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STATUTORY INSTRUMENTS

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**1991 No. 1188 (S.120)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Service Committees and Tribunal) (Scotland) Amendment Regulations 1991**

<i>Made</i>	- - - -	<i>10th May 1991</i>
<i>Laid before Parliament</i>		<i>22nd May 1991</i>
<i>Coming into force</i>	- -	<i>12th June 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 19, 25(2), 26(2), 27(2), 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf and after consulting the Council on Tribunals and its Scottish Committee in accordance with section 10 of the Tribunals and Inquiries Act 1971(2), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Service Committees and Tribunal) (Scotland) Amendment Regulations 1991 and shall come into force on 12th June 1991.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(3).

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- (1) 1978 c. 29; section 19 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 37 and was extended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 17; section 25(2) was extended by the 1988 Act, section 17 and was amended by the 1990 Act, section 40(2) and Schedule 9, paragraph 19(6); section 26(2) was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), Schedule 1, Part II, paragraphs 2, 3 and 4 and Schedule 8, Part I and was extended by the 1988 Act, section 17; section 27(2) was amended by the National Health Service (Amendment) Act 1986 (c. 66), section 3(3) and by the 1990 Act, Schedule 9, paragraph 19(7) (b) and was extended by the 1988 Act, section 17; section 105(7), which was amended by the 1980 Act, Schedule 6, paragraph 5 and Schedule 7 and by the 1983 Act, Schedule 9, paragraph 24, contains provisions relevant to the making of Regulations; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.
- (2) 1971 c. 62; see paragraph 41 of Part II of Schedule 1 to that Act, as amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 152 and the National Health Service (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 35.
- (3) S.I. 1974/504, amended by S.I. 1974/1031, 1988/878 and 1990/1772.

### **Amendment of regulation 2 of the principal Regulations**

2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended in accordance with the following paragraphs of this regulation.

(2) For the definition of “lay member”(4) there is substituted the following definition:—

““lay member” means—

- (a) in relation to a Board, a member who is a lay person; and
- (b) in relation to a service committee, a lay person appointed by the Board;”.

(3) After the definition of “lay member” there is inserted the following definition:—

““lay person” means a person who is not and never has been—

- (a) a registered medical practitioner; nor
- (b) a registered dental practitioner; nor
- (c) a registered pharmaceutical chemist; nor
- (d) an ophthalmic medical practitioner or an optician; nor
- (e) a registered nurse, registered midwife or a registered health visitor; nor
- (f) an officer of, or otherwise employed by, any Board or local health council;”.

### **Amendment of regulation 3 of the principal Regulations**

3. In regulation 3(2) of the principal Regulations (constitution of service committees)(5), in each of sub-paragraphs (a), (b), (c), (cc) and (d)—

- (a) after the words “shall be” where they first occur in each of those sub-paragraphs there are inserted the words “lay persons”; and
- (b) the words “from the lay members of the Board” are deleted.

### **Amendment of Schedule 1 to the principal Regulations**

4. In paragraph 5 (interpretation) of Schedule 1 to the principal Regulations, in the definition of “lay member”(6) for the words from “a member” to “or an optician” there are substituted the words “a lay person appointed by the Board”.

St Andrew’s House,  
Edinburgh  
10th May 1991

*Michael B. Forsyth*  
Minister of State, Scottish Office

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(4) The definition of “lay member” in regulation 2 was inserted by [S.I. 1988/878](#).

(5) Sub-paragraph (cc) of regulation 2 was inserted by, and sub-paragraph (d) was amended by, [S.I. 1988/878](#).

(6) The definition of “lay member” in paragraph 5 of Schedule 1 was amended by [S.I. 1988/878](#).

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## EXPLANATORY NOTE

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

These Regulations amend the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974 (“the principal Regulations”).

The Regulations amend the requirements of the principal Regulations with respect to the constitution of service committees which every Health Board is required to establish for the purposes of investigating (a) complaints made against medical practitioners, dental practitioners, chemists, ophthalmic medical practitioners or opticians who provide general medical services, general dental services, pharmaceutical services or general ophthalmic services, as the case may be, under the National Health Service (Scotland) Act 1978 or (b) matters relating to the administration of such services.

The principal Regulations are amended so that the three members of a service committee (four in the case of a joint services committee) who until the coming into force of these Regulations were appointed by the Health Board from its lay members shall instead be “lay persons” appointed by the Board. The interpretation provisions of the principal Regulations are accordingly amended to provide that a lay person is a person who is not and never has been any of the following persons: a registered medical practitioner, a registered dental practitioner, a registered pharmaceutical chemist, an ophthalmic medical practitioner, an optician, a registered nurse, a registered midwife, a registered health visitor or an officer of, or a person otherwise employed by, any Health Board or local health council. The definition of a lay member of the service committee is also amended to provide that such a member means a lay person appointed by the Board.

The definition of a lay member of a Health Board is amended so that for the purposes of the principal Regulations such a member means a member of the Health Board who is also a lay person. This means that the chairman of a service committee or joint services committee, who is appointed by the Health Board, must be a member of the Board who is also a lay person as defined above.