
STATUTORY INSTRUMENTS

1997 No. 2991

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Health Authorities (Membership and
Procedure) Amendment Regulations 1997**

<i>Made</i>	- - - -	<i>15th December 1997</i>
<i>Laid before Parliament</i>		<i>16th December 1997</i>
<i>Coming into force</i>	- -	<i>6th January 1998</i>

The Secretary of State for Health, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 126(4) and 128(1) of, and paragraph 12 of Schedule 5 to, the National Health Service Act 1977(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 Health Authorities (Membership and Procedure) Amendment Regulations 1997 and shall come into force on 6th January 1998.

(2) In these Regulations “the principal Regulations” means the Health Authorities (Membership and Procedure) Regulations 1996(2).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 8(5) (termination of tenure of office) for the words “six months” substitute the words “three months”.

(3) In regulation 10 (disqualification for appointment)—

(1) 1977 c. 49. Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 65(2); section 128(1) was amended by the 1990 Act, section 26(2) and is cited for the definitions of “prescribed” and “regulations”; paragraph 12 of Schedule 5 was amended by the 1990 Act, Schedule 1, paragraph 9 and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 60(e). For the definition of “authority” used in paragraph 12 of Schedule 5, see paragraph 8 of Schedule 5; paragraph 8 of Schedule 5 was amended by the Health Services Act 1980 (c. 53), section 1(7) and Schedule 1, paragraph 80(2), further amended by the 1990 Act, Schedule 1, paragraph 6, and further amended by the 1995 Act, Schedule 1, paragraph 60(a).

(2) S.I. 1996/707.

- (a) in paragraph (1) omit sub-paragraph (1); and
- (b) for paragraph (4) substitute the following paragraph—
 - “(4) A person shall not be disqualified under paragraph (1)(j) by virtue of holding any paid appointment or office where—
 - (a) he holds a post in a university; or
 - (b) he is a person providing general medical services under the 1977 Act⁽³⁾, and the paid appointment or office is a part-time appointment or office, other than as chairman or as a director, with an NHS trust.”.

(4) In Schedule 2 (Special Health Authorities of which the chairman and members are not disqualified under regulation 10(1)(g))—

- (a) after “Mental Health Act Commission” insert—
 - “National Blood Authority”; and
- (b) after “National Health Service Supplies Authority” insert—
 - “Prescription Pricing Authority”.

Amendment of Regulations relating to Membership and Procedure of Special Health Authorities

3. The regulations specified in the Schedule to these Regulations shall have effect subject to the amendments specified in that Schedule.

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

(3) See, for the definition of “the 1977 Act”, regulation 1(2) of the principal Regulations.

SCHEDULE

Regulation 3

AMENDMENT OF REGULATIONS RELATING TO MEMBERSHIP AND PROCEDURE OF SPECIAL HEALTH AUTHORITIES

1. After paragraph (b) of regulation 5 of the Welsh Health Common Services Authority Regulations 1990(4) (application of regulations) there shall be inserted the following paragraph—

“(bb) for the words “six months” in regulation 11(4) there were substituted the words “three months”.”

2. After paragraph (b) of regulation 8 of the United Kingdom Transplant Support Service Authority Regulations 1991(5) (application of regulations relating to membership and procedure) there shall be inserted the following paragraph—

“(bb) for the words “six months” in regulation 11(4) there were substituted the words “three months”.”

3. After paragraph (b) of regulation 5 of the National Health Service Supplies Authority Regulations 1991(6) (application of regulations relating to membership and procedure) there shall be inserted the following paragraph—

“(bb) for the words “six months” in regulation 11(4) there were substituted the words “three months”.”

4. In paragraph 1 of regulation 6 of the National Blood Authority Regulations 1993(7) (application of Regulations relating to membership and procedure) for the words from “as if” to the end of the paragraph substitute the following words—

“as if—

- (i) any reference therein to an Authority included a reference to the Authority;
- (ii) in regulation 11(4) for the words “six months” there were substituted the words “three months”;
- (iii) in regulation 13(1)(a) the reference to paragraph (3) of regulation 11 were a reference to regulation 4(2) of these Regulations;
- (iv) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities.”

