
STATUTORY INSTRUMENTS

1990 No. 2648

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Welsh Health Common Services
Authority Regulations 1990**

Made - - - - - *27th December 1990*
Laid before Parliament *11th January 1991*
Coming into force - - - *1st February 1991*

The Secretary of State for Wales, in exercise of powers conferred by sections 12(c), 126(1) and (4) and 128(1) of, and paragraphs 10 and 12 of Schedule 5 to the National Health Service Act 1977⁽¹⁾ and of all other powers enabling him in that behalf and after consultation with the body recognised by him as representing persons who, in his opinion, are likely to be affected by these Regulations in accordance with paragraph 11 of Schedule 5 to the National Health Service Act 1977, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Welsh Health Common Services Authority Regulations 1990 and shall come into force on 1st February 1991.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“Authority” means the Welsh Health Common Services Authority constituted under the Constitution Order;

“Constitution Order” means the Welsh Health Common Services Authority Constitution Order 1990⁽²⁾;

“Family Authority” means a Family Health Services Authority;

“member” means a member of the Authority;

(1) 1977 c. 49; in section 128(1) see the definitions of and paragraph 10 of Schedule 5 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 80, and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 15(b); paragraphs 10 and 12 were modified by S.I.1985/39, article 7(22), and were amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 1, paragraphs 8 and 9.

(2) S.I. 1990/2647.

“the Procedure Regulations” means the Regional and District Health Authorities (Membership and Procedure) Regulations 1990(3).

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation 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.

Tenure of office of members

3.—(1) Subject to paragraph (4) and to any provisions applied by these Regulations as to termination of and disqualification for membership, the tenure of office of a member appointed by the Secretary of State shall be for such period as the Secretary of State may specify on making the appointment.

(2) The person who is a member by virtue of paragraph (c) of article 5 of the Constitution Order shall, subject to paragraph (3), hold office for so long as he remains the chief officer of the Authority.

(3) Where for any period, a person mentioned in paragraph (2) is suspended from his duties as chief officer of the Authority—

- (a) he shall also be suspended for that period from performing his functions as a member, and
- (b) any person appointed by the Authority to act in his place as chief officer shall also be appointed by the Authority to perform his functions as a member of that Authority for that period.

(4) Where the Secretary of State is satisfied that it is not in the interests of the Authority or the health service that a person whom he has appointed as a member should continue to hold that office, he may forthwith terminate that member’s tenure of office.

Minutes of proceedings

4. Minutes shall be kept of the proceedings of the Authority and of any committee, sub-committee or joint committee appointed by virtue of regulation 5, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which the minutes relate, or at a meeting at which they were approved as a correct record, be evidence of those proceedings, and a meeting to which any such minutes relate shall, unless the contrary is proved, be deemed to have been regularly convened and constituted.

Application of regulations

5. The provisions of regulation 11(1), (4), (5) and (6) (termination of tenure of office), regulation 12 (eligibility for reappointment), regulation 13(1)(a) to (e), (2) and (3) (disqualification for appointment), regulation 14 (cessation of disqualification), regulation 17 (appointment of committees and sub-committees), regulation 18 (arrangements for the exercise of functions), regulation 19(2) (standing orders for the regulation of proceedings and business) and regulation 20 (disability on account of pecuniary interest) of the Procedure Regulations shall apply for the purposes of these Regulations as if—

- (a) any reference therein to an Authority included a reference to the Authority;
- (b) any reference therein to the appointing authority were a reference to the Secretary of State; and
- (c) in regulation 13(1)(e) the reference to paragraph (3) of regulation 11 were a reference to regulation 3(4).

(3) S.I. 1990/1331, to which there is an amendment not relevant to these Regulations.

27th December 1990

David Hunt
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the tenure of office of the members of the special health authority known as the Welsh Health Common Services Authority. They also provide for the procedure of that Authority, the constitution of which has been changed by the Welsh Health Common Services Authority Constitution Order 1990.

In particular these Regulations provide for the tenure of office of the members of the Authority (regulation 3); for minutes of proceedings of the Authority (regulation 4); for the termination of, and disqualification from, tenure of office of members, the appointment of committees and the proceedings of the Authority and any committees it may establish (regulation 5).