

**2000 No. 2434**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service Trusts (Membership and Procedure) Amendment (England) Regulations 2000**

*Made - - - - 11th September 2000*

*Laid before Parliament 11th September 2000*

*Coming into force 1st October 2000*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 126(4) of the National Health Service Act 1977(a) and section 5(7) of the National Health Service and Community Care Act 1990(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the National Health Service Trusts (Membership and Procedure) Amendment (England) Regulations 2000 and shall come into force on 1st October 2000.

(2) These Regulations extend to England only.

**Amendment of Regulations**

2.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990(c) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2)(d) (interpretation)—

(a) after the definition of “the Act” insert—

““approved mental health NHS trust” means an NHS trust whose functions include the provision of high security psychiatric services(e) and other services(f) for mentally ill patients and which is approved for the former purpose by the Secretary of State(g); and

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(a) 1977 c. 49 (“the 1977 Act”); section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 65(2) and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 37(6); see section 128(1), as amended by section 26(2) of the 1990 Act, for the definitions of “prescribed” and “regulations”. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of, and the entry for the 1977 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

(b) 1990 c. 19; section 5(7) was amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 69(d).

(c) S.I. 1990/2024, as amended by S.I. 1990/2160, 1996/1755, 1997/2990, 1998/646, 1998/1975 and 1999/945.

(d) Regulation 1(2) was amended by S.I. 1996/1755, regulation 2(2) and by S.I. 1998/646, regulation 10(2).

(e) See the 1977 Act, section 4 substituted by the Health Act 1999, section 41.

(f) See the 1977 Act, section 3(1).

(g) See the 1990 Act, Schedule 2, paragraph 10(2) inserted by the Health Act 1999, section 41(3).

- (b) in the definition of “health service body”**(a)**, in paragraph (a) after “Special Health Authority” insert “, a Primary Care Trust”.
- (3) In regulation 2**(b)** (maximum number of directors)—
- (a) at the beginning of paragraphs (1) and (2) insert “Subject to paragraph (3),” and
- (b) after paragraph (2) insert—
- “(3) In the case of an approved mental health NHS trust—
- (a) the maximum number of directors of the NHS trust shall be fourteen, excluding the chairman, and
- (b) the NHS trust shall have no more than seven non-executive directors (excluding the chairman) and no more than seven executive directors.”.
- (4) In regulation 4 (qualifications for appointments), after paragraph (2) add—
- “(3) The executive directors of an approved mental health NHS trust shall include, in addition to those directors specified in paragraph (1), a chief officer with responsibility for high security psychiatric services.”.
- (5) In regulation 11**(c)** (disqualification for appointment of chairman and non-executive directors)—
- (a) in paragraph (5)**(d)**, for the words from “the National Blood Authority” to the end substitute the following—
- “—
- (a) the National Blood Authority,
- (b) the National Health Service Information Authority,
- (c) the National Health Service Litigation Authority,
- (d) the National Health Service Logistics Authority**(e)**,
- (e) the National Institute for Clinical Excellence, or
- (f) United Kingdom Transplant**(f)**.”;
- (b) in paragraph (6)**(g)**, for “the chairman or a non-executive director of another NHS trust” substitute the following—
- “—
- (a) the chairman or a non-executive director of another NHS trust; or
- (b) the chairman or a non-officer member of the Ashworth Hospital Authority, the Broadmoor Hospital Authority or the Rampton Hospital Authority”;
- (c) after paragraph (6) insert—
- “(7) A person shall not be disqualified by paragraph (1)**(e)** from being the chairman or a non-executive director of an NHS trust by virtue of being the chairman or a non-officer member of a Primary Care Trust during the Primary Care Trust’s preparatory period**(h)**; and in this paragraph “non-officer member” has the same meaning as in regulation 1(2) of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000**(i)**.”.

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**(a)** The definition of “health service body” was amended by S.I. 1996/1755, regulation 2(2)(b) and by S.I. 1998/646, regulation 10(2)(b).

**(b)** Regulation 2 was substituted by S.I. 1998/1975, regulation 2.

**(c)** Regulation 11 was amended by S.I. 1990/2160, regulation 2, by S.I. 1998/646, regulation 10(3), and as noted further below.

**(d)** Regulation 11(5) was inserted by S.I. 1997/2990, regulation 2(3)(b) and amended by S.I. 1999/945, regulation 2.

**(e)** See S.I. 2000/603.

**(f)** See S.I. 2000/1621.

**(g)** Regulation 11(6) was inserted by S.I. 1998/1975.

**(h)** See the 1977 Act, paragraph 2(2) of Schedule 5A inserted by the Health Act 1999, Schedule 1.

**(i)** S.I. 2000/89.

Signed by authority of the Secretary of State for Health

11th September 2000

*Yvette Cooper*  
Parliamentary Under Secretary of State for Public Health,  
Department of Health

## EXPLANATORY NOTE

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

These Regulations amend, in respect of England, the National Health Service Trusts (Membership and Procedure) Regulations 1990 (“the 1990 Regulations”) which make provision in connection with the membership and procedure of NHS trusts established under Part I of the National Health Service and Community Care Act 1990.

The amendments made to regulation 2 provide that if an NHS trust provides high security psychiatric services and other mental health services the maximum number of NHS trust directors, excluding the chairman, shall be fourteen and the maximum number of executive directors shall be seven. The amendments made to regulation 4 provide that in these circumstances the executive directors of the NHS trust shall include a chief officer with responsibility for high security psychiatric services.

The amendment to regulation 11(5) provides that the chairmen and non-officer members of certain Special Health Authorities may be appointed as non-executive directors of NHS trusts. The amendment to regulation 11(6) provides that a chairman or a non-officer member of the Ashworth, Broadmoor or Rampton Hospital Authorities may be appointed as a non-executive director of an NHS trust during that trust’s preparatory period.

The amendment of the definition of “health service body” (regulation 1(2)) and the insertion of a new regulation 11(7) provide that being a chairman or member of a Primary Care Trust will disqualify a person from being appointed as a chairman or non-executive director of an NHS trust, except if the person is the chairman or a non-officer member of a Primary Care Trust during its preparatory period.

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