
S T A T U T O R Y I N S T R U M E N T S

2000 No. 696**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES****The Health Authorities (Membership and Procedure)
Amendment Regulations 2000***Made - - - - - 9th March 2000**Laid before Parliament 10th March 2000**Coming into force - - - 1st April 2000*

The Secretary of State for Health, in exercise of the powers conferred on him by section 126(4) of, and paragraph 12 of Schedule 5 to, the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Health Authorities (Membership and Procedure) Amendment Regulations 2000 and shall come into force on 1st April 2000.

(2) Subject to paragraphs (3) and (4), these Regulations extend to England only.

(3) This regulation and regulation 7 of, and the Schedule to, these Regulations extend also to Wales.

(4) To the extent that regulations 2, 4 and 5 of these Regulations make provision which applies to the Mental Health Act Commission, the Prescription Pricing Authority and the Microbiological Research Authority(b), these Regulations extend also to Wales.

(5) In these Regulations, “the principal Regulations” means the Health Authorities (Membership and Procedure) Regulations 1996(c).

(a) 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) 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)(i) and (g) of the 1990 Act, for the definitions of “prescribed” and “regulations”; paragraph 12 of Schedule 5 was amended by the 1990 Act, Schedule 1, paragraph 9, by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 60(e), and by the 1999 Act, Schedule 4, paragraph 39(4). For the definition of “authority” used in paragraph 12 of Schedule 5, *see* paragraph 8 of Schedule 5; paragraph 8 of Schedule 5 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 80(2), by the 1990 Act, Schedule 1, paragraph 6 and by the 1995 Act, Schedule 1, paragraph 60(a). 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; except that functions exercisable in relation to a cross-border which, by their nature, cannot be specifically exercised in relation to Wales, are exercisable by the Assembly concurrently with the Secretary of State—*see* article 2(c) of that Order.

(b) Provisions of the principal Regulations amended by these Regulations are applied to the Mental Health Act Commission, the Prescription Pricing Authority and the Microbiological Research Authority by paragraphs 1, 3 and 10 of Schedule 5 to S.I. 1996/707, as amended by S.I. 1997/2991.

(c) S.I. 1996/707; the relevant amending instruments are S.I. 1997/2991 and 1998/646.

Amendment of regulation 1 of the principal Regulations

2. In regulation 1 of the principal Regulations (citation, commencement and interpretation), in paragraph (2), in the definition of “health service body”, in paragraph (a), after “Special Health Authority” insert “, a Primary Care Trust”.

Amendment of regulation 10 of the principal Regulations

3.—(1) Regulation 10 of the principal Regulations (disqualification for appointment) is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1)—

(a) in sub-paragraph (g)—

(i) omit the word “or” in paragraph (i); and

(ii) at the end of paragraph (ii) insert “or

(iii) a Primary Care Trust;”;

(b) in sub-paragraph (j), after “NHS trust” insert “, a Primary Care Trust”.

(3) After paragraph (3) insert—

“(3A) A person shall not be disqualified under paragraph (1)(g) by virtue of being the chairman or a member of a Primary Care Trust during the trust’s preparatory period.”.

(4) In paragraph (4), after “NHS trust” insert “or a Primary Care Trust”.

Amendment of regulation 14 of the principal Regulations

4. In regulation 14 of the principal Regulations (appointment of committees and sub-committees), for paragraphs (1) and (2) substitute—

“(1) Subject to such directions as may be given by the Secretary of State, an Authority may, and if directed by him, shall—

(a) appoint committees of the Authority; or

(b) together with one or more other Authorities or Primary Care Trusts, appoint joint committees,

consisting, in either case, wholly or partly of the chairman and members of the Authority or Authorities or Primary Care Trusts or wholly of persons who are not members of the Authority or Authorities or Primary Care Trusts 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 by the Authority, Authorities or Primary Care Trusts in question, appoint sub-committees consisting—

(a) wholly or partly of members of the committee or joint committee (whether or not they are members of the Authority or Authorities or Primary Care Trusts in question); or

(b) wholly of persons who are not members of—

(i) the Authority or Authorities or Primary Care Trusts; or

(ii) the committee of the Authority or Authorities or Primary Care Trusts in question.”.

Amendment of regulation 15 of the principal Regulations

5. In regulation 15 of the principal Regulations (meetings and proceedings), in paragraph (3), after “other Authorities” insert “or Primary Care Trusts”.

Amendment of Schedule 2 to the principal Regulations

6. In Schedule 2 to the principal Regulations (Special Health Authorities of which the chairman and members are not disqualified under regulation 10(1)(g)), before “Health Education Authority” insert “Health Development Agency”.

Amendment of regulations relating to the membership and procedure of Special Health Authorities:

7. The regulations specified in the Schedule to these Regulations shall have effect subject to the amendments specified in that Schedule.

