

1993 No. 115

NURSES, MIDWIVES AND HEALTH VISITORS**The National Board for Nursing, Midwifery and Health Visiting for Northern Ireland (Constitution and Administration) Order (Northern Ireland) 1993**

Made 10th March 1993

Coming into operation 1st April 1993

The Department of Health and Social Services, in exercise of the powers conferred upon it by sections 5(2)(b) and (d), (6)(b), and (7) to (10) and section 6(1)(da) of the Nurses, Midwives and Health Visitors Act 1979(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland (Constitution and Administration) Order (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

Interpretation

2. In this Order:

“the Act” means the Nurses, Midwives and Health Visitors Act 1979;

“the 1992 Act” means the Nurses, Midwives and Health Visitors Act 1992;

“the Board” means the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland established by section 5(1) of the Act;

“non-executive member” means a person appointed to the Board in any category specified in Article 5(1) and includes the chairman and deputy chairman;

“executive member” means the chief executive officer, the principal professional officer or the principal administrative officer, appointed to the offices specified under Article 3(1) for the purposes of section 5(2)(c) and (d), as the case may be.

(a) 1979 c. 36; section 5(2) to (10) was substituted by section 4 of the Nurses, Midwives and Health Visitors Act 1992 (c. 16) (“the 1992 Act”). Section 5(2) to (7) was adopted in relation to Northern Ireland by section 16 and paragraph 9(4) of Schedule 2 to the 1992 Act. Section 6 was amended by section 5 and paragraph 4 of Schedule 2 to the 1992 Act

Officers of the Board

3.—(1) The Board shall, in addition to appointing a person to act as the chief executive officer of the Board pursuant to section 5(6)(a) of the Act, appoint a person to act as—

- (a) the principal professional officer; and
- (b) the principal administrative officer

of the Board under such conditions of service as the Department may, with the consent of the Department of Finance and Personnel, approve.

(2) A person appointed to act as the chief executive officer or the principal professional officer shall be a registered nurse, practising midwife or health visitor.

(3) No person who is a non-executive member of the Board shall be appointed as a paid officer of the Board.

(4) Where, for any period, the chief executive officer, the principal professional officer or the principal administrative officer of the Board, as the case may be, is suspended from his duties for any reason, the Board shall, for the duration of that period, and subject to the requirements mentioned in paragraphs (1), (2) and (3), appoint an officer of the Board to act in his place as the chief executive officer, the principal professional officer or the principal administrative officer, as the case may be.

Constitution of the Board

4. The persons for the time being appointed to the three offices referred to in Article 3(1) shall be members of the Board.

5.—(1) In addition to the chairman and the persons referred to in Article 4, the Board shall consist of six other members appointed by the Department in accordance with the provisions of the Act and this Order.

(2) When appointing each of those members the Department shall specify the qualification by virtue of which the appointment is made.

6. From among the ten members of the Board there shall be at least:—
- (a) one registered nurse,
 - (b) one practising midwife,
 - (c) one registered health visitor, and
 - (d) one who has qualifications and experience in education in the field of nursing, midwifery or health visiting.

Tenure of office of members

7.—(1) The term of office of a non-executive member appointed by the Department shall be, subject to Article 10, for such period, not exceeding 4 years, as the Department shall specify on appointing him.

(2) Subject to paragraph (3), an executive member shall hold office for so long as he remains the chief executive officer, the principal professional officer or the principal administrative officer, as the case may be, of the Board.

(3) Where for any period, a person mentioned in paragraph (2) ceases to hold a qualification required by virtue of Article 3(2) or is suspended from his duties as chief executive officer, principal professional officer or principal administrative officer, as the case may be, of the Board—

- (a) he shall also be suspended for that period from performing his functions as a member; and
- (b) any person appointed to act in his place as the chief executive officer, the principal professional officer or the principal administrative officer, as the case may be, shall also be appointed to perform his functions as a member of the Board for that period.

Appointment of deputy chairman

8.—(1) The members may appoint one of their number, other than the chairman or an executive member, to be deputy chairman.

(2) The term of office of the deputy chairman shall be the unexpired portion of his term of office as a member, or such shorter period as is specified on his appointment.

(3) The deputy chairman shall perform the duties of the chairman where the chairman has died or ceased to hold office, or is unable to perform his duties for any other reason.

(4) The deputy chairman may at any time resign the office of deputy chairman by giving notice in writing to the chairman, whereupon the members may appoint another of their number as deputy chairman in accordance with the provisions of paragraph (1).

(5) Where the deputy chairman ceases to be a member of the Board, he shall also cease to be deputy chairman.

