
STATUTORY INSTRUMENTS

2012 No. 1290

The Health Education England Regulations 2012

Disability of members in proceedings on account of pecuniary interest

13.—(1) This paragraph applies where a member has a pecuniary interest, direct or indirect, in a contract, proposed contract or other matter and is present at a meeting of HEE at which the contract, proposed contract or other matter is the subject of consideration.

(2) Subject to the following provisions of this regulation, where paragraph (1) applies in respect of a member, the member must at the meeting and as soon as practicable after its commencement, disclose the interest and must not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it.

(3) The Secretary of State may, subject to such conditions as the Secretary of State thinks fit to impose, remove a disability imposed by this regulation if the Secretary of State thinks it is in the interests of the health service to do so.

(4) HEE may, by standing orders made under regulation 12(2), provide for the exclusion of a member from a meeting of HEE while any contract, proposed contract or other matter in which the member has a pecuniary interest, direct or indirect, is under consideration.

(5) Any remuneration, compensation or allowances payable to a member by virtue of paragraph 2 of Schedule 6 to the Act (pay and allowances) is not a pecuniary interest for the purposes of this regulation.

(6) Subject to paragraphs (3) and (7), the member must be treated for the purposes of this regulation as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or his or her nominee, is a director of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) the member is a partner of, or is in the employment of, a person with whom the contract was made, or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two individuals living together as a couple (whether married or in a civil partnership or not) the interest of one is, if known to the other, to be taken for the purpose of this regulation as also being an interest of the other.

(7) A member is not to be treated as having a pecuniary interest in a contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body if the member has no beneficial interest in securities of the company or other body; or
- (b) of an interest in a company, body or person with which the member is connected as mentioned in paragraph (6) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to the contract, proposed contract or other matter.

(8) Where a member—

- (a) has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body;
- (b) the total nominal value of the securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the lesser; and
- (c) if the share capital is of more than one class, the total nominal value of shares of any one class in which the person has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class,

this regulation does not prohibit the member from taking part in the consideration or discussion of the contract, proposed contract or other matter, or from voting on any question with respect to it, but, in such circumstances the member must nonetheless disclose their interest.

(9) This regulation applies, subject to such directions as may be given by the Secretary of State—

- (a) to a committee or sub-committee as it applies to HEE; and
- (b) to a member of a committee or sub-committee (whether or not the person is a member of HEE) as it applies to a member of HEE.

(10) In this regulation—

“securities” means—

- (a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in a share or debenture; or
- (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, an industrial or provident society or building society;

“shares” means shares in the share capital of a company or other body or the stock of a company or other body.