
STATUTORY INSTRUMENTS

1996 No. 707

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

PART II

MEMBERSHIP

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.