5. In paragraph (1) of regulation 5 of the Dental Vocational Training Authority Regulations 1993(8) (application of regulations relating to membership and procedure) for sub-paragraph (b) substitute the following sub-paragraph—

“(b) regulation 6, so far as it applies for the purposes of regulation 4(7)(a) of the 1990 Regulations, but as though—

- (i) the reference to paragraph (6) of regulation 4 were a reference to regulation 3(3) of these Regulations;
- (ii) paragraph (1)(h) were omitted; and
- (iii) at the end of paragraph (3) there were added the following sub-paragraph—

(4) S.I. 1990/2648. Regulation 5 was amended by paragraph 4 of Schedule 5 to the principal Regulations.

(5) S.I. 1991/408. Regulation 8 was amended by paragraph 5 of Schedule 5 to the principal Regulations.

(6) S.I. 1991/2002. Regulation 5 was amended by paragraph 7 of Schedule 5 to the principal Regulations.

(7) S.I. 1993/586. In paragraph (1) of regulation 6, the words from “as if” to the end of the paragraph were inserted by paragraph 8 of Schedule 5 to the principal Regulations.

(8) S.I. 1993/2210. Regulation 5(1)(b) was amended by paragraph 9 of Schedule 5 to the principal Regulations.

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“(d) he is a person providing general medical services under the 1977 Act and the paid appointment or office is a part-time appointment or office, other than as Chairman or as a director, with an NHS trust.”.

6. In the Family Health Services Appeal Authority Regulations 1995**(9)**—
- (a) in regulation 5(4) (termination of tenure of office) for the words “six months” substitute the words “three months”;
 - (b) in regulation 7(1) (disqualification for appointment)
 - (i) in sub-paragraph (e)(ii) for the words “six months” substitute the words “three months”;
 - (ii) omit sub-paragraph (h).
7. In the National Health Service Litigation Authority Regulations 1995**(10)**—
- (a) in regulations 5(4) (termination of tenure of office) for the words “six months” substitute the words “three months”;
 - (b) in regulation 7(1)(e)(ii) (disqualification for appointment) for the words “six months” substitute the words “three months”.
8. In the Ashworth, Broadmoor and Rampton Hospital Authorities (Functions and Membership) Regulations 1996**(11)**—
- (a) in regulation 7(4) (termination and suspension of membership of non-officer members) for the words “six months” substitute the words “three months”;
 - (b) in regulation 8(1) (disqualification for appointment)—
 - (i) in sub-paragraph (e)(ii) for the words “six months” substitute the words “three months”;
 - (ii) omit sub-paragraph (h).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to regulations concerning the membership and procedure of Health Authorities and certain Special Health Authorities.

Regulation 2(2) amends the Health Authorities (Membership and Procedure) Regulations 1996 to require the Secretary of State to terminate the tenure of office of a chairman or non-officer member of a Health Authority if the individual concerned fails, without reasonable excuse, to attend a meeting of the Authority for three months (the previous requirement being six months). The Schedule makes similar amendments for a number of Special Health Authorities.

Regulation 2(3)(a) amends the 1996 Regulations to allow a person to be eligible to be a chairman or non-officer member of a Health Authority even though the person holds a paid appointment or

(9) [S.I. 1995/622](#).

(10) [S.I. 1995/2801](#) to which there are amendments not relevant to these Regulations.

(11) [S.I. 1996/489](#).

office with a trade union which represents the interests of persons who are employed by a health service body. The Schedule makes similar amendments for a number of Special Health Authorities.

Regulation 2(3)(b) amends the 1996 Regulations to allow a person who provides general medical services under the National Health Service Act 1977 to be eligible to be a chairman or non-officer member of a Health Authority even though the person holds a part-time paid appointment or office with an NHS trust (other than as chairman or a director). The Schedule makes a similar amendment for the Dental Vocational Training Authority and corrects a minor drafting error.

Regulation 2(4) amends the 1996 Regulations to allow the chairman and non-officer members of the National Blood Authority and the Prescription Pricing Authority to be eligible to be a chairman or non-officer member of a Health Authority.