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1983 No. 315

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**
**The National Health Service (Regional and  
District Health Authorities: Membership and Procedure)  
Regulations 1983**

<i>Made</i> - - - - -	7th March 1983
<i>Laid before Parliament</i>	11th March 1983
<i>Coming into Operation</i>	1st April 1983

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 paragraphs 1(2), 2(1) and 12 of Schedule 5 to the National Health Service Act 1977(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

## PART I,

## GENERAL

*Citation and commencement*

1. These regulations may be cited as the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983 and shall come into operation on 1st April 1983.

*Interpretation*

2.—(1) In these regulations unless the context otherwise requires:—

“the Act” means the National Health Service Act 1977;

“appointing authority” means the Secretary of State, Regional Health Authority or local authority as appropriate;

“Authority” means a Regional Health Authority or a District Health Authority;

“health authority” includes a preserved Board within the meaning of section 15(6) of the National Health Service Reorganisation Act 1973(b);

“local authority” in relation to any District Health Authority means the local authority or local authorities specified in the Order(c) constituting the District Health Authority as entitled to make appointments to that Authority;

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(a) 1977 c. 49; paragraph 2 of Schedule 5 was amended by the Health Services Act 1980 (c. 53), section 1(7) and Schedule 1, paragraph 78(3).

(b) 1973 c. 32.

(c) See S.I. 1981/1838, as amended by S.I. 1982/345 and 1983/31.

“member” in relation to an Authority does not include the chairman and “members” and “membership” shall be construed accordingly;

“relevant Regional Authority” has the meaning assigned to it in paragraph 5(1)(b) of Schedule 5 to the Act;

“securities” and “shares” have the same meanings respectively as in section 26(1) of the Prevention of Fraud (Investments) Act 1958(a).

(2) In regulation 14 “public body” includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907(b).

(3) Unless the context otherwise requires, any reference in these regulations to a numbered regulation or a numbered Schedule is a reference to the regulation or Schedule bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

## PART II

### MEMBERSHIP

#### *Tenure of office of chairman and members of Authorities*

3. Subject to regulation 5 the tenure of office of:—

- (a) the chairman of a Regional Health Authority shall be for such period not exceeding four years, expiring on 31st July in any year, as the Secretary of State shall specify on making the appointment;
- (b) the chairman of a District Health Authority established for a district in England shall be for such period not exceeding four years, expiring on 31st March in any year, as the Secretary of State shall specify on making the appointment;
- (c) a member of a Regional Health Authority shall be for such period not exceeding four years, expiring on 30th September in any year, as the Secretary of State shall specify on making the appointment;
- (d) the chairman or a member of a District Health Authority established for a district in Wales appointed by the Secretary of State shall be for such period not exceeding four years, expiring on 31st July in any year, as the Secretary of State shall specify on making the appointment;
- (e) a member of a District Health Authority appointed by the relevant Regional Authority shall be for such period not exceeding four years, expiring on 30th September in any year, as the relevant Regional Authority shall specify on making the appointment;
- (f) a member of a District Health Authority appointed by one or more local authorities shall be for such period as it or they shall specify on making the appointment.

(a) 1958 c. 45.

(b) 1907 c. cxxxvi.

*Exception from duty to consult*

4.—(1) The duty to consult imposed by paragraphs 1(2) and 2(1)(b) of Schedule 5 to the Act shall not apply in respect of any appointment by the Secretary of State of a person to be a member of a Regional Health Authority or a District Health Authority established for a district in Wales, or any appointment by a Regional Health Authority of a person to be a member of a District Health Authority established for a district in England in the circumstances mentioned in paragraph (2).

(2) Paragraph (1) shall apply where:—

- (a) the person to be appointed is to take the place of a member whose tenure of office has ceased before the expiry of the period for which he was appointed; or
- (b) the person to be appointed is to take the place of a person who has ceased to act pursuant to regulation 5(6) (persons disqualified for appointment); or
- (c) the number of members of a District Health Authority of any category has been increased and the person to be appointed is an original additional member of that Authority.

*Termination of tenure of office*

5.—(1) The chairman or a member of an Authority may resign his office at any time during the period for which he was appointed by giving notice in writing to the appointing authority by which he was appointed.

