
STATUTORY INSTRUMENTS

1996 No. 707

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

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.

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⁽¹⁾ (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;
- (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.

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

(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.