
STATUTORY INSTRUMENTS

1996 No. 640

The Community Health Councils Regulations 1996

PART II

ESTABLISHMENT AND MEMBERSHIP OF COUNCILS

Composition of Councils

2.—(1) The members of a Council shall be appointed—

- (a) in the case of certain members, by the relevant local authorities in accordance with regulation 4,
- (b) in the case of certain other members, by the voluntary organisations determined in accordance with regulation 5, and
- (c) in the case of the remaining members, by the Secretary of State;

and for this purpose the Secretary of State shall, when establishing a Council, determine the number of its members to be appointed by each of the categories of appointing authorities mentioned in subparagraphs (a), (b) and (c) above.

(2) The Secretary of State shall exercise his power of determination under paragraph (1) so as to secure that—

- (a) at least one member is appointed by each of the relevant local authorities;
- (b) at least half of the members are appointed by local authorities; and
- (c) at least one-third of the members are appointed by voluntary organisations.

(3) Subject to paragraph (2), the Secretary of State may, after consultation with the Council and with such other bodies as he may consider appropriate, vary the total membership or the composition of that Council, whether or not the variations is accompanied by a variation in the district or part of the district for which the Council is established.

Term of office of members

3.—(1) Subject to the following provisions of this regulation and to regulations 7 and 8 (disqualification for, and termination of, membership), the term of office of any member shall be four years commencing—

- (a) in the case of a Council whose district is situated in England, on 1st September; and
 - (b) in the case of a Council whose district is situated in Wales, on 1st April,
- in any year.

(2) Subject to paragraph (4), as respects the members first appointed on the establishment of a Council—

- (a) the term of office of certain of those members, to be identified in accordance with paragraph (3), shall end on the relevant date in the first even year; and

(b) the term of office of the other members shall end on the relevant date in the next even year which falls after the first even year.

(3) The members whose term of office is to expire in accordance with paragraph (2)(a) shall be chosen at the time of their appointment by agreement between the appointing bodies or, in default of such agreement, by the Secretary of State; and those members shall comprise one half (as near as may be) of the members appointed by each of the following categories of appointing authority:—

- (a) the relevant local authorities;
- (b) the voluntary organisations; and
- (c) the Secretary of State.

(4) Where a new Council is to be established for the district or part of the district of an existing Council, the Secretary of State may determine that the term of office of any member of the existing Council shall cease immediately before the establishment of the new Council.

(5) Subject to regulation 8(1), where a person (“the original member”) ceases for any reason to be a member before the expiration of the term for which he was appointed, the term of office of any member appointed or member re-appointed in his place shall be the unexpired period of the original member’s term.

(6) In this regulation—

“even year” means any calendar year which is a multiple of two;

“first even year” means the next even year falling after the calendar year in which a Council is established.

Appointment of members by local authorities

4.—(1) Where the number of members to be appointed to a Council by relevant local authorities allows for more than one member to be appointed by each relevant local authority, any further members shall be appointed by such of the relevant local authorities.

- (a) as those authorities may by agreement determine; or
- (b) in default of agreement by such date as the Secretary of State may specify, as the Secretary of State shall determine.

(2) A member appointed in accordance with this regulation may, but need not, be a member of the local authority which appoints him.

(3) Subject to paragraph (4), where a member appointed by a local authority is a member of the authority, he shall, if he ceases to be a member of that authority, cease also to be a member of the Council at the end of the period of two months beginning with the date on which he ceased to be a member of the authority.

(4) In a case to which paragraph (3) applies the local authority may, during the period referred to in that paragraph, give notice in writing to the Chief Officer and to the Secretary of State that the person appointed is to continue as a member of the Council.

Appointment of members by voluntary organisations

5.—(1) The Secretary of State shall invite such voluntary organisations as he shall determine, being organisations which in his opinion have an interest in the health service in the district of a Council, to take part in the appointment of members of the Council.

(2) Subject to paragraph (3), the voluntary organisations invited to take part in making appointments to a Council shall, by agreement between them, determine which of them, acting either alone or jointly with one or more other voluntary organisations, shall make the appointment of those members who are to be appointed by the voluntary organisations.

