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STATUTORY INSTRUMENTS

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**1996 No. 707**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Health Authorities (Membership  
and Procedure) Regulations 1996**

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|-------------------------------|---------|------------------------|
| <i>Made</i>                   | - - - - | <i>11th March 1996</i> |
| <i>Laid before Parliament</i> |         | <i>11th March 1996</i> |
| <i>Coming into force</i>      | - -     | <i>1st April 1996</i>  |

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 126(4) and 128(1) of, and paragraphs 1 to 4, 12 and 12A of Schedule 5 to the National Health Service Act 1977<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**PART I  
GENERAL**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health Authorities (Membership and Procedure) Regulations 1996 and shall come into force on 1st April 1996.

(2) In these Regulations, unless the context otherwise requires—  
“the 1977 Act” means the National Health Service Act 1977;

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(1) 1977 c. 49. Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 65(2); section 128(1) was amended by the 1990 Act, section 26(2); paragraphs 1 to 4 of Schedule 5 were first repealed by the 1990 Act, section 66(2) and Schedule 10 and replaced by Part I of Schedule 1 to that Act (that Part being later repealed by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 3) and then further replaced by new paragraphs 1 to 4 inserted by the 1995 Act, Schedule 1, paragraph 59; paragraph 12 of Schedule 5 was amended by the 1990 Act, Schedule 1, paragraph 9 and by the 1995 Act, and Schedule 1, paragraph 60(e); paragraph 12A of Schedule 5 was inserted by the 1990 Act, Schedule 1, paragraph 10 and amended and by the 1995 Act, Schedule 1, paragraph 60(f). Section 128(1) is cited for the definitions of “prescribed” and “regulations”. See , for the definition of “authority” in paragraphs 12 and 12A of Schedule 5, paragraph 8 of Schedule 5 as amended by the Health Services Act 1980 (c. 53), section 1(7) and Schedule 1, paragraph 80(2), the 1990 Act, Schedule 1, paragraph 6 and the 1995 Act, Schedule 1, paragraph 60(a).

“appointed officer member” means an officer member who is appointed in accordance with regulation 2(4)(b);

“appointing authority” means, in relation to an appointed officer member of an Authority, the persons responsible for his appointment in accordance with the Schedule;

“Authority” means a Health Authority;

“discipline committee” means a medical, dental, ophthalmic or pharmaceutical discipline committee or a joint discipline committee established under the National Health Service (Service Committee and Tribunal) Regulations 1992(2);

“health service body” means—

- (a) an Authority, a Special Health Authority or an NHS trust;
- (b) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(3), or the Scottish Dental Practice Board, the Common Services Agency for the Scottish Health Service or an NHS Trust respectively constituted under sections 4, 10 and 12A of that Act;
- (c) The Dental Practice Board;
- (d) The Public Health Laboratory Service Board; and
- (e) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970(4);

“medical audit committee” means a committee whose functions are concerned with the analysis of the quality of medical care;

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

“non-officer member” means a member of an Authority who is appointed under paragraph 1(b) of the Schedule;

“officer member” means a member of an Authority who is a member by virtue of paragraph 1(c) of the Schedule;

“Part II services” means general medical services, general dental services, general ophthalmic services or pharmaceutical services under the 1977 Act;

“the Schedule” means Part I of Schedule 5 to the 1977 Act(5);

“service committee” means a medical, dental, ophthalmic or pharmaceutical service committee, a joint services committee or a denture conciliation committee established under the National Health Service (Service Committees and Tribunal) Regulations 1992;

“shares” means shares in the share capital of a company or other body or the stock of a company or other body;

“trade union” has the meaning assigned to it by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992(6); and

