
STATUTORY INSTRUMENTS

1991 No. 578

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES
NATIONAL HEALTH SERVICE, SCOTLAND
HEALTH AND PERSONAL SOCIAL
SERVICES, NORTHERN IRELAND**

The Clinical Standards Advisory Group Regulations 1991

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| <i>Made</i> | - - - - | <i>8th March 1991</i> |
| <i>Laid before Parliament</i> | | <i>11th March 1991</i> |
| <i>Coming into force</i> | - - | <i>1st April 1991</i> |

The Secretaries of State respectively concerned with health in England, in Wales and in Scotland and the Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by section 62(2), (3) and (7) of the National Health Service and Community Care Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Clinical Standards Advisory Group Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, “Advisory Group” means the Clinical Standards Advisory Group established under section 62 of the National Health Service and Community Care Act 1990.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(1) 1990 c. 19; sections 62 and 67(5) were amended by article 7(7) and (8) of the Health and Personal Social Services (Northern Ireland Consequential Amendments) Order 1991 (S.I.1991/195). Section 62(7) is cited for the definitions of “the Health Ministers” and “regulations”.

Membership of the Advisory Group

2.—(1) Eight members of the Advisory Group shall be appointed from persons nominated by the bodies specified in Schedule 1 to these Regulations, acting jointly.

(2) One member of the Advisory Group shall be appointed from persons nominated by the Faculty of Dental Surgery of the Royal College of Surgeons of England.

(3) Four members of the Advisory Group shall be appointed from persons nominated by the Royal College of Nursing and the Royal College of Midwives, acting jointly.

(4) The persons for the time being holding the following posts, namely—

(a) the chairman of the Standing Medical Advisory Committee(2);

(b) the chairman of the Standing Dental Advisory Committee(2); and

(c) the chairman of the Standing Nursing and Midwifery Committee(2)

shall be appointed members of the Advisory Group.

Additional persons to attend meetings

3. The Health Ministers may appoint persons other than members to attend meetings of the Advisory Group or any committee of the Advisory Group and such persons may take part in discussions at, but not vote at, such meetings.

Term of office

4.—(1) Subject to paragraphs (2) and (3) and regulation 5, a member's term of office shall be for such period, not exceeding three years, as the Health Ministers specify on appointing him.

(2) The members referred to in regulation 2(4) shall hold office for as long as they hold the office by virtue of which they were appointed.

(3) The term of office of a member appointed to replace a member whose term of office ceased before the expiry of the period for which he was appointed shall be for the remainder of that period.

Termination of term of office

5.—(1) A member, other than a member appointed under regulation 2(4), may resign his office at any time following his appointment by giving notice in writing to that effect to one or more of the Health Ministers.

(2) The date on which a resignation by notice given under paragraph (1) shall take effect shall be—

(a) where a date is specified in the notice as being that on which the resignation is to take effect, that date; and

(b) in any other case, the date on which the notice is received by the Health Minister to whom it is sent.

(3) If a member, other than a member appointed under regulation 2(4), has not attended four consecutive meetings of the Advisory Group the Health Ministers shall terminate his term of office unless they are satisfied both that the absence was due to reasonable cause and that the member will be able to attend meetings within a reasonable time.

(4) The Health Ministers may terminate the term of office of a member, other than a member appointed under regulation 2(4), who was originally registered—

(2) See the National Health Service (Standing Advisory Committees) Order 1981 (S.I. 1981/597).

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- (a) in the register of medical practitioners kept under section 2 of the Medical Act 1983⁽³⁾ or in the register of medical practitioners with limited registration kept under that section, or
- (b) in the dentists register kept under section 14 of the Dentists Act 1984⁽⁴⁾, or
- (c) in the register of qualified nurses, midwives and health visitors maintained under section 10 of the Nurses, Midwives and Health Visitors Act 1979⁽⁵⁾

but then has his name erased from the register or has his registration suspended.

(5) The Health Ministers may terminate the term of office of a member, other than a member appointed under regulation 2(4), on the ground of incapacity or misbehaviour.

(6) Where a member appointed under regulation 2(4) ceases to hold a post specified in that paragraph his tenure of office shall terminate forthwith.