(2) Where during his period of membership a member of an Authority is appointed to be the chairman of that Authority, his tenure of office as a member shall terminate when his appointment as chairman takes effect.

(3) If an appointing authority is of the opinion that it is not in the interest of the health service in the region or district of an Authority that a person whom it has appointed as the chairman or a member of that Authority should continue to hold that office, that appointing authority may, subject, if it is a relevant Regional Authority, to the consent of the Secretary of State, forthwith terminate his tenure of office.

(4) If a chairman or a member of an Authority has not attended a meeting of that Authority for a period of six months, the Secretary of State shall forthwith terminate the tenure of office of that chairman or member unless the Secretary of State is satisfied that:—

- (a) the absence was due to a reasonable cause and
- (b) the chairman or member will be able to attend meetings of that Authority within such period as the Secretary of State considers reasonable.

(5) If a chairman or member to whom paragraph (4) applies was appointed by an appointing authority other than the Secretary of State, the Secretary of State shall consult with that Authority before taking any action under that paragraph.

(6) Where a person has been appointed to be the chairman or a member of an Authority:—

- (a) if he becomes disqualified for appointment under regulation 7 the appointing authority by which he was appointed shall forthwith notify him in writing of such disqualification; or
- (b) if it comes to the notice of the appointing authority that at the time of his appointment he was so disqualified, it shall forthwith declare that he was not duly appointed and so notify him in writing,

and, upon receipt of any such notification, his tenure of office, if any, shall be terminated and he shall cease to act as such chairman or member.

(7) If it appears to the Secretary of State that the chairman or a member of an Authority has failed to comply with regulation 14(1) (disclosure etc on account of pecuniary interest) he may forthwith terminate that person's tenure of office.

(8) If at the time when a member was appointed by the Secretary of State to a Regional Health Authority that member was:—

- (a) a member of a body mentioned in paragraph 1(2)(a) of Schedule 5 to the Act (certain local authorities) which had nominated him for that appointment; or
- (b) a person holding office of, or employed by, any medical school, college or university with which the provision of health services in the region of that Regional Health Authority is, has been, or is to be associated,

and he ceases to be a member of that body or he ceases to hold that office, then the Secretary of State may terminate the person's tenure of office.

*Eligibility for re-appointment*

6. Subject to regulation 7, the chairman or a member of an Authority shall, on the termination of his tenure of office, be eligible for re-appointment.

*Disqualification for appointment*

7.—(1) Subject to regulation 8, a person shall be disqualified for appointment as the chairman or a member of an Authority if:—

- (a) he has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (b) he has been adjudged bankrupt or has made a composition or arrangement with his creditors; or
- (c) he has been dismissed, otherwise than by reason of redundancy, from any paid employment with:—
  - (i) a health authority;
  - (ii) the Public Health Laboratory Service Board;
  - (iii) the Dental Estimates Board;
  - (iv) the National Radiological Protection Board; or

- (d) he has had his name removed, by a direction under section 46 of the Act, from any list prepared under Part II of the Act and has not subsequently had his name included in such a list; or
- (e) he is a person whose tenure of office as the chairman or a member of an Authority has been terminated pursuant to paragraph (3), (4) or (7) of regulation 5.

(2) For the purposes of paragraph (1)(a) the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution of it.

(3) For the purposes of paragraph (1)(c) a person shall not be treated as having been in paid employment by reason only of his chairmanship of a health authority.

#### *Cessation of disqualification*

**8.—**(1) Where a person is disqualified under regulation 7(1)(b) by reason of having been adjudged bankrupt:—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge;
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiry of five years from the date of his discharge;
- (d) if a court makes an order under subsection (1) of section 7 of the Insolvency Act 1976<sup>(a)</sup> (automatic discharge of bankrupt) directing that subsection (2) of that section shall have effect in relation to him or where subsection (4) of that section applies to him the disqualification shall cease on the date upon which, in accordance with that subsection (2) or that subsection (4), that person is treated as if the court had granted him an absolute order of discharge.

