

## 1975 No. 1101

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**  
**The National Health Service (Health Authorities: Membership)**  
**Regulations 1975**

<i>Made</i> - - - -	<i>4th July 1975</i>
<i>Laid before Parliament</i>	<i>11th July 1975</i>
<i>Coming into Operation</i>	<i>1st August 1975</i>

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred on them by sections 5(1) and 6(4) of, and paragraphs 1(2), 2(1)(b) and (d), 3 and 12(a) of Schedule 1 to, the National Health Service Reorganisation Act 1973(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the National Health Service (Health Authorities: Membership) Regulations 1975 and shall come into operation on 1st August 1975.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the National Health Service Reorganisation Act 1973;

“the Act of 1946” means the National Health Service Act 1946(b);

“Area Authority” means an Area Health Authority;

“Authority” means a Regional Authority or an Area Authority;

“Health Authority appointed member” means a member of an Area Authority in England appointed by the Secretary of State or by a Regional Authority or, as the case may be, a member of an Area Authority in Wales appointed by the Secretary of State;

“the principal Regulations” means the National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973(c); and

“Regional Authority” means a Regional Health Authority.

(3) The Interpretation Act 1889(d) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Temporary suspension of requirements to consult*

**2.**—(1) Consultation otherwise required under paragraphs 1(2), 2(1)(b) or 3 of Schedule 1 to the Act shall not be required before—

(a) The Secretary of State appoints as a member of a Regional Authority—

(a) 1973 c. 32.

(b) 1946 c. 81.

(c) S.I. 1973/1286 (1973 II, p. 3892).

(d) 1889 c. 63.

- (i) a person recommended by one or more of the following bodies, that is to say, a county council, metropolitan district council, the Greater London Council, a London borough council and the Common Council of the City of London; or
  - (ii) an employee of that Regional Authority; or
  - (iii) an employee of an Area Authority whose area is situated within the region of that Regional Authority or a dental practitioner, optician or registered pharmacist whose name is included in any list prepared under Part IV of the Act of 1946 by the Family Practitioner Committee established by such Area Authority for its area; or
- (b) a Regional Authority appoints as a member of an Area Authority—
- (i) a person recommended by one or more non-metropolitan district councils; or
  - (ii) an employee of that Regional Authority or that Area Authority or a dental practitioner, optician or registered pharmacist whose name is included in any list prepared under Part IV of the Act of 1946 by the Family Practitioner Committee established by that Area Authority for its area; or
- (c) the Secretary of State appoints as a member of an Area Authority in Wales—
- (i) a person recommended by one or more district councils; or
  - (ii) an employee of that Area Authority or a dental practitioner, optician or registered pharmacist whose name is included in any list prepared under Part IV of the Act of 1946 by the Family Practitioner Committee established by that Area Authority for its area.
- (2) The provisions of this regulation shall cease to have effect on 1st July 1976.

*Amendments to principal Regulations*

3. The principal Regulations shall be amended as follows:—

(a) for regulations 3 to 6 there shall be substituted the following Regulations:—

*Term of office of members of Regional Authorities*

3.—(1) Subject to the following provisions of these regulations, the term of office of members of a Regional Authority shall be 4 years expiring on 31st July in any year.

(2) Where a Regional Authority was established before 1st April 1974, those original members who were appointed for a period ending on 31st March 1976 shall hold office for a period ending on 31st July 1976 and the remainder shall hold office for a period ending on 31st July 1978.

(3) Where a Regional Authority is established after 31st March 1974, one half of the original members shall be appointed for such period, not exceeding 2 years and 4 months, expiring on 31st July in any year, as the Secretary of State shall in the case of each Authority determine, and the remainder shall be appointed for a period two years greater than the term of office of the first half of the original members.

(4) Where the Secretary of State appoints as a member of a Regional Authority—

- (a) an employee of that authority; or
- (b) an employee of an Area Authority whose area is situated within the region of that Regional Authority; or
- (c) a person whose name is included in any list prepared under Part IV of the Act of 1946 by the Family Practitioner Committee established by any such Area Authority for its area,

that member shall be appointed for such period not exceeding 4 years and 4 months as the Secretary of State may from time to time determine.

(5) For the purposes of this regulation, in the case of a Regional Authority with an uneven number of members, one half of the members shall be calculated by reference to the number of such members other than the chairman and the term of office of the original chairman of a Regional Authority shall in all cases be that determined for the remainder of the original members.

