
STATUTORY INSTRUMENTS

1996 No. 1755

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service Trusts (Membership
and Procedure) Amendment Regulations 1996**

<i>Made</i>	- - - -	<i>8th July 1996</i>
<i>Laid before Parliament</i>		<i>8th July 1996</i>
<i>Coming into force</i>	- -	<i>29th July 1996</i>

The Secretary of State for Health, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred by sections 126(4) and (5) of the National Health Service Act 1977⁽¹⁾ and section 5(7) of the National Health Service and Community Care Act 1990⁽²⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service Trusts (Membership and Procedure) Amendment Regulations 1996, and shall come into force on 29th July 1996.

Amendment of Regulations

2.—(1) The National Health Service Trusts (Membership and Procedure) Regulations 1990⁽³⁾ shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2) (interpretation)—

- (a) the definition of “appointing authority” shall be omitted; and
- (b) in paragraph (a) of the definition of “health service body” for the words “a health authority, Family Health Services Authority” there shall be substituted the words “a Health Authority, a Special Health Authority”.

(3) For regulation 3 (appointment of directors) there shall be substituted the following regulation:

(1) 1977 c. 49; subsection (4) of section 126 was amended, and subsection (5) was inserted, by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”). See, for the definitions of “prescribed” and “regulations”, section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act.

(2) 1990 c. 19; section 5(7) was amended by paragraph 69(d) of Schedule 1 to the Health Authorities Act 1995 (c. 17).

(3) S.I. 1990/2024, as amended by S.I. 1990/2160.

“Appointment of directors

3. The non-executive directors of an NHS trust shall be appointed by the Secretary of State, and the executive directors shall be appointed by the relevant committee.”.

(4) In regulation 7 (tenure of office of chairman and directors)—

- (a) in paragraph (1) for the words “appointing authority” there shall be substituted the words “Secretary of State”; and
- (b) in paragraph (2) for the words “appointing authority” there shall be substituted the words “relevant committee”.

(5) In regulation 8(2) (tenure of office of executive directors) for the words “appointing authority” (in both places where those words occur) there shall be substituted the words “relevant committee”.

(6) In regulation 9 (termination of tenure of office of chairman and non-executive directors)—

- (a) in paragraph (1) for the words “appointing authority” there shall be substituted the words “Secretary of State”;
- (b) for paragraph (3) there shall be substituted the following paragraph:—

“(3) If the Secretary of State is of the opinion that it is not in the interests of the health service for a person appointed as a chairman or non-executive director of an NHS trust to continue to hold that office, the Secretary of State may forthwith terminate that person’s tenure of office.”; and

(c) in paragraph (5)—

- (i) in sub-paragraph (a) for the words “appointing authority” there shall be substituted the words “Secretary of State”, and
- (ii) in sub-paragraph (b) for the words from “appointing authority” to “that he” there shall be substituted the words “Secretary of State that at the time of that person’s appointment he was so disqualified, he shall forthwith declare that the person”.

(7) In regulation 12(5) (cessation of disqualification under regulation 11(1)(d))—

- (a) for the words “the appointing authority” there shall be substituted the words “the Secretary of State”; and
- (b) the words “or by that appointing authority” shall be omitted.

Signed by authority of the Secretary of State for Health

5th July 1996

Gerald Malone
Minister of State
Department of Health

8th July 1996

William Hague
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service Trusts (Membership and Procedure) Regulations 1990 (“the 1990 Regulations”) which make provision in connection with the membership and procedure of NHS trusts established under Part I of the National Health Service and Community Care Act 1990.

Regulation 3 of the 1990 Regulations is amended to require that all non-executive directors of NHS trusts in England and Wales are to be appointed by the Secretary of State (regulation 2(3)). (Until the abolition of Regional Health Authorities in April 1996, two of the non-executive directors of each NHS trust in England were appointed by one of those Authorities.) In consequence of this change, references to the “appointing authority” are amended in regulations 7, 8, 9 and 12 of the 1990 Regulations, which are concerned with the tenure of office of directors and the removal of disqualification for appointment as a chairman or director (regulation 2(4)-(7)), and the definition of “appointing authority” is omitted in regulation 1(2) of the 1990 Regulations (regulation 2(2)).