(2) Where a person is disqualified under regulation 7(1)(b) by reason of his having made a composition or arrangement with his creditors, if he pays his debts in full the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(3) Subject to paragraph (4), where a person is disqualified under regulation 7(1)(c) (dismissed employees) he may, after the expiry of a period of not less than two years, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification shall cease.

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<sup>(a)</sup> 1976 c. 60.

(4) Where the Secretary of State refuses an application to remove a disqualification no further application may be made by that person until the expiration of two years from the date of the application and this paragraph shall apply to any subsequent application.

(5) Where a person is disqualified under regulation 7(1)(e) (certain chairmen and members whose appointments have been terminated), the disqualification shall cease on the expiry of a period of two years or such longer period as the appointing authority specifies when terminating his period of office but the Secretary of State may, on application being made to him by that person or by that appointing authority, reduce the period of disqualification.

### PART III

#### CONSTITUTION AND PROCEEDINGS

##### *Election of vice-chairman*

**9.**—(1) The chairman and members of an Authority shall elect one of their number other than the chairman to be vice-chairman for a period of one year or, where the period of his membership of the Authority during which he is elected has less than a year to run, for the remainder of such period.

(2) Any member so elected may at any time resign from the office of vice-chairman by giving notice in writing to the chairman and the chairman and members of the Authority shall thereupon elect another member as vice-chairman in accordance with paragraph (1).

##### *Powers of vice-chairman*

**10.** Where the chairman of an Authority has died or has ceased to hold office, or where he has been unable to perform his duties as chairman owing to illness, absence from England and Wales or any other cause, references to the chairman in Schedule 1 shall, so long as there is no chairman able to perform his duties, be taken to include references to the vice-chairman.

##### *Appointment of committees and sub-committees*

**11.**—(1) Subject to such directions as may be given by the Secretary of State, an Authority may, and if directed as aforesaid shall, appoint committees of the Authority, or together with one or more other health authorities appoint joint committees, consisting in either case wholly or partly of the chairman and members of the Authority or Authorities.

(2) A committee or joint committee appointed under this regulation may, subject to such directions as may be given by the Secretary of State or the Authority or Authorities, appoint sub-committees consisting wholly or partly of members of the committee or joint committee.

##### *Arrangements for the exercise of functions*

**12.** Subject to such directions as may be given by the Secretary of State, an Authority may make arrangements for the exercise, on behalf of the Authority, of any of its functions by a committee, sub-committee or joint committee appointed by virtue of regulation 11 or by an officer of the Authority, in each case subject to such restrictions and conditions as the Authority thinks fit.

*Meetings and proceedings*

**13.**—(1) The meetings and proceedings of an Authority shall be conducted in accordance with the rules set out in Schedule 1 and with Standing Orders made under paragraph (2).

(2) Subject to the aforesaid rules, to regulation 14 and to such directions as may be given by the Secretary of State, an Authority shall make, and may vary or revoke, Standing Orders for the regulation of their proceedings and business and provision may be made in such Standing Orders for the suspension thereof.

(3) Subject to such directions as may be given by the Secretary of State, an Authority may, on its own in the case of a committee or sub-committee of the Authority or jointly with other Authorities in the case of a joint committee or sub-committee thereof, make, vary and revoke Standing Orders respecting the quorum, proceedings and place of meeting of such committee, joint committee or sub-committee but subject to any such Standing Order the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

*Disability of chairman and members in proceedings on account of pecuniary interest*

**14.**—(1) Subject to the following provisions of this regulation, if the chairman or a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

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

(3) An Authority may by Standing Orders, made under regulation 13(2) provide for the exclusion of the chairman or a member from a meeting of the Authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to the chairman or a member by virtue of paragraph 9 of Schedule 5 to the Act (pay and allowances) shall not be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), the chairman or a member shall be treated for the purposes of this regulation as having indirectly a pecuniary interest in a contract, proposed contract or other matter if:—

- (a) he, or a nominee of his, is a member of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) he is a partner, or is in the employment of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration;

and in the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this regulation to be also an interest of the other.

