
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 301

**The National Health Service Trusts (Membership
and Procedure) (Scotland) Regulations 2001**

PART IV

PROCEEDINGS

Conflict of interest

12.—(1) Subject to such exceptions and qualifications as may, with the approval of the Scottish Ministers, be specified in standing orders, if a director, or any associate of theirs has any pecuniary or other interest, direct or indirect, in any contract or proposed contract (not being a contract for the provision of any of the services mentioned in Part II of the Act) or other matter, and that director is present at a meeting of the management team or of a committee of a NHS trust at which the contract or other matter is the subject of consideration, they shall at the meeting, and as soon as practicable after its commencement, disclose the fact, and shall not take part in the consideration and discussion of, the contract, proposed contract or other matter or vote on any question with respect to it.

(2) The Scottish Ministers may, subject to such conditions as they may think fit to impose, remove any disability imposed by this regulation in any case in which it appears to them in the interests of the national health service that the disability should be removed.

(3) Any remuneration, compensation or allowances payable to a director by virtue of paragraphs 9, 16(d), and 20 of Schedule 7A to the Act⁽¹⁾ shall not be treated as a pecuniary interest for the purpose of this regulation.

(4) A director shall not be treated as having an interest in any contract, proposed contract or other matter by reason only that they, or an associate of theirs, has an interest in any company, body or person which is so remote or insignificant that they cannot reasonably be regarded as likely to effect any influence in the consideration or discussion of or in voting on, any question with respect to that contract or matter.

(5) This regulation applies to a committee of a NHS trust as it applies to the management team and applies to any member of any such committee (whether or not they are also a director of the NHS trust) as it applies to a director of the NHS trust.

(6) For the purposes of this regulation, the word "associate" has the meaning given by section 74 of the Bankruptcy (Scotland) Act 1985⁽²⁾.

(1) Schedule 7A was inserted by the 1990 Act, section 31.

(2) 1985 c. 66. Section 74 was amended by the Bankruptcy (Scotland) Regulations 1985 (S.I.1985/1925), regulation 11.