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- (2) [S.I. 1992/664](#); relevant amending instrument is [S.I. 1996/703](#).
  - (3) [1978 c. 29](#). Section 2 was amended by the Health and Social Services and Social Security Adjudication Act 1983 (c. 41), Schedule 7, paragraph 1 and by the 1990 Act section 28 section 4 was amended by the Health and Medicines Act 1988 (c. 49), section 12(3) and Schedule 3; section 10 was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 2 and the 1990 Act, Schedule 10; section 12A was inserted by the 1990 Act, section 31.
  - (4) [1970 c. 46](#).
  - (5) [1977 c. 49](#); Part I of Schedule 5 was repealed by the National Health Service and Community Care Act 1990 (c. 19), Schedule 10 and replaced by Part I of Schedule 1 to that Act (that Part being later repealed by the 1995 Act, Schedule 3) and then further replaced by the new Part I inserted by the 1995 Act, Schedule 1, paragraph 59.
  - (6) [1992 c. 52](#).

“the Tribunal” means the Tribunal constituted under section 46 of the 1977 Act(7).

(3) In regulation 16—

“public body” includes any body established for the purpose of carrying on, under national ownership, any industry or part of any 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(8);

“securities” means—

- (a) shares or debentures, whether constituting a charge on the assets of the company or other body or not, or rights or interests in any shares or such debentures; or
- (b) rights (whether actual or contingent) in respect of money lent to or deposited with, any industrial and provident society or building society.

## PART II

### MEMBERSHIP

#### Membership of Authorities

2.—(1) The prescribed maximum number of non-officer members to be appointed to an Authority for the purposes of paragraph 1(b) of the Schedule shall be seven.

(2) Where, in the case of an Authority specified in the first column of Schedule 1, the university specified opposite that Authority in the second column of that Schedule has a medical or dental school, one of the non-officer members to be appointed to that Authority shall be a person who holds a post in that university.

(3) The prescribed number of officer members of an Authority for the purposes of paragraph 1(c) of the Schedule shall be five.

(4) Of the five officer members—

- (a) three shall be the persons who hold the offices mentioned in paragraph (5); and
- (b) the other two shall be appointed by the chairman and the non-officer members of the Authority.

(5) The offices of a prescribed description, for the purposes of paragraph 3(a) of the Schedule, shall be the offices of chief executive, director of finance and director of public health.

#### Joint members

3. Where more than one person is appointed jointly to a post in an Authority which qualifies the holder for officer membership or in relation to which an officer member is to be appointed, those persons shall become or be appointed as an officer member jointly, and shall count for the purposes of regulation 2(3) as one person.

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(7) 1977 c. 49; section 46 was amended by the Health and Social Security Act 1984 (c. 48), Schedule 8; modified by S.I. 1985/39, article 7(16); and amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 34 and by the National Health Service (Amendment) Act 1995 (c. 31), sections, 1, 2(2) and 3.

(8) 1907 c. cxxxvi.

#### **Period of tenure of office of chairman and members**

4.—(1) Subject to regulation 8, the tenure of office of a chairman or non-officer member of an Authority shall be for such period, not exceeding four years, as the Secretary of State may specify on making the appointment.

(2) Subject to regulation 5 the tenure of office of an appointed officer member of an Authority shall be for such period as the appointing authority may specify on making the appointment.

#### **Termination of tenure of office and suspension of officer members**

5.—(1) An officer member of an Authority shall cease to hold office as a member where he ceases to hold a post in the Authority or to hold the same post in it as when he commenced his term of office.

(2) If the appointing authority is of the opinion that it is not in the interest of the Authority that an appointed officer member of an Authority should continue to hold office as member, the appointing authority shall forthwith terminate his tenure of office.

(3) If an officer member of an Authority is suspended from his post in the Authority he shall be suspended from performing his functions as a member for the period of his suspension.

#### **Eligibility for reappointment of officer members**

6. An appointed officer member of an Authority shall on the termination of the period of his tenure of office be eligible for reappointment.

#### **Application of regulations 8 to 11**

7. The provisions of regulations 8 to 11 shall not apply to officer members of an Authority.

#### **Termination of tenure of office**

8.—(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 Secretary of State.

