

1985 No. 305

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Joint Consultative Committees Order 1985

<i>Made</i>	- - - - -	1st March 1985
<i>Laid before Parliament</i>		11th March 1985
<i>Coming into Operation</i>		1st April 1985

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 22(3A), (4) and (6) of the National Health Service Act 1977(a) and section 1(8) of the Health Services Act 1980(b) and of all other powers enabling them in that behalf, after consultation in accordance with section 22(5) of the Act of 1977 with such associations of local authorities as appear to them to be concerned, there not appearing to them to be local authorities with whom consultation is desirable, hereby make the following order:—

Citation, commencement and interpretation

1.— (1) This order may be cited as the Joint Consultative Committees Order 1985 and shall come into operation on 1st April 1985.

(2) In this order, unless the context otherwise requires—

(a) “the Act” means the National Health Service Act 1977;

“Committee” means a joint consultative committee referred to in section 22(2) of the Act;

“health authority” means a District Health Authority;

“local authority” means as appropriate the council of a London borough, or of a non-metropolitan county, or a district as defined in relation to England in section 270(1) of the Local Government Act 1972(c) or of a county or district mentioned in section 20(3) of that Act (which relates to Wales) or the Inner London Education Authority or the Common Council of the City of London.

“Responsible Authority” in England means—

(a) 1977 c. 49; subsections (3A) and (6) of section 22 were inserted by, and subsection (4) thereof was amended by paragraph 2 of Schedule 5 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41); section 22 was also amended by paragraph 41 of Schedule 1 to the Health Services Act 1980 (c. 53) and paragraph 3 of Schedule 3 to the Health and Social Security Act 1984 (c. 48).

(b) 1980 c. 53.

(c) 1972 c. 70.

- (i) in a case where all the health authorities represented on a Committee are included in the region of one Regional Health Authority, that Regional Authority or
 - (ii) in any other case, such Regional Health Authority as the Secretary of State may direct,
- and in Wales means the Secretary of State;
- (b) a reference to a body represented on a Committee does not include a reference to a voluntary organisation.

Appointment of Committees

2. It shall be the duty of each health authority, and each Family Practitioner Committee and local authority associated with such health authority in the Table in section 22(2) of the Act to appoint a Committee and such further Committees as may be agreed between these bodies.

Appointment of sub-committees and joint sub-committees

3. A Committee may appoint a sub-committee of the Committee or, together with one or more other Committees, appoint a joint sub-committee for the purpose in either case, of making recommendations to the Committee or Committees by which they were appointed on the advice to be given to the bodies represented on them.

Representation on other Committees

4. A health authority, Family Practitioner Committee or local authority may arrange to be represented on a Committee other than one on which they are required to be represented under section 22(3) of the Act provided any such arrangement is agreed by the bodies represented on that other Committee.

Membership of Committees

5. The number of members by which a health authority, Family Practitioner Committee or local authority shall be represented on a Committee shall be such as may be agreed between all the bodies to be represented on it and persons appointed to a Committee may be, but need not be, members of the body by which they are appointed.

Representation of voluntary organisations on Committees

6. In addition to the members appointed to each Committee pursuant to Article 5 there shall be included on each Committee three members appointed, in accordance with the provisions of this order, by voluntary organisations.

Appointment of members by voluntary organisations

7.—(1) The Responsible Authority shall after consultation with each body represented on the Committee, invite such voluntary organisations as appear to

that Responsible Authority to have an interest in services of common concern to those bodies to make application for inclusion in the list of such organisations by which members are to be appointed to the Committee and to nominate a person for appointment.

(2) An organisation may nominate any person, whether he is a member of a voluntary organisation or not, for appointment to the Committee but no organisation may nominate more than one person.

(3) The Responsible Authority shall, not less than one month after applications and nominations have been invited in accordance with paragraph (1) of this article, determine which voluntary organisations are to take part in making the appointment of members to the Committee.

(4) The Responsible Authority shall arrange for a ballot to be held among the voluntary organisations invited to take part in making the appointments for the election, from among those nominated by those organisations, of the members to be appointed to the Committee and of at least three other persons who, in the event of a vacancy arising before the term of office of any of those members expires, would be eligible to fill the vacancy.

(5) A person elected to be a member of the Committee is thereby appointed to the Committee by the voluntary organisations that elected him and the Responsible Authority shall, as soon as practicable after the ballot, notify the voluntary organisations invited to take part in making the appointments and the person acting as secretary to the Committee of the names of the members so appointed, of the persons eligible for appointment in the event of a vacancy and of the order in which those persons succeeded in the ballot.

Terms of office and procedure in the event of a vacancy of members appointed under Article 7

8.— (1) The provisions of this article apply to members appointed under Article 7 of this Order, and references to a member shall be construed accordingly.

