
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 285

**The Public Bodies (Joint Working) (Integration
Joint Boards) (Scotland) Order 2014**

Disqualification

8.—(1) A person to whom paragraph (2) applies is disqualified from being a member of an integration joint board.

(2) The persons to whom this paragraph applies are—

- (a) a person who has within the period of five years immediately preceding the proposed date of appointment been convicted of any criminal offence in respect of which the person has have received a sentence of imprisonment (whether suspended or not) for a period of not less than three months (without the option of a fine);
- (b) a person who has been removed or dismissed for disciplinary reasons from any paid employment or office with a Health Board or local authority;
- (c) a person who is insolvent;
- (d) a person who has been removed from a register maintained by a regulatory body, other than where the removal was voluntary; and
- (e) a person who has been subject to a sanction under section 19(1)(b) to (e) of the Ethical Standards in Public Life etc. (Scotland) Act 2000(1).

(3) For the purposes of paragraph (2)(a) the date of conviction shall be deemed to be the date on which the days of appeal expire without any appeal having been lodged, or if an appeal has been made, the date on which the appeal is finally disposed of or treated as having been abandoned.

(4) In this article—

- (a) a person is “insolvent” if—
 - (i) the person’s estate is sequestered;
 - (ii) the person is adjudged bankrupt;
 - (iii) the person enters a trust deed for creditors;
 - (iv) an individual voluntary arrangement proposed by the person is approved under Part 8 of the Insolvency Act 1986(2);
 - (v) the person enters into a debt payment programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002(3) as the debtor; or
 - (vi) a bankruptcy restrictions order has been made under section 56A(1) of the Bankruptcy (Scotland) Act 1985(4) or section 281A of, and Schedule 4A to, the Insolvency Act 1986(5) in respect of the person; or

(1) 2000 asp 7.

(2) 1986 c.45, as relevantly amended by the Insolvency Act 2000 (c.39), Schedule 3 and by S.I. 2010/18.

(3) 2002 asp 17, as relevantly amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), sections 211 and 212; the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11), section 53 and by S.S.I. 2011/141.

(4) 1985 c.66. Section 56A was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 2(1).

(5) Section 281A and Schedule 4A were inserted by the Enterprise Act 2002 (c.40), section 257 and Schedule 20.

- (vii) the person has given a bankruptcy restrictions undertaking under section 56G(1) of the Bankruptcy (Scotland) Act 1985(6) or section 281A of, and Schedule 4A to, the Insolvency Act 1986;
- (b) the term “regulatory body” means any of the following—
 - (i) the Registrar of Chiropractors;
 - (ii) the registrar of the General Dental Council;
 - (iii) the registrar of the General Medical Council;
 - (iv) the registrar of the General Optical Council;
 - (v) the Registrar of the General Pharmaceutical Council;
 - (vi) the Registrar of the Health and Care Professions Council;
 - (vii) the Registrar of the Nursing and Midwifery Council;
 - (viii) the Registrar of Osteopaths; or
 - (ix) the Scottish Social Services Council;
- (c) a “voluntary” removal from a register maintained by a regulatory body includes removal by reason of retirement or otherwise ceasing to practice as a regulated professional.

(6) Section 56G was inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 2(1).