(2) The date on which a resignation by notice given pursuant to paragraph (1) shall 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) 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.

(4) If the Secretary of State is of the opinion that—

(a) it is not in the interests of the health service in the area for which an Authority acts; or

(b) it is not conducive to the good management of an Authority,

for a person whom he has appointed as the chairman or a member of that Authority to continue to hold that office, the Secretary of State may forthwith terminate his tenure of office.

(5) If the chairman or a member of an Authority has failed to attend a meeting of that Authority for a period of six months, the Secretary of State shall forthwith terminate the tenure of office of the chairman or that member unless he 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.
  - (6) Where a person has been appointed to be the chairman or a member of an Authority—
    - (a) if it comes to the notice of the Secretary of State that the person has become disqualified for appointment under regulation 10, the Secretary of State shall forthwith notify him in writing of such disqualification; or
    - (b) if it comes to the notice of the Secretary of State that at the time of his appointment the person was so disqualified, the Secretary of State 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 16(1) he may forthwith terminate that person's tenure of office.

(8) Where a member of an Authority who was appointed by virtue of regulation 2(2) ceases to hold a post in a university with a medical or dental school, the Secretary of State shall forthwith terminate his appointment as a member of the Authority.

### **Eligibility for reappointment**

9. Subject to regulation 10, the chairman or a member of an Authority shall, on the termination of his tenure of office, be eligible for reappointment.

### **Disqualification for appointment**

10.—(1) Subject to regulation 11, 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;
- (b) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
- (c) he has been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body;
- (d) he has had his name removed, by a direction under section 46 of the 1977 Act (or any provision in force in Scotland or Northern Ireland corresponding to that provision), from any list prepared under Part II of the Act and has not subsequently had his name included in such a list;
- (e) he is suspended as respects the provision of Part II services by a direction of the Tribunal made pursuant to section 49A(2) or section 49B(1) of that Act<sup>(9)</sup> (or any provision in force in Scotland or Northern Ireland corresponding to those provisions);
- (f) he is a person whose tenure of office as the chairman or a member of an Authority has been terminated pursuant to paragraph (4), (5) or (7) of regulation 8;
- (g) he is a chairman or a member of—
  - (i) another Authority; or
  - (ii) a Special Health Authority, other than one specified in Schedule 2;

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<sup>(9)</sup> Sections 49A and 49B were inserted by the National Health Service (Amendment) Act 1995 (c. 31), section 2(1).

- (h) he is a chairman or director of an NHS trust;
- (j) he holds any paid appointment or office with an NHS trust;
- (k) he holds any paid appointment or office with another Authority or a Special Health Authority;
- (l) he holds any paid appointment or office with a trade union which represents the interests of persons who are employed by a health service body.

(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 its not being prosecuted.

(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 or membership of a health service body.

(4) A person shall not be disqualified under paragraph (1)(j) by virtue of holding any paid appointment or office where he holds a post in a university and the paid appointment or office is a part-time appointment or office, other than as chairman or as a director, with an NHS trust.

(5) A person shall not be disqualified under paragraph (1)(k) by virtue of holding any paid appointment or office where—

- (a) he holds a post in a university; or
- (b) he is a person providing Part II services,

and the paid appointment or office is a part-time appointment or office, other than as chairman or as a member, with another Authority or a Special Health Authority.

### **Cessation of disqualification**

**11.—**(1) Where a person is disqualified under regulation 10(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 the disqualification shall cease on the date of his discharge.

(2) Where a person is disqualified under regulation 10(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 10(1)(c) he may, after the expiry of the period of two years beginning with the date on which he was dismissed, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification shall cease.

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

(5) Where a person is disqualified under regulation 10(1)(f), the disqualification shall cease on the expiry of the period of two years beginning with the date of the termination of his tenure of office or such longer period as the Secretary of State specifies when terminating his period of office but the Secretary of State may, on application being made to him by that person, reduce the period of disqualification.