Termination of tenure of office

9.—(1) This Article applies to the non-executive members of the Board.

(2) A member may resign his office at any time by giving notice in writing to the Department.

(3) Where a member has not attended a meeting of the Board for a period of six months, the Department shall forthwith terminate his appointment unless it is satisfied that—

- (a) the absence was due to a reasonable cause, and
- (b) the member will be able to attend meetings of the Board within such a period as the Department considers reasonable.

(4) The Department may terminate the appointment of a member of the Board if he ceases to hold any qualifications by virtue of which he was appointed.

(5) Where the Department is of the opinion that it is not in the interest of the Board that a member should continue to hold office, it may terminate his tenure of office.

(6) Where a member becomes disqualified under the provisions of the Schedule, the Department shall forthwith notify him in writing of such

disqualification and upon receipt of any such notification his tenure of office shall be terminated and he shall cease to act in any capacity as a member.

(7) Where it comes to the notice of the Department that at the time of a member's appointment he was disqualified under the provisions of the Schedule, the Department shall forthwith declare that he was not duly appointed and shall notify him accordingly and upon receipt of any such notification his tenure of office shall be terminated and the member shall cease to act in any capacity as a member.

Vacant office

10.—(1) Where a non-executive member ceases to be a member of the Board before the end of the period for which he was appointed, the Department shall appoint a person to fill the vacancy left by the former member for the remainder of the period for which he was appointed.

(2) In making an appointment under paragraph (1), the Department shall have regard to the qualification by virtue of which the former member was appointed.

Eligibility for re-appointment

11. Subject to Article 9(6) and (7) and the Schedule, a member of the Board appointed by the Department shall, on the expiration of his term of office, be eligible for re-appointment.

Meetings and procedure

12.—(1) Subject to paragraphs (2) to (7) the Board shall, by means of Standing Orders, regulate its own procedure and that of its committees and may make, vary and revoke such Standing Orders as it may determine.

(2) The Board may act notwithstanding any vacancy among its members.

(3) No defect in the appointment of any member shall invalidate any proceedings of the Board.

(4) The quorum at any meeting of the Board shall consist of 4 members of whom at least two shall be non-executive members, at least one shall be an executive member and at least one shall be a registered nurse, midwife or health visitor.

(5) At any meeting of the Board the chairman, if present shall preside.

(6) If the chairman and deputy chairman are absent, such member (who is not an executive member) as the members present shall choose shall preside.

(7) All acts of, and all matters coming before, the Board shall be done and decided upon by a majority of the members present and voting at the meeting of the Board and, in the case of an equal number of votes, the chairman, the deputy chairman or the presiding member, as the case may be, shall have a second or casting vote.

Committees

13.—(1) The Board may appoint, for the purposes of transacting particular business of the Board, such committees of the Board as it may determine.

(2) A Committee appointed under paragraph (1) may consist wholly or partly of members who are not members of the Board of whom the majority shall be persons who work or have worked in the field with which the committee is principally concerned.

(3) A Committee appointed under this Article shall be governed by the standing orders of the Board made under Article 12(1).

Functions of the Board

15.—(1) The Board shall, in addition to the functions specified in section 6 of the Act, undertake the functions specified in paragraphs (2) and (3).

(2) The Board shall make available, to such extent as it considers appropriate, to the public in Northern Ireland, information about the careers in the professions of nursing, midwifery and health visiting in Northern Ireland.

(3) The Board shall provide, or arrange for others to provide, at institutions approved by the Board—

- (a) courses of education for persons intending to become teachers of nurses, midwives or health visitors; and
- (b) further courses of education for teachers of nurses, midwives or health visitors.

Conflict of interest

14.—(1) Any member of the Board shall, if he is interested directly or indirectly in any body or organisation with which the Board has made or proposes to make any contract or is discussing any matter, shall disclose to the Board the fact and nature of his interest and shall neither take any part in any deliberation or decision of the Board relating to that contract or matter nor vote thereon: and such disclosure shall immediately be recorded in the minutes of the Board.

(2) In this Article reference to the Board shall include reference to any committee or sub-committee of the Board.

Employees of the Board

16.—(1) Subject to such directions as may be given by the Department, the Board may employ such staff (other than officers appointed under Article 3) and under such conditions of service as the Board may determine.

(2) Directions given by the Department in pursuance of paragraph (1) shall be made in writing and may include—

- (a) the qualifications of persons who may be employed as officers of the Board;
- (b) the qualifications or experience which officers must possess for the purpose of performing any functions specified in the directions; and
- (c) the manner in which any officers of the Board are to be appointed.

