

SCHEDULES

SCHEDULE 1

Sections 5, 6.

ADDITIONAL PROVISIONS RELATING TO NEW AUTHORITIES

PART I

MEMBERSHIP OF REGIONAL AND AREA HEALTH AUTHORITIES

Regional Health Authorities

- 1 (1) A Regional Health Authority shall consist of a chairman appointed by the Secretary of State and of such number of other members appointed by him as he thinks fit.
- (2) Except in prescribed cases it shall be the duty of the Secretary of State, before he appoints a member of a Regional Health Authority other than the chairman, to consult with respect to the appointment—
- (a) subject to sub-paragraph (3) of this paragraph, such of the following bodies of which the areas or parts of them are within the region of the Authority, namely, county councils, metropolitan district councils, the Greater London Council, London borough councils and the Common Council of the City of London ;
 - (b) the university or universities with which the provision of health services in that region is or is to be associated;
 - (c) such bodies as the Secretary of State may recognise as being, either in that region or generally, representative respectively of medical practitioners, dental practitioners, nurses, midwives, registered pharmacists and ophthalmic and dispensing opticians or representative of such other professions as appear to him to be concerned ;
 - (d) any federation of workers' organisations which appears to the Secretary of State to be concerned and any voluntary organisation within the meaning of section 13 of this Act and any other body which appear to him to be concerned ; and
 - (e) in the case of an appointment of a member falling to be made after the establishment of the Regional Health Authority, that Authority.
- (3) In relation to an appointment of a member falling to be made before the appointed day, the preceding sub-paragraph shall have effect as if for paragraph (a) there were substituted the following paragraph—
- (a) such of the following bodies providing services in the region of the Authority as the Secretary of State thinks fit, namely, Regional Hospital Boards, Boards of Governors, Executive Councils, the Greater London Council and local health authorities.

Area Health Authorities

- 2 (1) Subject to paragraph 4 below, an Area Health Authority for an area in England shall consist of the following members—
- (a) a chairman appointed by the Secretary of State ;
 - (b) the specified number of members appointed by the relevant Regional Authority after consultation, except in prescribed cases, with the bodies mentioned in sub-paragraph (2) of this paragraph;
 - (c) the specified number of members appointed by the relevant Regional Authority on the nomination of the university or universities specified as being associated with the provision of health services in that Authority's region ; and
 - (d) the specified number (not less than four) of members appointed by the specified local authority or local authorities.
- (2) The bodies referred to in paragraph (b) of the preceding sub-paragraph are—
- (a) such bodies as the relevant Regional Authority may recognise as being, either in its region or in the area of the Area Health Authority or generally, representative respectively of medical practitioners, dental practitioners, nurses, midwives, registered pharmacists and ophthalmic and dispensing opticians or representative of such other professions as appear to the relevant Regional Authority to be concerned ;
 - (b) such other bodies (including any federation of workers' organisations) as appear to the relevant Regional Authority to be concerned, excluding any university which has nominated or is entitled to nominate a member and any local authority which has appointed or is entitled to appoint a member;
 - (c) in relation to an appointment of a member falling to be made before the appointed day, such of the Regional Hospital Boards, Hospital Management Committees, Boards of Governors and Executive Councils providing services within the area of the Area Health Authority in question as the relevant Regional Authority thinks fit; and
 - (d) in relation to an appointment of a member falling to be made after the establishment of the Area Health Authority in question, that Authority.
- 3 The preceding paragraph shall apply to an Area Health Authority for an area in Wales as if for any reference to the relevant Regional Authority there were substituted a reference to the Secretary of State and for any reference to England or the region of that Authority there were substituted a reference to Wales.
- 4 The members of an Area Health Authority (Teaching) shall, in addition to the members appointed in pursuance of paragraph 2 above, include the specified number of members appointed—
- (a) in the case of members falling to be appointed before the appointed day, by the Secretary of State from among the members of and after consultation with such as he thinks fit of—
 - (i) the Boards of Governors and Hospital Management Committees of teaching hospitals and university hospitals situated wholly or partly within the area of the Authority in question, or
 - (ii) if there is no such Board or Committee, the Hospital Management Committees managing hospitals or groups of hospitals situated wholly or partly within that area ;
 - (b) in the case of members falling to be appointed on or after the appointed day to an Area Health Authority (Teaching) of which the area is in England

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by the relevant Regional Authority from among persons appearing to that Authority to have knowledge of and experience in the administration of a hospital providing substantial facilities for undergraduate or post-graduate clinical teaching ;

- (c) in the case of members falling to be appointed on or after the appointed day to an Area Health Authority (Teaching) of which the area is in Wales, by the Secretary of State from among persons appearing to him to have such knowledge and experience ;

and in this paragraph " university hospital" means a hospital or group of hospitals designated as a university hospital in pursuance of section 5 of the Health Services and Public Health Act 1968.