## PART III

### CONSTITUTION AND PROCEEDINGS

#### **Appointment of vice-chairman**

**12.**—(1) Subject to paragraph (2), the chairman and members of an Authority may appoint one of their number, who is not an officer member of the Authority, to be vice-chairman, for such period, not exceeding the remainder of his term as a member of the Authority, as they may specify on appointing him.

(2) Any member so appointed may at any time resign from the office of vice-chairman by giving notice in writing to the chairman.

(3) The date on which a resignation by notice given pursuant to paragraph (2) shall 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 chairman.

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

**13.** Where—

- (a) a member of an Authority is appointed to be vice-chairman under regulation 12, and
- (b) the chairman of the Authority has died or has ceased to hold office, or is unable to perform his duties as chairman owing to illness, absence from England and Wales or any other cause,

the vice-chairman shall act as chairman until a new chairman is appointed or the existing chairman resumes his duties, as the case may be; and references to the chairman in Schedule 3 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**

**14.**—(1) Subject to such directions as may be given by the Secretary of State, an Authority may and, if directed by him, shall appoint committees of the Authority, or together with one or more other Authorities appoint joint committees consisting, in either case, wholly or partly of the chairman and members of the Authority or Authorities or wholly of persons who are not members of the Authority or Authorities in question.

(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 (whether or not they are members of the Authority or Authorities in question) or wholly of persons who are not members of the Authority or Authorities or the committee of the Authority or Authorities in question.

(3) On a committee or joint committee appointed under paragraph (1), or a sub-committee appointed under paragraph (2), except a discipline committee, a service committee, a committee whose sole function is to advise the Authority or a medical audit committee, the majority of the members shall be persons who do not provide, or assist in providing, Part II services.

### **Meetings and proceedings**

**15.**—(1) The meetings and proceedings of an Authority shall be conducted in accordance with the rules set out in Schedule 3 and with Standing Orders made under paragraph (2).

(2) Subject to those rules, to regulation 16 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 its proceedings and business; and such Standing Orders may contain provision for their own suspension.

(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 relating to the quorum, proceedings and place of meeting of such committee, joint committee or sub-committee but, subject to any such Standing Orders, 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**

**16.**—(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, proposed 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, proposed 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 health service that the disability shall be removed.

(3) An Authority may, by Standing Orders made under regulation 15(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 1977 Act 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 an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) he, or a nominee of his, is a director 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 of, or 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 purpose 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 as a person providing Part II services which cannot reasonably be regarded as an interest more substantial than that of others providing such of those services as he provides; or

(c) of an interest in 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, proposed 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 £5,000 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, proposed contract or other matter or from voting on any question with respect to it, without prejudice however to his duty to disclose his interest.

(8) This regulation applies in relation to a committee or sub-committee and to a joint committee or sub-committee as it applies in relation to an Authority and applies to a member of any such committee or sub-committee (whether or not he is also a member of an Authority) as it applies to a member of an Authority.

### **Revocation and amendment of Regulations and savings**

17.—(1) Subject to paragraph (2), the regulations specified in Part I of Schedule 4 are hereby revoked.

(2) The revocation by paragraph (1) of the Family Health Services Authorities (Membership and Procedure) Regulations 1990(10) and the Regional and District Health Authorities (Membership and Procedure) Regulations 1990(11) shall not affect the application, by the regulations listed in Part II of Schedule 4, of the provisions applied by those regulations; and to that extent those regulations shall continue to have effect as if there had been no such revocation.

(3) Regulation 10(2) of the Prescription Pricing Authority Regulations 1990(12) is hereby revoked.

(4) The regulations specified in Schedule 5 shall have effect subject to the amendments specified in that Schedule.

Signed by authority of the Secretary of State for Health

11th March 1996

*Gerald Malone*  
Minister of State,  
Department of Health

11th March 1996

*Rod Richards*  
Parliamentary Under Secretary of State, Welsh  
Office

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(10) [S.I. 1990/1330](#).

