
STATUTORY INSTRUMENTS

1996 No. 2820

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

The Joint Consultative Committees Order 1996

Made - - - - 6th November 1996

Laid before Parliament 8th November 1996

Coming into force—

For the purposes of article 7 29th November 1996

For all other purposes—

as respects England 1st January 1997

as respects Wales 1st April 1997

The Secretary of State for Health, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred on them by sections 22(3A), (4) and (6) and 126 (3), (4) and (5) of the National Health Service Act 1977⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with section 22(5) of that Act with such associations of local authorities as appear to them to be concerned, and with any local authority with whom consultation appears to them to be desirable, hereby make the following Order—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Joint Consultative Committees Order 1996 and shall come into force—

- (a) for the purposes of article 7, on 29th November 1996; and
- (b) for all other purposes—
 - (i) as respects England, on 1st January 1997, and

(1) 1977 c. 49; subsections (3A) and (6) of section 22 were inserted, and subsection (4) was amended, by paragraph 2 of Schedule 5 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41); section 22 was also amended by paragraph 41 of Schedule 1 to the Health Services Act 1980 (c. 53) and paragraph 3 of Schedule 3 to the Health and Social Security Act 1984 (c. 48); subsections (1), (2), (3) and (4) were further amended, and subsection (3ZA) was inserted, by paragraph 12(d) and (e) of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”); section 126(3) and (4) was amended, and section 126(5) was inserted, by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19), and section 126(3) was further amended by paragraph 57 of Schedule 1 to the 1995 Act.

(ii) as respects Wales, on 1st April 1997.

(2) In this Order, unless the context otherwise requires—

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

“Committee” means a joint consultative committee referred to in section 22(2) of the Act;

“relevant local authority” means, in relation to a Health Authority, any local authority which is, by virtue of section 22(3ZA) of the Act, associated with that Health Authority;

“the Secretary” means the Secretary to the Committee, appointed in accordance with article 9(4).

(3) In this Order—

(a) any reference to a numbered article is a reference to the article bearing that number in this Order;

(b) any reference in an article to a numbered paragraph is a reference to the paragraph bearing that number in that article; and

(c) any reference to a body represented on a Committee does not include a reference to a voluntary organisation.

Appointment of Committees

2. It shall be the duty of each Health Authority and of each relevant local authority to appoint a Committee, and such further Committees as may be agreed between those bodies.

Appointment of sub-committees and joint sub-committees

3. A Committee may—

(a) appoint a sub-committee of the Committee; or

(b) together with one or more other Committees, appoint a joint sub-committee,

for the purpose in either case of making recommendations to the Committee or Committees by which the sub-committee was appointed, with respect to the advice to be given to the bodies represented on the Committee or Committees in question.

Representation on other Committees

4. A Health Authority or relevant local authority may arrange to be represented on a Committee other than one on which they are required to be represented under section 22(3) of the Act, provided that any such arrangement is agreed by the bodies represented on that other Committee.

Membership of Committees

5.—(1) The number of members by which a Health Authority or relevant local authority shall be represented on a Committee shall be such as may be agreed between all of the bodies to be represented on it.

(2) Persons appointed to a Committee may be, but need not be, members of the body by which they are appointed.

Representation of voluntary organisations on Committees

6. In addition to the members appointed to each Committee pursuant to article 5 there shall be included on each Committee three members appointed by voluntary organisations, following their election in accordance with article 7.

Appointment of members by voluntary organisations

7.—(1) The Secretary of State shall, after consultation with each body represented, or to be represented, on a Committee, invite any voluntary organisation which appears to him to have an interest in any services of common concern to those bodies—

- (a) to make application to take part in the appointment of members to the Committee; and
- (b) to nominate a person for appointment to the Committee.

(2) A voluntary organisation may nominate any person, whether he is a member of such an organisation or not, for appointment to the Committee, but no organisation may nominate more than one person.

(3) The Secretary of State shall, not less than one month after applications and nominations have been invited in accordance with paragraph (1), determine which voluntary organisations are to take part in making the appointment of members to the Committee.

(4) The Secretary of State shall arrange for a ballot to be held among the voluntary organisations which are to take part in making the appointments, for the election, from among the persons nominated by those organisations, of—

- (a) the persons to be appointed as members of the Committee; and
- (b) not less than three other persons who, in the event of a vacancy arising before the term of office of any of those members expires, would be eligible to fill the vacancy.

(5) The Secretary of State shall, as soon as is practicable after the ballot has taken place, notify the voluntary organisations invited to take part in making the appointments of—

- (a) the names of the persons elected for the purpose of paragraph (4)(a); and
- (b) the names of the persons who would be eligible for appointment in the event of a vacancy, and the order in which those persons succeeded in the ballot.