Documents

17. A document purporting to be duly executed under the seal of the Board or to be signed on its behalf shall be received in evidence and shall be deemed to be so executed or signed unless the contrary is proved.

Revocations

18.—(1) The following orders insofar as they extend to Northern Ireland are hereby revoked:—

- (a) the Nurses, Midwives and Health Visitors Act, 1979 (Membership of National Boards) Order 1982(a),
- (b) the Nurses, Midwives and Health Visitors (Health Visiting Joint Committee) Order 1982(b),
- (c) the Nurses, Midwives and Health Visitors (Midwifery and Finance Committees of National Boards) Order 1982(c),
- (d) the Nurses, Midwives and Health Visitors (District Nursing Joint Committee) Order 1983(d).

(2) The Local Training Committee of the National Board Order (Northern Ireland) 1983 is hereby revoked(e).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 10th March 1993.

(L.S.)

F. Green

Assistant Secretary

(a) S.I. 1982/962
(b) S.I. 1982/1568
(c) S.I. 1982/1569
(d) S.I. 1983/724
(e) S.R. 1983/132

Disqualification for Appointment

1.—(1) A person shall be disqualified for appointment as a member of the Board if—

- (a) he is a member of either house of parliament of the United Kingdom;
- (b) he is a member of the Northern Ireland Assembly;
- (c) he has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (d) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
- (e) he has been dismissed, otherwise than by reason of redundancy, from any paid employment.

(2) For the purposes of paragraph 1(c), the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

(3) For the purposes of paragraph 1(e), a person shall not be treated as having been in paid employment by reason only of his chairmanship or membership of a relevant body.

(4) For the purposes of this Schedule, “relevant body” means—

- (a) a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(a) or a Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b);
- (b) the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Health and Personal Social Services (Northern Ireland) Order 1972;
- (c) a health authority or a Family Health Services Authority respectively established under sections 8 and 10 of the National Health Service Act 1977(c);

(a) S.I. 1972/1265 (N.I. 14)

(b) S.I. 1991/194 (N.I. 1)

(c) 1977 c. 49. Section 8 was amended by the Health Service Act 1983 (c. 53), Schedule 1 paragraph 28, the Health and Social Services and Social Security Adjudication Act 1983 (c. 41), Schedule 10 and the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 10; section 10 was substituted by the Health and Social Security Act 1984 (c. 48), section 5(1) and further amended by the 1990 Act, section 2

- (d) an NHS Trust established under section 5 of the National Health Service and Community Care Act 1990(a);
- (e) a Health Board, a Special Health Board, the Common Services Agency for the Scottish Health Service or an NHS Trust respectively constituted under sections 2, 10 and 12A of the National Health Service (Scotland) Act 1978(b);
- (f) a State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984(c);
- (g) The Dental Practice Board(d) or Scottish Dental Practice Board(e);
- (h) The Public Health Laboratory Service Board(f); and
- (i) The National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970(g).

(a) 1990 c. 19

(b) 1978 c. 29. Section 2 was amended by the Health and Social Services and Social Security Adjudication Act 1983 (c. 41), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 28; section 10 was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 2; section 12A was inserted by the 1990 Act, section 31

(c) 1984 c. 36

(d) See section 37 of the National Health Service Act 1977 (c. 49) as amended by section 12(1) and Schedule 3 of the Health and Medicines Act 1988 (c. 49)

(e) See section 4 of the National Health Service (Scotland) Act 1978 (c. 29)

(f) See section 5(4) of the National Health Service Act 1977 (c. 49) as amended by section 1 of the Public Health Laboratory Service Act 1979 (c. 23)

(g) 1970 c. 46

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order makes provisions concerning the constitution and administration of the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland ("the Board") established under section 5(1) of the Nurses, Midwives and Health Visitors Act 1979 ("the principal Act").

In particular this Order provides for the appointment of Senior Officers of the Board (Article 3); the constitution and appointment of the Board (Articles 4, 5 and 6); the tenure of office of the members of the Board (Article 7); the appointment of a deputy chairman of the Board (Article 8); the termination of tenure of office of members of the Board (Article 9); the eligibility for re-appointment of a member to the Board (Article 11); the procedure at meetings of the Board (Article 12); the appointment of committees (Article 13); conflict of interest (Article 14); the additional functions to those specified in section 6 of the principal Act (Article 15); the appointment of employees of the Board (Article 16); the documents sealed or signed on behalf of the Board to be received in evidence (Article 17); and the disqualifications which debar the appointment of a person to the Board (Schedule).

1993 No. 116

**Road Races (Spelga Hill Climb) Order
(Northern Ireland) 1993**

This Order, being of a temporary character, is not printed at length in this volume.