(11) [S.I. 1990/1331](#).

(12) [S.I. 1990/1719](#).

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## SCHEDULE 1

Regulation 2(2).

## AUTHORITIES WITH A UNIVERSITY MEMBER

| (1)<br>Authority                                      | (2)<br>University                 |
|---|-----------------------------------|
| Avon Health Authority                                 | University of Bristol             |
| Birmingham Health Authority                           | University of Birmingham          |
| Bro Taf Health Authority                              | University of Wales               |
| Cambridge & Huntingdon Health Authority               | University of Cambridge           |
| Camden & Islington Health Authority                   | University of London              |
| Ealing, Hammersmith & Hounslow Health Authority       | University of London              |
| East London & The City Health Authority               | University of London              |
| Kensington & Chelsea and Westminster Health Authority | University of London              |
| Lambeth, Southwark and Lewisham Health Authority      | University of London              |
| Leeds Health Authority                                | University of Leeds               |
| Leicestershire Health Authority                       | University of Leicester           |
| Liverpool Health Authority                            | University of Liverpool           |
| Manchester Health Authority                           | University of Manchester          |
| Merton, Sutton and Wandsworth Health Authority        | University of London              |
| Newcastle & North Tyneside Health Authority           | University of Newcastle-upon-Tyne |
| Nottingham Health Authority                           | University of Nottingham          |
| Oxfordshire Health Authority                          | University of Oxford              |
| Salford and Trafford Health Authority                 | University of Manchester          |
| Sheffield Health Authority                            | University of Sheffield           |
| Southampton and South-West Hampshire Health Authority | University of Southampton         |

## SCHEDULE 2

Regulation 10(1)(g).

## SPECIAL HEALTH AUTHORITIES OF WHICH THE CHAIRMAN AND MEMBERS ARE NOT DISQUALIFIED UNDER REGULATION 10(1)(g)

Health Education Authority  
 Health Promotion Authority for Wales  
 Mental Health Act Commission

National Health Service Supplies Authority

SCHEDULE 3

Regulation 15(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 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 at it, 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 him at least three clear days before the meeting.

(4) Want of service of the 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 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 there is one and he is present, shall preside.

(3) If the chairman and vice-chairman are absent, such non-officer 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 any equality of votes, the person presiding shall have a second and casting vote.

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

6. No business shall be transacted at a meeting unless—

(a) the number present is not less than one-third of the whole membership of the Authority (the chairman being for this purpose included in the reckoning); and

(b) those present include at least one officer member and one non-officer member.

7. The minutes of the proceedings of a meeting shall be drawn up and submitted for agreement at the next meeting of the Authority where, if agreed, they shall be signed by the person presiding over it.

8. Where the office of member of an Authority is shared jointly by more than one person in pursuance of regulation 3—

(a) either or both of those persons may attend and take part in meetings of the Authority;

(b) if both are present at a meeting they may cast one vote if they agree;

(c) in the case of disagreement no vote shall be cast by either of them;

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- (d) the presence of either or both of those persons shall count as the presence of one person for the purposes of paragraph 6 of this Schedule.

## SCHEDULE 4

Regulation 17(1) and (2).

