
STATUTORY INSTRUMENTS

1994 No. 1408 (S. 66)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service Trusts (Membership and Procedure) (Scotland) Amendment Regulations 1994

<i>Made</i>	- - - -	<i>23rd May 1994</i>
<i>Laid before Parliament</i>		<i>26th May 1994</i>
<i>Coming into force</i>	- -	<i>16th June 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 12A(5), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978((1)), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service Trusts (Membership and Procedure) (Scotland) Amendment Regulations 1994 and shall come into force on 16th June 1994.

(2) In these Regulations “the principal Regulations” means the National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 1991((2)).

Amendment of the principal Regulations

2. After paragraph (4) of regulation 8 of the principal Regulations (disqualification for appointment: chairman and non-executive directors) there shall be added the following new paragraph:—

“(4A) Paragraph (1)(e) shall not apply so as to disqualify a person who holds office as chairman, member, director or employee of a health service body from appointment as chairman or non-executive director of an NHS Trust if—

- (a) the Secretary of State considers that it is in the interests of the health service that such person should hold such an appointment, and

(1) 1978 c. 29; section 12A was inserted by the National Health Service and Community Care Act 1990 (c. 19) section 31; section 105(7), which was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, contains provisions relevant to the exercise of the powers under which these Regulations are made; section 108(1) contains a definition of “regulations”.

(2) S.I.1991/535 amended by S.I. 1993/412.

Status: This is the original version (as it was originally made).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

- (b) the holding at the same time of more than one such appointment does not in any particular case exceed a period of 1 year.”

St Andrew’s House,
Edinburgh
23rd May 1994

Fraser of Carmyllie
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 1991 (“the principal Regulations”) which make provision concerning the membership and procedure of NHS Trusts.

New regulation 8(4A) of the principal Regulations provides that a person may become chairman or a non-executive director of an NHS Trust even though he is already chairman, member, director or employee of another health service body, provided that the Secretary of State considers that the second appointment is in the interests of the health service and that the holding of more than one office does not exceed 1 year.