Signed by authority of the Secretary of State

9th March 2000

John Denham
Minister of State
Department of Health

SCHEDULE

Regulation 7

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

1. In regulation 8 of the United Kingdom Transplant Support Service Authority Regulations 1991(a) (application of regulations relating to membership and procedure), after paragraph (a) insert—

“(aa) any reference therein to a health service body included a reference to a Primary Care Trust;”.

2. In regulation 5 of the National Health Service Supplies Authority Regulations 1991(b) (application of regulations relating to membership and procedure), after paragraph (a) insert—

“(aa) any reference in those provisions to a health service body included a reference to a Primary Care Trust;”.

3. In regulation 6 of the National Blood Authority Regulations 1993(c) (application of Regulations relating to membership and procedure), in paragraph (1), in paragraph (i), after “the Authority” insert “and any reference therein to a health service body included a reference to a Primary Care Trust”.

4. In regulation 5 of the Dental Vocational Training Authority Regulations 1993(d) (application of regulations relating to membership and procedure), in paragraph (1), after “to the Authority” insert “, as if any reference therein to a health service body included a reference to a Primary Care Trust”.

5. In regulation 6 of the Microbiological Research Authority Regulations 1994(e) (application of Regulations relating to membership and procedure), in paragraph (4), after “to Authorities” insert “or Primary Care Trusts”.

6. In regulation 1 of the Family Health Services Appeal Authority Regulations 1995(f) (citation, commencement and interpretation), in paragraph (2), in the definition of “health service body”, after “Dental Practice Board” insert “, a Primary Care Trust”.

7. In the National Health Service Litigation Authority Regulations 1995(g)—

(a) in regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “health service body”, after “Dental Practice Board” insert “, a Primary Care Trust”;

(b) in regulation 7 (disqualification for appointment), in paragraph (1)—

(i) in sub-paragraph (d)(ii), for “six months” substitute “three months”;

(ii) for sub-paragraph (e) substitute—

“(e) he is a chairman, member or director of a Primary Care Trust or an NHS trust;”.

8. In regulation 1 of the Ashworth, Broadmoor and Rampton Hospital Authorities (Functions and Membership) Regulations 1996(h) (citation, commencement and interpretation), in paragraph (2), in the definition of “health service body”, after “(including the hospital authorities)” insert “, a Primary Care Trust”.

(a) S.I. 1991/408; the relevant amending instruments are S.I. 1996/707 and 1997/2991.

(b) S.I. 1991/2002 as amended by S.I. 1996/707 and 1997/2991.

(c) S.I. 1993/586 as amended by S.I. 1996/707 and 1997/2991.

(d) S.I. 1993/2210; the relevant amending instruments are S.I. 996/707 and 1997/2991.

(e) S.I. 1994/602; the relevant amending instruments are S.I. 1996/707 and 1997/2991.

(f) S.I. 1995/622 to which there are amendments not relevant to these Regulations.

(g) S.I. 1995/2801; the relevant amending instrument is S.I. 1997/2991.

(h) S.I. 1996/489 to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to regulations concerning the membership and procedure of Health Authorities and Special Health Authorities. The amendments apply to Health Authorities in England and to Special Health Authorities.

Regulations 2 to 5 make amendments to the Health Authorities (Membership and Procedure) Regulations 1996 (“the 1996 Regulations”) consequential upon the establishment of Primary Care Trusts. In particular they provide for the definition of “health service body” to include a reference to Primary Care Trusts (regulation 2), for the chairmen, members and officers of a Primary Care Trust to be disqualified for appointment as the chairman or a member of a Health Authority unless they hold certain part-time posts (regulation 3), for the appointment of a joint committee by a Health Authority together with one or more Primary Care Trusts, as well as other Authorities (regulation 4), and for the meetings and proceedings of such a joint committee (regulation 5).

Regulation 6 amends Schedule 2 to the 1996 Regulations so as to provide that the chairman and members of the Health Development Agency are not disqualified for appointment as the chairman or a member of a Health Authority.

Regulation 7 and the Schedule to these Regulations make amendments to various regulations relating to the membership and procedure of Special Health Authorities. In particular, they amend the definition of “health service body” in various such regulations, to include a reference to Primary Care Trusts (paragraphs 1 to 4, 6, 7(a) and 8). Paragraph 5 makes an amendment to the regulations relating to the Microbiological Research Authority consequential upon the amendment to regulations 14 and 15 of the 1996 Regulations by regulations 4 and 5. Paragraph (b) makes amendments to the regulations relating to the membership and procedure of the National Health Service Litigation Authority to provide that the chairman and members of a Primary Care Trust are disqualified for appointment as the chairman or a member of the Authority, and to require the Secretary of State to terminate the tenure of office of a chairman or a non-officer member of the Authority if he fails, without reasonable excuse, to attend a meeting of the Authority for three months.

£1.50

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E641 3/00 494173 19585

ISBN 0-11-098905-8



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