REGULATIONS REVOKED, AND REGULATIONS  
APPLYING PROVISIONS OF REVOKED REGULATIONS

## PART I

## REGULATIONS REVOKED

| (1)<br>Regulations   | (2)<br>References              |
|--|--------------------------------|
| The Family Health Services Authorities (Membership and Procedure) Regulations 1990                                 | <a href="#">S.I. 1990/1330</a> |
| The Regional and District Health Authorities (Membership and Procedure) Regulations 1990                           | <a href="#">S.I. 1990/1331</a> |
| The Regional and District Health Authorities (Membership and Procedure) Amendment Regulations 1990                 | <a href="#">S.I. 1990/1758</a> |
| The Regional and District Health Authorities (Membership and Procedure) Amendment Regulations 1991                 | <a href="#">S.I. 1991/329</a>  |
| The Regional and District Health Authorities (Membership and Procedure) Amendment (No. 2) Regulations 1991         | <a href="#">S.I. 1991/2041</a> |
| The Regional and District Health Authorities (Membership and Procedure) Amendment Regulations 1992                 | <a href="#">S.I. 1992/368</a>  |
| The Regional and District Health Authorities (Membership and Procedure) Amendment Regulations 1993                 | <a href="#">S.I. 1993/573</a>  |
| The National Health Service (Regional and District Health Authorities) (Miscellaneous Amendments) Regulations 1994 | <a href="#">S.I. 1994/682</a>  |
| The Regional and District Health Authorities (Membership and Procedure) Amendment Regulations 1994                 | <a href="#">S.I. 1994/1262</a> |

## PART II

### REGULATIONS APPLYING PROVISIONS OF REVOKED REGULATIONS

| (1)<br>Regulations   | (2)<br>References              |
|--|--------------------------------|
| The Welsh Health Common Services Authority Regulations 1990              | <a href="#">S.I. 1990/2648</a> |
| The United Kingdom Transplant Support Service Authority Regulations 1991 | <a href="#">S.I. 1991/408</a>  |
| The Health Promotion Authority for Wales Regulations 1991                | <a href="#">S.I. 1991/1103</a> |
| The National Health Service Supplies Authority Regulations 1991          | <a href="#">S.I. 1991/2002</a> |
| The National Blood Authority Regulations 1993                            | <a href="#">S.I. 1993/586</a>  |
| The Dental Vocational Training Authority Regulations 1993                | <a href="#">S.I. 1993/2210</a> |

#### SCHEDULE 5

Regulation 17(4).

#### AMENDMENT OF REGULATIONS RELATING TO MEMBERSHIP AND PROCEDURE OF SPECIAL HEALTH AUTHORITIES

1. For regulation 9 of the Mental Health Act Commission Regulations 1983(**13**) (application of regulations relating to membership) there shall be substituted the following regulation—

“9. The provisions of regulation 10(1)(a) to (e), (2) and (3) (disqualification for appointment) and regulation 11 (cessation of disqualification) of the Health Authorities (Membership and Procedure) Regulations 1996 shall apply in relation to the Commission as if—

- (a) any reference in them to an Authority included a reference to the Commission;
- (b) any reference in them to the appointing authority were a reference to the Secretary of State.”.

2. For regulation 4 of the Health Education Authority Regulations 1987(**14**) (application of regulations relating to membership and procedure) there shall be substituted the following regulation—

“4. The provisions of regulation 8(5), (6) and (7) (termination of tenure of office), regulation 9 (eligibility for re-appointment), regulation 10(1)(a) to (h) and (l), (2) and (3) (disqualification for appointment), regulation 11 (cessation of disqualification), regulation 12 (appointment of vice-chairman), regulation 13 (powers of vice-chairman), regulation 14(1) and (2) (appointment of committees and sub-committees), regulation 15 (meetings and proceedings) and regulation 16 (disability on account of pecuniary interest)

(13) [S.I. 1983/894](#); regulation 9 was substituted by [S.I. 1990/1331](#).

(14) [S.I. 1987/7](#), amended by [S.I. 1990/1331](#).

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of and Schedule 3 to the Health Authorities (Membership and Procedure) Regulations 1996 shall apply in relation to the Authority as if—

- (a) any reference in them to an Authority included a reference to the Authority;
- (b) any reference in them to the appointing authority were a reference to the Secretary of State;
- (c) in regulation 10(1)—
  - (i) in sub-paragraph (f), the reference to paragraph (3) of regulation 8 were a reference to regulation 3(2) of these Regulations;
  - (ii) for sub-paragraph (g) there were substituted the following sub-paragraph—
    - “(g) he is a chairman or vice-chairman of another Special Health Authority or of a Health Authority;”;
- (d) any reference in regulation 14 or 15 to Authorities were a reference to Special Health Authorities.”.