(2) Subject to paragraph (3) of this article the term of office of members appointed before 31st December 1988 shall be for a period ending on that date and thereafter the term of office of members shall be for a period of four years expiring on 31st December in any year.

(3) The term of office of a member appointed to fill a vacancy shall be the remainder of the term for which his predecessor was appointed.

(4) A member shall on the expiration of his term of office be eligible for nomination for reappointment.

(5) A member may resign at any time during his term of office on giving notice in writing to the person acting as Secretary to the Committee who shall notify the Responsible Authority of his resignation.

(6) If a member has been absent from three consecutive meetings of the Committee he shall cease to be a member of the Committee and the person acting as Secretary to the Committee shall notify the Responsible Authority of the termination of his membership.

(7) Where a vacancy arises on the Committee the person acting as Secretary to the Committee shall invite to fill the vacancy one of the persons elected under Article 7(4) of this Order for this purpose and the order in which those persons succeeded in the ballot shall determine the order in which they should be invited to fill the vacancy.

(8) A person elected to fill a vacancy who is invited, and agrees, to fill a vacancy is thereby appointed to the Committee by the voluntary organisations that elected him.

Proceedings of Committees

9.— (1) Subject to the following provisions of this article, the rules as to meetings and proceedings of Committees, or of sub-committees or joint sub-committees appointed by virtue of Article 3 of this Order, shall be such as the Committee, sub-committee or joint sub-committee may determine.

(2) Every decision taken by a Committee as to any advice to be given to bodies represented on that Committee shall require the agreement of more than half of the whole number of members appointed to the Committee but, where the majority of members appointed to a Committee by health authorities or the majority of members appointed to a Committee by local authorities so demand, a decision to give any advice to the bodies represented on that Committee shall require the agreement both of a majority of the members appointed by health authorities and of a majority of the members appointed by local authorities.

(3) Where on any Committee the majority of members appointed by any one body represented on a Committee dissent from a decision to give advice it shall be the duty of the Committee, in giving such advice, to communicate to the bodies represented on the Committee any objections to that advice made by such dissenting members.

(4) Each Committee shall appoint a person to act as its Secretary.

Expenses

10.— (1) It shall be the duty of the bodies represented on a Committee to reach agreement as to the expenses which may reasonably be incurred by the Committee, by a sub-committee appointed pursuant to Article 3 of this Order or by a joint sub-committee so appointed and to make such arrangements as may be agreed to defray such expenses.

(2) The bodies represented on a Committee shall, in such shares as may be agreed between them, defray expenses which have reasonably been incurred by members of the Committee appointed by voluntary organisations.

Reports by bodies represented on Committees

11. It shall be the duty of bodies represented on a Committee together to

make to the Secretary of State such reports on the work of the Committee and of any sub-committee thereof as he may from time to time require and the bodies may together also make such other reports to the Secretary of State of the work of the Committee and of any sub-committee as they think fit.

Determination by Secretary of State

12. Any matter which, by virtue of any provision of this Order, is to be determined by agreement between one or more bodies shall, in default of such agreement be determined by the Secretary of State.

Saving

13. A Committee that was appointed under Article 3 of the Health Authorities and Local Authorities Joint Consultative Committees Order 1974(a) shall be deemed to be a Committee appointed pursuant to Article 2 of this Order.

Revocation

14. The Health Authorities and Local Authorities Joint Consultative Committees Order 1974, the Voluntary Organisations (Joint Consultative Committees) Order 1984(b) and paragraph 10 of Schedule 1 to the Health Services Act 1980 (Consequential Amendments) Order 1982(c) are hereby revoked.

Signed by authority of the Secretary of State for Social Services.

John Patten,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

1st March 1985.

Nicholas Edwards,
Secretary of State for Wales.

28th February 1985.

(a) S.I. 1974/190.
(b) S.I. 1984/296.
(c) S.I. 1982/288.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for matters relating to joint consultative committees set up under the National Health Service Act 1977 to advise District Health Authorities, Family Practitioner Committees and local authorities on the performance of their duty to co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales and on the planning and operation of services of common concern to those bodies.

This Order replaces earlier orders but differs from the previous orders by making provision for the representation of Family Practitioner Committees on the Committees. The Order makes provision for the appointment of Committees, sub-committees and joint committees (articles 2 and 3); representation on other Committees (article 4); membership of Committees (article 5); representation of voluntary organisations on Committees (article 6); appointment of members by voluntary organisations (article 7); terms of office of members (article 8); proceedings of Committees (article 9); expenses (article 10); reports by bodies represented on Committees (article 11); determination by Secretary of State in default of agreement (article 12); and saving and revocation (articles 13 and 14).

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