(6) The chairman or a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only:—

- (a) of his membership of a company or other body if he has no beneficial interest in any securities of that company or other body;
- (b) of an interest of his or of any company, body or person with which he is connected as mentioned in paragraph (5) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of or in voting on, any question with respect to that contract or matter.

(7) Where the chairman or a member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £1,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, this regulation shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice however to his duty to disclose his interest.

*Amendment and revocation of regulations*

15.—(1) The regulations mentioned in Schedule 2 shall have effect subject to the amendments specified in that Schedule.

(2) The regulations specified in column (1) of Schedule 3 are hereby revoked to the extent mentioned in column (3) of that Schedule.

3rd March, 1983.

*Norman Fowler,*  
Secretary of State for Social Services.

7th March, 1983.

*Nicholas Edwards,*  
Secretary of State for Wales.



## SCHEDULE 1

## Regulation 13(1)

## RULES AS TO MEETINGS AND PROCEEDINGS OF AUTHORITIES

**1.** The first meeting of an Authority shall be held on such day and at such place as may be fixed by the chairman and he shall be responsible for convening the meeting.

**2.—(1)** The chairman may call a meeting of the Authority at any time.

(2) If the chairman refuses to call a meeting after a requisition for that purpose, signed by at least one third of the whole number of members, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, such one-third or more members may forthwith call a meeting.

(3) Before each meeting of an Authority, a notice of the meeting, specifying the business proposed to be transacted thereat, and signed by the chairman or by an officer of the Authority authorised by the chairman to sign on his behalf shall be delivered to every member, or sent by post to the usual place of residence of such member, so as to be available to such member at least three clear days before the meeting.

(4) Want of service of the said notice on any member shall not affect the validity of a meeting.

(5) In the case of a meeting called by members in default of the chairman, the said notice shall be signed by those members and no business shall be transacted at the meeting other than that specified in the notice.

**3.—(1)** At any meeting of an Authority the chairman, if present, shall preside.

(2) If the chairman is absent from the meeting the vice-chairman, if present, shall preside.

(3) If the chairman and vice-chairman are absent, such member as the members present shall choose shall preside.

**4.** Every question at a meeting shall be determined by a majority of the votes of the chairman and members present and voting on the question and, in the case of an equality of votes, the person presiding shall have a second and casting vote.

**5.** The names of members present at the meeting shall be recorded.

**6.** No business shall be transacted at a meeting unless at least one-third of the whole number of the chairman and members are present.

**7.** The minutes of the proceedings of a meeting shall be drawn up and entered in a book kept for that purpose and shall be signed at the same or next ensuing meeting by the person presiding at it.

## Regulation 15(1)

## SCHEDULE 2

AMENDMENT OF REGULATIONS WHICH APPLY  
TO SPECIAL HEALTH AUTHORITIES PROVISIONS  
RELATING TO MEMBERSHIP AND PROCEDURE

1. For regulation 9 (application of regulations) of the Prescription Pricing Authority Regulations 1978(a) substitute the following regulation:—

“9. The provisions of regulation 5(1), (2), (4), (6) and (7) (termination of office), regulation 6 (eligibility for re-appointment), regulation 7 (disqualification for appointment), regulation 8 (cessation of disqualification), regulation 11 (appointment of committees and sub-committees), regulation 13 (meetings and proceedings) and regulation 14 (disability of chairman and members in proceedings on account of pecuniary interest) of, and of Schedule 1 (rules as to meetings and proceedings of Authorities) to, the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983(b) shall apply for the purposes of these regulations as if any reference therein to an Authority included a reference to the Authority, as if there were omitted any reference therein to a joint committee and paragraph 1 of the Schedule to those regulations.”.

2. For regulation 8 (application of regulations) of the Health Service Supply Council Regulations 1980(c) substitute the following regulation:—

“8. The provisions of regulation 7 (disqualification for appointment), regulation 8 (cessation of disqualification), regulation 9 (election of vice-chairman), regulation 10 (powers of vice-chairman), regulation 11 (appointment of committees and sub-committees), regulation 12 (arrangements for the exercise of functions), regulation 13 (meetings and proceedings), regulation 14 (disability of chairman and members in proceedings on account of pecuniary interest) of, and Schedule 1 (rules as to meetings and proceedings) to, the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983(b) shall apply in relation to the Council as if any reference therein to an Authority were a reference to the Council.”.

