
STATUTORY INSTRUMENTS

1997 No. 2990

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service Trusts (Membership
and Procedure) Amendment Regulations 1997**

Made - - - - *15th December 1997*
Laid before Parliament *16th December 1997*
Coming into force - - *6th January 1998*

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 section 126(4) 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 1997 and shall come into force on 6th January 1998.

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 9(4) (termination of tenure of office of chairman and non-executive directors) for the words “six months” there shall be substituted the words “three months”.

(3) In regulation 11 (disqualification for appointment of chairman and non-executive directors)—

(a) paragraph (1)(g) shall be omitted; and

(b) after paragraph (4), there shall be added the following paragraph—

(1) 1977 c. 49 (“the 1977 Act”); section 126(4) was amended 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) of the 1977 Act, 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 and S.I. 1996/1755.

Status: This is the original version (as it was originally made).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

“(5) A person shall not be disqualified by paragraph (1)(e) from being the non-executive director of an NHS trust by reason of being a chairman or non-officer member of the National Blood Authority or the National Health Service Supplies Authority.”.

Signed by authority of the Secretary of State for Health.

15th December 1997

Alan Milburn
Minister of State,
Department of Health

15th December 1997

Ron Davies
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.

The amendment made to Regulation 9(4) of the 1990 Regulations will allow the Secretary of State to terminate the tenure of office of a chairman or non-executive director of an NHS trust if the individual concerned has not attended a meeting of the trust for 3 months (the current requirement being 6 months).

The amendments made to Regulation 11 of the 1990 Regulations—

- (a) will allow a person holding a paid appointment or office with a trade union which represents the interests of members which are employed by a health service body to be the chairman or non-executive director of an NHS trust, and
- (b) will allow a chairman or non-officer member of the National Blood Authority or the National Health Service Supplies Authority to be a non-executive director of an NHS trust.