Supplemental

- 5 (1) References in the preceding provisions of this Schedule to the region or area of an Authority shall, in a case where the Authority has not been established or a region or area for it has not been determined, be construed as a reference to the locality which the Secretary of State considers is to be the region or area of the Authority.
- (2) For the purposes of paragraphs 2 to 4 above—
- " local authority " means the council of a non-metropolitan county, a metropolitan district and a London borough, the Inner London Education Authority and the Common Council of the City of London ;
- " the relevant Regional Authority " means the Regional Health Authority of which the region includes the area of the Area Health Authority in question; and
- " specified " means specified in the order establishing the Area Health Authority in question or, where another order provides for it to be called an Area Health Authority or an Area Health Authority (Teaching), in that other order.
- (3) Where an order establishing an Area Health Authority or another order providing for it to be called an Area Health Authority or an Area Health Authority (Teaching) specifies more than one university in pursuance of paragraph 2(1)(c) above, the order may contain provision as to which of the universities shall, either severally or jointly, nominate all or any of the members falling to be nominated in pursuance of the said paragraph 2(1)(c); and where such an order specifies more than one local authority in pursuance of paragraph 2(1)(d) above, the order may provide for each of the local authorities to appoint in pursuance of the said paragraph 2(1)(d) the number of members specified in the order in relation to that local authority.

PART II

MEMBERSHIP OF FAMILY PRACTITIONER COMMITTEES

- 6 (1) Subject to paragraph 7 below, a Family Practitioner Committee shall consist of thirty members of whom—
- (a) eleven shall be appointed by the Area Health Authority responsible for establishing the Committee and at least one of them must be, but not every one of them shall be, a member of the Authority ;

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- (b) four shall be appointed by the local authority entitled in pursuance of paragraph 2(1)(d) above to appoint members of that Authority or, where two or more local authorities are so entitled, by those authorities acting jointly;
- (c) eight shall be appointed by the Local Medical Committee for the area of that Authority and one of them must be, and not more than one shall be, a medical practitioner having the qualifications prescribed in pursuance of section 41 of the principal Act (which relates to ophthalmic services);
- (d) three shall be appointed by the Local Dental Committee for that area ;
- (e) two shall be appointed by the Local Pharmaceutical Committee for that area;
- (f) one shall be an ophthalmic optician appointed by such members of the Local Optical Committee for that area as are ophthalmic opticians ; and
- (g) one shall be a dispensing optician appointed by such members of the said Local Optical Committee as are dispensing opticians;

and the members of a Family Practitioner Committee shall from time to time, in accordance with such procedure as may be prescribed, select one of their members to be the chairman of the Committee.

- (2) If any appointment falling to be made in pursuance of the preceding sub-paragraph by or by certain members of a Local Committee is not made before such date as the Area Health Authority in question may determine for that appointment, the appointment shall be made by that Authority to the exclusion of the Committee or members in question.
 - (3) The members of a Local Committee who are mentioned in paragraphs (f) and (g) of sub-paragraph (1) of this paragraph may if they think fit appoint, in addition to the member of a Family Practitioner Committee appointed by them, an ophthalmic or, as the case may be, a dispensing optician to be the deputy of the member so appointed, and the Local Committee by which such a practitioner as is mentioned in paragraph (c) of the said sub-paragraph (1) is appointed in pursuance of that paragraph as a member of a Family Practitioner Committee may if it thinks fit appoint another such practitioner to be his deputy; and a deputy appointed in pursuance of this sub-paragraph may, while the member for whom he is the deputy is absent from any meeting of the relevant Family Practitioner Committee, act as a member of that Committee in the place of the absent member.
 - (4) If an Area Health Authority proposes to make before the appointed day an appointment in pursuance of paragraph (a) of sub-paragraph (1) of this paragraph, it shall be the duty of the Authority before it makes the appointment to consult such Executive Councils exercising functions in its area as the Authority considers appropriate.
- 7 (1) If it appears to the Secretary of State that, by reason of special circumstances affecting the area of an Area Health Authority, it is appropriate that the Family Practitioner Committee established or to be established by the Authority should not be in accordance with the preceding paragraph, he may by order provide that that paragraph shall apply in relation to the Committee with such modifications as are specified in the order.
- (2) It shall be the duty of the Secretary of State—
 - (a) before he makes an order in pursuance of the preceding sub-paragraph in respect of a Family Practitioner Committee which is already established to consult the Committee with respect to the order ; and

- (b) in making any such order to have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between members falling to be appointed by different bodies in pursuance of the preceding paragraph apart from any modification.

PART III

SUPPLEMENTARY PROVISIONS RELATING TO NEW AUTHORITIES

Corporate status

- 8 Each Regional Health Authority, Area Health Authority, special health authority and Family Practitioner Committee (hereafter in this Schedule referred to severally as "an authority") shall be a body corporate with perpetual succession and a common seal.