*Term of office of members of Area Authorities appointed by the Secretary of State or by a Regional Authority*

4.—(1) Subject to the following provisions of these Regulations, the term of office of a Health Authority appointed member shall be 4 years expiring on 31st July in any year.

(2) Subject to paragraph (5) below where an Area Authority is established in England before 1st April 1977,—

- (a) the original Health Authority appointed members who were appointed for a period ending on 31st March 1977 shall hold office for a period ending on 31st July 1977;
- (b) one half of the Health Authority appointed members whose appointments take effect from 1st August 1977 shall be appointed for a period ending on 31st July 1979; and
- (c) the remainder of such members shall be appointed for a period ending on 31st July 1981.

(3) Where an Area Authority was established in Wales before 1st April 1974 those original Health Authority appointed members who were appointed for a period ending on 31st March 1976 shall hold office for a period ending on 31st July 1976 and the remainder of such members shall hold office for a period ending on 31st July 1978.

(4) Where an Area Authority is established in Wales after 31st March 1974 or in England after 31st March 1977, one half of the original Health Authority appointed members shall be appointed for such a period not exceeding 2 years and 4 months expiring on 31st July in any year as the Secretary of State shall in the case of such Authority determine and the remainder of such members shall be appointed for a period two years greater than the term of office of the first half of such original members.

(5) Where in Wales the Secretary of State, or in England a Regional Authority, appoint as a member of an Area Authority an employee of that Regional Authority or that Area Authority, or a person whose name is included in any list prepared under Part IV of the Act of 1946 by the Family Practitioner Committee established by that Area Authority for that area, that member shall be appointed for such period not exceeding 4 years and 4 months as the Secretary of State may from time to time determine.

(6) For the purposes of this regulation in the case of an Area Authority with an uneven number of Health Authority appointed members one half of such members shall be calculated by reference to the number of those members other than the chairman and the term of office of the original chairman of an Area Authority shall in all cases be that determined for the remainder of the Health Authority appointed members.

*Term of office of members of Area Authorities appointed by local authorities*

5.—(1) Subject to the following provisions of these regulations, the term of office of a member of an Area Authority appointed by one or more local authorities shall be for such period as they may determine on making the appointment.

(2) Where one or more local authorities have appointed a member of an Area Authority, they may at any time terminate that appointment if it appears to them to be in the interests of the national health service in the area that that appointment should be terminated.

*Variation of membership of Authorities*

6.—(1) Where the number of members of any Authority is increased at any time, the term of office of an original additional member shall be for such period not exceeding 4 years and 4 months, expiring on 31st July in any year, as the Secretary of State shall in each case determine.

(2) Where for any reason a person ceases to be a member before the expiration of the period for which he was appointed, the term of office of any member appointed in his place shall be the remainder of such period and consultation in accordance with Schedule 1 to the Act of 1973 shall not be required with respect to such an appointment.

(3) Where a person is appointed chairman of an Authority of which he is already a member he shall thereupon cease to be a member of that Authority by virtue of any appointment that preceded his appointment as chairman."

(b) at the end of regulation 9 (Termination of Membership) there shall be inserted the following paragraph:—

"(7) Where a Regional Authority has appointed one or more persons to be members of an Area Authority on the recommendation of one or more non-metropolitan district councils, that Regional Authority shall terminate any such appointment, if the council or councils on whose recommendation that appointment was made request that that appointment should be terminated because it appears to them that it is in the interests of the national health service in the area that it should be terminated."

*Barbara Castle,*

Secretary of State for Social Services.

3rd July 1975.

*John Morris,*

Secretary of State for Wales.

4th July 1975.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These Regulations amend the National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973 (the principal Regulations) by providing that the term of office of members of Regional Health Authorities and members of Area Health Authorities appointed by the Secretary of State or Regional Health Authorities shall cease on 31st July (instead of 31st March) in any year and make various minor and consequential drafting amendments (new regulations 3 to 6 of the principal Regulations substituted by regulation 3(a) of these regulations).

They also provide that for a limited period the consultations otherwise required by Schedule 1 to the Act of 1973 shall not be required before the appointment to Regional Health Authorities or Area Health Authorities of persons who are either recommended by certain local authorities, or who are employees of Health Authorities or provide services, other than general medical services, under Part IV of the Act of 1946 (Regulation 2).

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