
STATUTORY INSTRUMENTS

1999 No. 1133 (S.93)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service Trusts (Membership and Procedure) (Scotland) Amendment Regulations 1999

<i>Made</i>	- - - -	<i>9th April 1999</i>
<i>Laid before Parliament</i>		<i>13th April 1999</i>
<i>Coming into force</i>	- -	<i>4th May 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 12A(5), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service Trusts (Membership and Procedure) (Scotland) Amendment Regulations 1999 and shall come into force on 4th May 1999.

(2) In these Regulations “the principal Regulations” means the National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 1991(2).

Amendment of regulation 2 of the principal Regulations

2. For regulation 2 of the principal Regulations (maximum number and appointment of directors) there is substituted the following:—

“Maximum number and appointment of directors

2.—(1) Subject to paragraph (3), the maximum number of directors of an NHS trust shall be eleven.

(2) All of the non-executive directors of an NHS trust shall be appointed by the Secretary of State and the executive directors of an NHS trust shall be appointed by the appointing committee in accordance with regulation 12.

(1) 1978 c. 29; section 12A was inserted by the National Health Service and Community Care Act 1990 (c. 19) section 31; section 105(7), which was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24 contains provisions relevant to the exercise of the powers under which these Regulations are made; section 108(1) contains definitions of “prescribed” and “regulations”.

(2) S.I.1991/535 amended by S.I. 1993/412, 1994/1408 and 1998/1458.

Status: This is the original version (as it was originally made).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

(3) Where an NHS trust is regarded as having a significant teaching commitment as defined in paragraph 3(2) of Schedule 7A to the Act, the maximum number of directors shall be twelve.”.

Amendment of regulation 8 of the principal Regulations

3. In regulation 8 of the principal Regulations (disqualification for appointment: chairman and non-executive directors) paragraph (4A)(b) shall be omitted.

St Andrew’s House,
Edinburgh
9th April 1999

Sam Galbraith
Minister for Health Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 1991 (“the principal Regulations”) which make provision concerning the membership and procedure of NHS trusts. The Regulations increase the maximum number of directors of an NHS trust from eleven to twelve where the trust is regarded as having a significant teaching commitment. In addition, the time limit of 1 year during which a person can be both a chairman or non-executive director of an NHS trust and a chairman, member, director or employee of another health service body is removed.