Tenure of office of, and casual vacancies among, members appointed under articles 6 and 7

8.—(1) The provisions of this article apply to members appointed in accordance with articles 6 and 7, and references to a member shall be construed accordingly.

(2) Subject to paragraph (8)—

- (a) the term of office of the first members appointed in accordance with articles 6 and 7 shall end on 31st December 2000; and
- (b) the term of office of members subsequently so appointed shall be a period of four years ending on 31st December.

(3) A member shall on the expiry of his term of office be eligible for nomination for reappointment.

(4) A member may resign at any time during his term of office on giving notice in writing to the Secretary who shall notify the Secretary of State of the resignation.

(5) If a member has been absent from three consecutive meetings of the Committee he shall cease to be a member of the Committee and the Secretary shall notify the Secretary of State of the termination of that person's membership.

(6) Where a vacancy arises on the Committee, otherwise than on the expiry of a member's term of office, the Secretary shall invite one of the persons elected under article 7(4)(b) to fill the vacancy, and the order in which those persons succeeded in the ballot shall determine the order in which they are to be invited to fill the vacancy.

(7) A person who is invited, and who agrees, to fill a vacancy is thereby appointed to the Committee by the voluntary organisations which elected him.

(8) The term of office of a member appointed to fill a vacancy shall be the remainder of the term for which his predecessor was appointed.

Proceedings of Committees

9.—(1) Subject to the following provisions of this article, the rules as to meetings and proceedings of any Committee, or of any sub-committee or joint sub-committee appointed by virtue of article 3, shall be such as the Committee, sub-committee or joint sub-committee may determine.

(2) Every decision taken by a Committee as to any advice to be given to bodies represented on that Committee shall require the agreement of more than one-half of the total number of members appointed to the Committee, but where—

- (a) a majority of the members appointed to a Committee by Health Authorities; or
- (b) a majority of the members appointed to a Committee by relevant local authorities,

so demands, a decision to give any advice to the bodies represented on that Committee shall require the agreement of both a majority of the members appointed by Health Authorities and a majority of the members appointed by the relevant local authorities.

(3) Where on any Committee a majority of the members appointed by any one body represented on the Committee dissent from a decision to give advice, the Committee shall, when giving such advice, communicate to the bodies represented on the Committee any objections to that advice made by such dissenting members.

(4) Each Committee shall appoint a person to act as its Secretary.

Expenses

10.—(1) It shall be the duty of the bodies represented on a Committee to reach agreement as to the expenses which may reasonably be incurred by the Committee, or by a sub-committee or a joint sub-committee appointed pursuant to article 3, and to make such arrangements as may be agreed to defray such expenses.

(2) The bodies represented on a Committee shall, in such shares as may be agreed between them, defray expenses which have reasonably been incurred by those members of the Committee who were appointed by voluntary organisations.

Reports by bodies represented on Committees

11. It shall be the duty of bodies represented on a Committee together to make to the Secretary of State such reports on the work of the Committee and of any sub-committee thereof as he may from time to time require, and those bodies may together also make such other reports to the Secretary of State on the work of the Committee and of any sub-committee as they see fit.

Determination by Secretary of State

12. Any matter which, by virtue of any provision of this Order, is to be determined by agreement between one or more bodies shall, in default of such agreement, be determined by the Secretary of State.

Revocation

13. The Joint Consultative Committees Order 1985(2) is hereby revoked.

Signed by authority of the Secretary of State for Health

Department of Health
6th November 1996

Simon Burns
Parliamentary Under Secretary of State,

6th November 1996

William Hague
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 Order)

This Order makes provision for matters relating to Joint Consultative Committees set up under the National Health Service Act 1977 to advise Health Authorities and their associated local authorities on the performance of their duty to co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales, and on the planning and operation of services of common concern to those bodies.

This Order revokes and replaces the Joint Consultative Committees Order 1985, in the light of the changes to National Health Service bodies introduced by the Health Authorities Act 1995 (article 13).

The Order makes provision for the appointment of Joint Consultative Committees and of their sub-committees and joint sub-committees (articles 2 and 3), for the representation of Health Authorities and local authorities on Committees (articles 4 and 5), for the inclusion on Committees of members appointed by voluntary organisations (articles 6, 7 and 8), for the proceedings of Committees, and for their expenses (articles 9 and 10), and for reports to, and the determination of certain matters by, the Secretary of State (articles 11 and 12).

Article 7 of the Order comes into force on 29th November 1996 to provide for persons to be nominated and elected by voluntary organisations as members of Committees, and the remaining provisions of the Order come into force on 1st January 1997 as respects England, and 1st April 1997 as respects Wales (article 1).