3. For regulation 8 (application of regulations) of the Rampton Hospital Review Board (Functions and Membership) Regulations 1981(d) substitute the following regulation:—

“8. The provisions of regulation 5(4) to (7) (termination of tenure of office), regulation 7 (disqualification for appointment), regulation 8 (cessation of disqualification), regulation 9 (election of vice-chairman), regulation 10 (powers of vice-chairman), regulation 11 (appointment of committees and sub-committees), regulation 12 (arrangements for the exercise of functions), regulation 13 (meetings and proceedings), regulation 14 (disability of chairman and members in proceedings on account of pecuniary interest) of, and Schedule 1 (rules as to meetings and proceedings) to, the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983(b) shall apply in relation to the Board as if any reference therein to an Authority were a reference to the Board and as if there were omitted any reference to a joint committee.”.

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(a) S.I. 1978/332.

(b) S.I. 1983/315.

(c) S.I. 1980/797.

(d) S.I. 1981/728.

4. Insert the following paragraph in regulation 5 (application of regulations) of the Authorities for London Post-Graduate Teaching Hospitals Regulations 1982(a):—

“(6) The provisions of regulation 5 (termination of tenure of office), regulation 6 (eligibility for re-appointment), regulation 7 (disqualification for appointment), regulation 8 (cessation of disqualification), regulation 9 (election of vice-chairman), regulation 10 (powers of vice-chairman), regulation 11 (appointment of committees and sub-committees), regulation 12 (arrangements for the exercise of functions), regulation 13 (meetings and proceedings) and regulation 14 (disability of chairman and members in proceedings on account of pecuniary interest) of, and Schedule 1 (rules as to meetings and proceedings of authorities) to, the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983(b) shall apply as if any reference therein to an Authority included a reference to an Authority established by the Order; as if the reference in regulation 5(3) of those regulations to the region or district of an Authority were omitted and as if the reference in regulation 5(8) to a Regional Health Authority included a reference to an Authority established by the Order.”.

5. For regulation 8 (application of regulations) of the Central Blood Laboratories Authority Regulations 1982(c) substitute the following regulation:—

“8. The provisions of regulation 5(2), (4), (6) and (7) (termination of tenure of office), regulation 7 (disqualification for appointment), regulation 8 (cessation of disqualification), regulation 9 (election of vice-chairman), regulation 10 (powers of vice-chairman), regulation 11 (appointment of committees and sub-committees), regulation 12 (arrangements for the exercise of functions), regulation 13 (meetings and proceedings) and regulation 14 (disability of chairman and members in proceedings on account of pecuniary interest) of, and Schedule 1 (rules as to meetings and proceedings of authorities) to, the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983(b) shall apply as if any reference therein to an Authority included a reference to the Authority.”.

## Regulation 15(2)

## SCHEDULE 3

## REVOCATIONS

Column (1) <i>Regulations revoked</i>	Column (2) <i>References</i>	Column (3) <i>Extent of revocation</i>
The National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973	S.I. 1973/1286	Whole Regulations
The National Health Service (Health Authorities: Membership) Regulations 1981	S.I. 1981/933	Whole Regulations
The Rampton Hospital Review Board (Functions and Membership) Amendment Regulations 1981	S.I. 1982/10	Whole Regulations
The Authorities for London Post-Graduate Teaching Hospitals Regulations 1982	S.I. 1982/315	Regulation 5(1)(a) and (4)

## EXPLANATORY NOTE

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

These regulations provide for the appointment and tenure of office of chairmen and members of Regional and District Health Authorities established under the National Health Service Act 1977 and for the procedure of those authorities. They consolidate with amendments the regulations which provided for the appointment, tenure of office and procedure of Regional, Area and District Health Authorities.

The principal amendments are:—

- (a) the office of a member of a Regional Health Authority who has ceased, since his appointment, to be either a member of a local authority or to be the holder of an academic post may be terminated (regulation 5(8)), and
- (b) a vice-chairman shall have the powers of a chairman when there is no chairman who is able to act (regulation 10).



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