance of this sub-paragraph, by a Regional Health Authority to an Area Health Authority of which the area is included in its region to place services of any of its officers at the disposal of another such Area Health Authority,
  - (c) by the Secretary of State to any authority other than a Family Practitioner Committee to employ as an officer of the authority any person who is or was employed by another authority and is specified in the direction,
  - (d) by a Regional Health Authority to an Area Health Authority of which the area is included in its region to employ as an officer of the Area Health Authority any person who is or was employed by an authority other than the Area Health Authority and is specified in the direction,
- and it shall be the duty of an authority to which directions are given in pursuance of this sub-paragraph to comply with the directions.
- (4) Regulations made in pursuance of this paragraph shall not require that all consultants employed by an authority are to be so employed whole-time.
- 11 (1) It shall be the duty of the Secretary of State, before he makes regulations" in pursuance of paragraph 10 above, to consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.
- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, or, as the case may be, a Regional Health Authority's, before he or the Authority gives directions to an authority in pursuance of sub-paragraph (3) of paragraph 10 above in respect of any officer of an authority—
- (a) to consult the officer about the directions ; or
  - (b) to satisfy himself or itself that the authority of which he is an officer has consulted the officer about the placing or employment in question ; or
  - (c) to consult, except in the case of a direction in pursuance of paragraph (c) or paragraph (d) of paragraph 10(3), with respect to the directions such body as he or the Authority may recognise as representing the officer.
- (3) If the Secretary of State or Regional Health Authority—

- (a) considers it necessary to give directions in pursuance of paragraph (a) or paragraph (b) of paragraph 10(3) for the purpose of dealing temporarily with an emergency, and
- (b) has previously consulted bodies recognised by him or the Authority as representing the relevant officers about the giving of directions for that purpose,

the Secretary of State or the Authority shall be entitled to disregard sub-paragraph (2) above in relation to the directions.

#### *Miscellaneous*

- 12 Provision may be made by regulations as to—
- (a) the appointment and tenure of office of the chairman and members of an authority ;
  - (b) the appointment of, and the exercise of functions by, committees and sub-committees of an authority (including joint committees and joint sub-committees of two or more authorities, and committees and sub-committees consisting wholly or partly of persons who are not members of the authority in question) ; and
  - (c) the procedure of an authority, and of such committees and sub-committees as are mentioned in sub-paragraph (b) above.
- 13 An authority may pay subscriptions, of such amounts as the Secretary of State may approve, to the funds of such bodies as he may approve.
- 14 The proceedings of an authority shall not be invalidated by any vacancy in its membership, or by any defect in a member's appointment.
- 15 (1) An authority shall, notwithstanding that it is exercising any function on behalf of the Secretary of State or another authority, be entitled to enforce any rights acquired in the exercise of that function, and be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of that function, in all respects as if it were acting as a principal.

Proceedings for the enforcement of such rights and liabilities shall be brought, and brought only, by or, as the case may be, against the authority in question in its own name.

- (2) An authority shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the discovery or production of documents.

This sub-paragraph shall not prejudice any right of the Crown to withhold or procure the withholding from production of any document on the ground that its disclosure would be contrary to the public interest.

- (3) The Secretary of State may by order provide—
- (a) that any right which a Regional Hospital Board, a Board of Governors or a Hospital Management Committee was entitled to enforce by virtue of section 13 of the National Health Service Act 1946 immediately before 1st April 1974, and
  - (b) that any liability in respect of which such a board or committee was liable by virtue of that section immediately before that day,
- shall, on and after that day, be enforceable by or, as the case may be, against a health authority specified in the order as if the health authority so specified were concerned

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as a principal with the matter in question and did not exercise functions on behalf of the Secretary of State.

A statutory instrument containing only an order made by virtue of this sub-paragraph shall be laid before Parliament after being made.

- 16      Provision may be made by regulations with respect to the recording of information by an authority, and the furnishing of information by an authority to the Secretary of State or another authority.