**3. In the Prescription Pricing Authority Regulations 1990(15)—**

- (a) in regulation 1(2) (interpretation) for the definition of “the Procedure Regulations” there shall be substituted the following definition—
  - ““the Procedure Regulations” means the Health Authorities (Membership and Procedure Regulations 1996.”;
- (b) in regulation 9(b) the words—
  - “, and
  - (ii) paragraph 1 of Schedule 1,”

shall be omitted;

- (c) for the Schedule there shall be substituted the following Schedule—

| “SCHEDULE   |                                  | Regulation 9   |
|---|----------------------------------|--|
| (1)<br>Provision of the Procedure Regulations     | (2)<br>Description               | (3)<br>Modification  |
| Regulation 8(1)–(7)                               | Termination of tenure of office  | As if in paragraph (4) the words “in the area for which an Authority acts” were omitted.   |
| Regulation 9                                      | Eligibility for re-appointment   |  |
| Regulation 10(1)(a)–(f), (h) and (1), (2) and (3) | Disqualification for appointment | As if in paragraph 1(f) the reference to regulation 8 were a reference to that regulation subject to the modification specified in this column in relation to that regulation. |
| Regulation 11                                     | Cessation of Disqualification    |  |
| Regulation 15                                     | Meetings and proceedings         |  |

(15) S.I. 1990/1719.

| (1)<br>Provision of the Procedure Regulations | (2)<br>Description                          | (3)<br>Modification  |
|---|---|--|
| Regulation 16                                 | Disability on account of pecuniary interest |  |
| Schedule 3                                    | Rules as to meetings and proceedings        | As if in paragraph 6 for the words “one-third” there were substituted the words “one-half”; and as if sub-paragraph (b) were omitted.” |

**4.** In regulation 5 of the Welsh Health Common Services Authority Regulations 1990**(16)** (application of regulations)—

- (a) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;
- (b) after paragraph (c) there shall be added the following paragraph—
  - “(d) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities.”.

**5.** In regulation 8 of the United Kingdom Transplant Support Service Authority Regulations 1991**(17)** (application of regulations relating to membership and procedure)—

- (a) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;
- (b) in paragraph (c) for the words “regulation 13(1)(c)” there shall be substituted the words “regulation 13(1)(e)”;
- (c) after paragraph (c) there shall be inserted the following paragraph—
  - “(cc) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities;”.

**6.** In regulation 3 of the Health Promotion Authority for Wales Regulations 1991**(18)** (application of regulations)—

- (a) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;
- (b) after paragraph (c) there shall be added the following paragraph—
  - “(d) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities.”.

**7.** In regulation 5 of the National Health Service Supplies Authority Regulations 1991**(19)** (application of regulations relating to membership and procedure)—

- (a) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;
- (b) after paragraph (d) there shall be inserted the following paragraph—
  - “(dd) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities;”.

**8.** In paragraph (1) of regulation 6 of the National Blood Authority Regulations 1993**(20)** (application of Regulations relating to membership and procedure)—

**(16)** [S.I. 1990/2648](#).

**(17)** [S.I. 1991/408](#), to which there are amendments not relevant to these Regulations.

**(18)** [S.I. 1991/1103](#).

**(19)** [S.I. 1991/2002](#).

**(20)** [S.I. 1993/586](#).

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- (a) in sub-paragraph (c) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;
- (b) for the words from “as if any” to the end of the paragraph there shall be substituted the following words—
  - “as if—
  - (i) any reference therein to an Authority included a reference to the Authority;
  - (ii) in regulation 13(1)(e) the reference to paragraph (3) of regulation 11 were a reference to regulation 4(2) of these Regulations;
  - (iii) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities.”.