Pay and allowances

- 9 (1) The Secretary of State may pay to the chairman of an authority other than a Family Practitioner Committee such remuneration as he may determine with the approval of the Minister for the Civil Service.
- (2) The Secretary of State may make such provision as he may determine as aforesaid for the payment of a pension, allowance or gratuity to or in respect of the chairman of an authority other than such a Committee.
- (3) Where a person ceases to be the chairman of an authority other than such a Committee and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Secretary of State may make to him a payment of such amount as the Secretary of State may determine as aforesaid.
- (4) The Secretary of State may pay to a member of an authority, or of a committee or sub-committee of an authority, such travelling and other allowances (including attendance allowance or compensation for loss of remunerative time) as he may determine as aforesaid.
- (5) Allowances shall not be paid in pursuance of the preceding sub-paragraph except in connection with the exercise, in such circumstances as the Secretary of State may determine as aforesaid, of such functions as he may so determine.
- (6) Payments in pursuance of this paragraph shall be made at such times and in such manner and subject to such conditions as the Secretary of State may determine as aforesaid.

Staff

- 10 (1) An authority other than a Family Practitioner Committee may employ, on such terms as it may determine in accordance with regulations and such directions as may be given by the Secretary of State, such officers as it may so determine; and regulations made for the purposes of this sub-paragraph may contain provision—
- (a) with respect to the qualifications of persons who may be employed as officers of an authority;

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- (b) requiring an authority to employ, for the purpose of performing prescribed functions of the authority or any other body, officers having prescribed qualifications or experience ; and
 - (c) as to the manner in which any officers of an authority are to be appointed.
- (2) Regulations may make provision for the transfer of officers from one authority to another which is not a Family Practitioner Committee and for the making of arrangements under which the services of an officer of an authority are placed at the disposal of another authority or a local authority.
- (3) The Secretary of State may direct an authority to place services of any of its officers at the disposal of another authority and, subject to any directions given by the Secretary of State in pursuance of this sub-paragraph, a Regional Health Authority may direct an Area Health Authority of which the area is included in its region to place services of any of its officers at the disposal of another such Area Health Authority ; and it shall be the duty of an authority to which directions are given in pursuance of this sub-paragraph to comply with the directions.
- (4) The Secretary of State may direct an authority, other than a Family Practitioner Committee, to employ as an officer of the authority any person who is or was employed by another authority and is specified in the direction, and a Regional Health Authority may direct an Area Health Authority of which the area is included in its region to employ as an officer of the Area Health Authority a person who is or was employed by an authority other than the Area Health Authority and is specified in the direction; and it shall be the duty of an authority to which a direction is given in pursuance of this sub-paragraph to comply with the direction.
- (5) Regulations made in pursuance of this paragraph shall not require that all consultants employed by an authority are to be so employed whole-time.
- 11 (1) It shall be the duty of the Secretary of State, before he makes regulations in pursuance of the preceding paragraph, to consult such bodies as he may recognise as representing persons who in his opinion are likely to be affected by the regulations.
- (2) Subject to the following sub-paragraph, it shall be the duty of the Secretary of State or as the case may be of a Regional Health Authority, before he or the Authority gives directions to an authority in pursuance of sub-paragraph (3) or (4) of the preceding paragraph in respect of any officer of an authority, to consult the officer about the directions or to satisfy himself or itself that the authority of which he is an officer has consulted the officer about the placing or employment in question or (except in the case of a direction in pursuance of the said sub-paragraph (4)) to consult with respect to the directions such body as he or the Authority may recognise as representing the officer.
- (3) If the Secretary of State or Regional Health Authority considers it necessary to give directions in pursuance of sub-paragraph (3) of the preceding paragraph for the purpose of dealing temporarily with an emergency and has previously consulted bodies recognised by him or the Authority as representing the relevant officers about the giving of such directions for that purpose, the Secretary of State or the Authority shall be entitled to disregard the preceding sub-paragraph in relation to the directions.

Miscellaneous

- 12 Provision may be made by regulations as to—

- (a) the appointment and tenure of office of the chairman and members of an authority ;
 - (b) the appointment of and the exercise of functions by committees and sub-committees of an authority (including joint committees and joint sub-committees of two or more authorities and committees and sub-committees consisting wholly or partly of persons who are not members of the authority in question);
 - (c) the procedure of an authority and of such committees and sub-committees as are mentioned in the preceding sub-paragraph.
- 13 An authority may pay subscriptions, of such amounts as the Secretary of State may approve, to the funds of such bodies as he may approve.
- 14 The proceedings of an authority shall not be invalidated by any vacancy in its membership or by any defect in the appointment of a member of the authority.
- 15 (1) An authority shall, notwithstanding that it is exercising any function on behalf of the Secretary of State or another authority, be entitled to enforce any rights acquired in the exercise of that function, and be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of that function, in all respects as if it were acting as a principal; and proceedings for the enforcement of such rights and liabilities shall be brought, and brought only, by or as the case may be against the authority in question in its own name.

(2) An authority shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the discovery or production of documents; but this sub-paragraph shall not prejudice any right of the Crown to withhold or procure the withholding from production of any document on the ground that its disclosures would be contrary to the public interest.
- 16 Provision may be made by regulations with respect to the recording of information by an authority and the furnishing of information by an authority to the Secretary of State or another authority.