(3) In default of agreement for the purposes of paragraph (2) by such date as the Secretary of State may specify for the purpose, the Secretary of State shall determine which of the voluntary organisations shall make any appointment and whether the appointment should be made by one or more such organisations acting alone or jointly with one or more other ayxg organisations.

(4) A member appointed in accordance with this regulation may, but need not, be a member of the voluntary organisation which appoints him.

Eligibility of members for reappointment

6.—(1) Subject to paragraph (2) and to regulation 7, a member shall, on the expiration of his term of office, be eligible for reappointment.

(2) A person who has been a member for eight or more consecutive years shall not be eligible for reappointment, unless a period of at least 4 years has elapsed since he was last a member.

Disqualification for membership

7.—(1) Subject to paragraph (3), a person shall be disqualified for appointment as a member, and from being a member, if—

- (a) he is a chairman or is a member of, or is employed by a relevant Health Authority or, a Special Health Authority, which provides services within the district of the Council;
- (b) he provides or is employed by a person or body, not being a voluntary organisation, providing services under the Act in accordance with a contract made between that person or body and the relevant Health Authority or a relevant NHS trust;
- (c) he is a chairman or director of, or is employed by, a relevant NHS trust which provides services in the district of the Council; or
- (d) he is a—
 - (i) medical practitioner;
 - (ii) dental practitioner;
 - (iii) registered pharmacist;
 - (iv) registered ophthalmic optician or registered dispensing optician within the meaning of the Opticians Act 1989⁽¹⁾;
 - (v) registered nurse, registered midwife or registered health visitor;providing services as such within the district of the Council.

(2) Subject to paragraph (3), a person shall be disqualified for appointment, and from being a member if he has been dismissed, otherwise than by reason of redundancy, from any paid employment with any of the following bodies—

- (a) a Regional Health Authority, a District Health Authority or a Family Health Services Authority;
- (b) a Health Authority;
- (c) a Special Health Authority;
- (d) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970⁽²⁾;
- (e) the Public Health Laboratory Service Board;
- (f) an NHS trust; or

(1) 1989 c. 44.

(2) 1970 c. 46.

(g) the Dental Practice Board(3).

(3) Subject to paragraph (4), where a person is disqualified under paragraph (2) he may, after the expiry of not less than two years commencing with the date of the dismissal, apply in writing to the Secretary of State for the removal of the disqualification, and the Secretary of State may direct that the disqualification shall cease.

(4) Where the Secretary of State refuses a person's application for the removal of a disqualification, no further application may be made by that person within two years of the date of that application.

Termination of membership

8.—(1) A member may resign at any time during the period for which he was appointed on giving notice in writing to the Secretary of State who shall, if he did not appoint the member, forthwith notify the relevant appointing body.

(2) The date on which a resignation by notice given pursuant to paragraph (1) is to take effect, shall be—

(a) where a date is specified in the notice as being that on which the resignation is to take effect, that date; and

(b) in any other case, the date on which the notice is received by the Secretary of State.

(3) If a member has failed to attend a meeting of the Council, or a committee of the Council, for a period of four months the Council shall report his absence to the relevant appointing body and (where the absence is not reported to him as a relevant reporting body) to the Secretary of State, and the Secretary of State shall, unless he is satisfied that—

(a) the absence was due to a reasonable cause; and

(b) the member will be able to attend meetings of the Council within such period as the Secretary of State considers reasonable,

declare that his place on the Council has become vacant and on the making of such a declaration, that person shall cease to be a member.

(4) If the Secretary of State is of the opinion that it is not in the interests of the health service for a person to continue as a member, he may, subject to paragraph (5), terminate the member's term of office.

(5) The Secretary of State shall not terminate a member's term of office under paragraph (4) without having consulted the Council and, where he did not appoint the member, the relevant appointing body.

(6) A person who ceases to be a member by virtue of the operation of paragraph (3) and (4) shall be disqualified from reappointment as a member for a period of four years.

(7) In this regulation, "relevant appointing body" means, in relation to a member, the appointing body which appointed him.

Variation of Councils and of their membership

9. Where the district for which any Council is established is varied, or where the membership of a Council is varied, the term of office of any member appointed to any Council immediately following such a variation shall be for such period not exceeding four years, expiring on the relevant date in any even year, as the Secretary of State shall in each case determine.

(3) See s.12(1) of the Health and Medicines Act 1988.

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