(7) In paragraph (4), “originally” means, in relation to a person’s term of office, the date on which he was appointed as a member in respect of that term of office.

Reappointment

6. A member shall, on the expiry or earlier termination of his term of office, be eligible for reappointment.

Committees

7.—(1) The Advisory Group may appoint committees of the Group consisting wholly or partly of members of the Group.

(2) The function of a committee appointed under this regulation is to advise the Advisory Group on such matters relating to the functions of the Group as the Group specifies on the appointment of the committee or at any time thereafter.

Meetings and Proceedings

8.—(1) The meetings and proceedings of the Advisory Group shall be conducted in accordance with the rules set out in Schedule 2 to these Regulations and with Standing Orders made under paragraph (2).

(2) Subject to those rules, the Advisory Group shall make, and may vary and revoke, Standing Orders for the regulation of its proceedings and business and provision may be made in such Standing Orders for the suspension of those Orders.

(3) The Advisory Group may make, vary and revoke Standing Orders relating to the quorum, proceedings and place of meeting of committees of the Group but, subject to any such Standing Order, the quorum, proceedings and place of meeting shall be such as the committee may determine.

8th March 1991

William Waldegrave
Secretary of State for Health

8th March 1991

David Hunt
Secretary of State for Wales

(3) 1983 c. 54.
(4) 1984 c. 24.
(5) 1979 c. 36.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8th March 1991

Ian Lang
Secretary of State for Scotland

Sealed with the official seal of the Department of Health and Social Services for Northern Ireland this eighth day of March 1991.

L.S.

F. A. Elliott
Permanent Secretary

SCHEDULE 1

Regulation 2(1)

NOMINATING BODIES

The Royal College of Physicians of London
The Royal College of Surgeons of England
The Royal College of Obstetricians and Gynaecologists
The Royal College of Psychiatrists
The Royal College of Radiologists
The Royal College of General Practitioners
The Royal College of Pathologists
The Royal College of Surgeons of Edinburgh
The Royal College of Physicians and Surgeons of Glasgow
The Royal College of Physicians of Edinburgh
The College of Anaesthetists
The College of Ophthalmologists
The Faculty of Public Health Medicine of the Royal Colleges of Physicians of the United Kingdom
The Faculty of Occupational Medicine of the Royal College of Physicians of London

SCHEDULE 2

Regulation 8(1)

RULES AS TO MEETINGS AND PROCEEDINGS OF THE ADVISORY GROUP

- 1.—(1) The chairman of the Advisory Group may call a meeting at any time.
 - (2) Before each meeting of the Advisory Group, a notice of the meeting shall be delivered to every member or sent by post to the usual place of residence of such member so as to be available to him at least three clear days before the meeting.
 - (3) The notice referred to in the preceding sub-paragraph shall—
 - (a) be signed by the chairman of the Advisory Group or by a person authorised by the chairman to sign on his behalf, and
 - (b) specify the business proposed to be transacted at the meeting.
 - (4) Lack of service of the notice on any member shall not affect the validity of a meeting.
- 2.—(1) At any meeting of the Advisory Group the chairman, if present, shall preside.
 - (2) If the chairman is absent, such member as the members present shall choose shall preside.
3. Every question at a meeting shall be determined by a majority of the votes of the chairman and members present and, in the case of any equality of votes, the person presiding shall have a second and casting vote.
4. The names of the chairman and members present at the meeting shall be recorded.
5. No business shall be transacted at a meeting unless at least one-third of the whole number of the chairman and members are present.

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6. The minutes of the proceedings of a meeting shall be drawn up and submitted for agreement at the next meeting of the Advisory Group where they will be signed by the person presiding at that next meeting.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the membership and procedure of the Clinical Standing Advisory Group which is established under section 62 of the National Health Service and Community Care Act 1990.

Regulation 2 specifies the persons who shall be members of the Group. Regulation 3 provides for persons who are not members of the Group to attend meetings of the Group and participate in discussion but not vote at such meetings.

Regulations 4, 5 and 6 are concerned with the term of office of members, termination of terms of office and with the reappointment of members.

Regulation 7 enables the Group to appoint committees to advise them on the performance of their functions and regulation 8 and the Schedule to the Regulations make provision as to the meetings of the Group and the procedure at the meetings.