

Status: Point in time view as at 01/04/2008.

Changes to legislation: National Health Service Act 2006, Cross Heading: Board of Governors is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 7 **E+W**

CONSTITUTION OF PUBLIC BENEFIT CORPORATIONS

Board of Governors

- 7 (1) A public benefit corporation has a board of governors.
- (2) Only members of the corporation and persons appointed under the following provisions may become or continue as members of the board.
- (3) The members of the board other than the appointed members must be chosen by election.
- (4) Members of a constituency or, where there are classes within it, members of each class may elect any of their number to be a member of the board.
- 8 (1) The following may not become or continue as members of the board of governors—
- (a) a person who has been adjudged bankrupt or whose estate has been sequestrated and (in either case) has not been discharged,
 - (b) a person who has made a composition or arrangement with, or granted a trust deed for, his creditors and has not been discharged in respect of it,
 - (c) a person who within the preceding five years has been convicted in the British Islands of any offence if a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine) was imposed on him.
- (2) The constitution may make further provision as to the circumstances in which a person may not become or continue as a member of the board.
- 9 (1) More than half of the members of the board of governors must be elected by members of the corporation other than those who come within paragraph 3(1)(b).
- (2) At least three members of the board must be elected by the staff constituency or, where there are classes within it, at least one member of the board must be elected by each class and at least three members must be elected altogether.
- (3) At least one member of the board must be appointed by a Primary Care Trust for which the corporation provides goods or services.
- (4) At least one member of the board must be appointed by one or more qualifying local authorities.
- (5) A qualifying local authority is a local authority for an area which includes the whole or part of an area specified in the constitution as the area for a public constituency.
- (6) If any of the corporation's hospitals includes a medical or dental school provided by a university, at least one member of the board must be appointed by that university.

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- (7) An organisation specified in the constitution as a partnership organisation may appoint a member of the board.
- 10 (1) An elected member of the board of governors may hold office for a period of three years.
- (2) Such a member is eligible for re-election at the end of that period.
- (3) But such a member ceases to hold office if he ceases to be a member of the corporation.
- 11 The corporation may pay travelling and other expenses to members of the board of governors at rates decided by the corporation.
- 12 The constitution must provide for the chairman of the corporation or (in his absence) another person to preside at meetings of the board of governors.
- 13 (1) The constitution must provide for meetings of the board of governors to be open to members of the public.
- (2) But the constitution may provide for members of the public to be excluded from a meeting for special reasons.
- 14 (1) The constitution must make provision as to—
- (a) the conduct of elections for membership of the board,
 - (b) the appointment of persons to membership,
 - (c) the practice and procedure of the board,
 - (d) the removal of a member from office.
- (2) The constitution may make further provision about the board.

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