9. In regulation 5(1)(b) of the Dental Vocational Training Authority Regulations 1993<sup>(21)</sup> (application of regulations relating to membership and procedure) at the end there shall be added the words “but as though the reference to paragraph (b) of regulation 4 were a reference to regulation 3(3) of these Regulations.”.

10. In the Microbiological Research Authority Regulations 1994<sup>(22)</sup>—

- (a) in regulation 1(2) (interpretation) there shall be added at the end the following definition—
  - ““the 1996 Regulations” means the Health Authorities (Membership and Procedure) Regulations 1996.”;
- (b) in regulation 3 (tenure of office) for the words “the 1990 Regulations” there shall be substituted the words “the 1996 Regulations”;
- (c) in regulation 5 (eligibility for reappointment) for the words “the 1990 Regulations” there shall be substituted the words “the 1996 Regulations”;
- (d) for regulation 6 (application of Regulations relating to membership and procedure) there shall be substituted the following regulation—

**“Application of Regulations relating to membership and procedure**

6.—(1) Subject to paragraphs (2) to (6) of this regulation, the following provisions of the 1996 Regulations shall apply to the Authority:—

- (a) regulation 5 (termination of tenure of office, and suspension, of officer members);
- (b) regulation 8(3), (5), (6) and (7) (termination of non-officer member’s tenure of office), regulation 10(1)(a) to (f), (2) and (3) (disqualification for appointment) and regulation 11 (cessation of disqualification); and
- (c) regulation 12 (appointment of vice-chairman), regulation 13 (powers of vice-chairman), regulation 14 (appointment of committees and sub-committees), regulation 15 (meetings and proceedings), regulation 16 (disability on account of pecuniary interests), and Schedule 3 (rules as to meetings and proceedings);

and regulation 1(2) to (4) (interpretation) so far as it relates to those provisions.

(2) Regulations 5(1) and (2) of the 1996 Regulations shall not apply in the case of the chief officer.

- (3) Regulation 10(1)(f) of the 1996 Regulations shall apply as if the reference to paragraph (4) of regulation 8 were a reference to regulation 4(2) of these Regulations.

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<sup>(21)</sup> S.I. 1993/2210.

<sup>(22)</sup> S.I. 1994/602.

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(4) Regulations 14 and 15 of the 1996 Regulations shall apply as if any reference in those regulations to Authorities were a reference to Special Health Authorities.

(5) The provisions of the 1996 Regulations referred to in paragraph (1)(b) of this regulation shall not apply in relation to officer members.

(6) In the application to the Authority of any provisions of the 1996 Regulations specified in paragraph (1) of this regulation—

- (a) any reference in those provisions to an Authority shall be construed as a reference to the Authority;
- (b) the expressions “appointing authority”, “non-officer member” and “officer member” in those provisions shall have the same meanings as in these Regulations; and
- (c) the expression “appointed officer member” in those provisions shall mean an officer member who is appointed in accordance with regulation 2(2) of these Regulations.”.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision concerning the membership and procedure of Health Authorities established under the National Health Service Act 1977 as amended by the Health Authorities Act 1995. They include in Part II provisions relating to the number of members and conditions of membership (regulations 2 and 3 and Schedule 1), the tenure of office of members and termination of tenure of office and eligibility for reappointment (regulations 4 to 9) and disqualification for appointment and cessation of disqualification (regulations 10 and 11 and Schedule 2). In Part III provisions are included relating to vice-chairmen (regulations 12 and 13), the appointment of committees and sub-committees (regulation 14) and meetings and proceedings, including disability for taking part in proceedings on account of pecuniary interest (regulations 15 and 16 and Schedule 3).

The Regulations relating to the membership and procedure of Regional Health Authorities, District Health Authorities and Family Health Services Authorities, which are abolished by the Health Authorities Act 1995, are revoked (regulation 17 and Schedule 4). Amendments are also made to Regulations which make provision for the membership and procedure of certain Special Health Authorities by reference to these Regulations or the revoked Regulations (regulation 17 and Schedule 5).