

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 5.

CONSTITUTION ETC. OF NATIONAL BOARDS

PART I

NOMINATION OF MEMBERS OF CENTRAL COUNCIL BY NATIONAL BOARDS

- 1
- (1) The Central Council shall, within the period of two years following the coming into force of section 1(1) of this Act, submit an electoral scheme to the Secretary of State for his approval, and the Secretary of State shall, if he approves it, give effect to the scheme by order.
 - (2) The Council shall by the scheme determine as respects each Board the professional, residential or other qualifications which a person must have to be eligible to vote or be elected in the election held under the scheme.
 - (3) The scheme may be varied from time to time by the Central Council, subject to the approval of the Secretary of State to be signified by order.
 - (4) No order shall be made under this paragraph unless a draft of the order has been approved by resolution of each House of Parliament.

PART II

OTHER PROVISIONS WITH RESPECT TO NATIONAL BOARDS

Tenure of office of members and chairmen

- 2
- (1) With effect from the appointed day, members of each of the Boards shall hold office for a period prescribed by the Secretary of State by order, being not less than 3 and not more than 5 years.
 - (2) Such an order may make different provision with regard to elected and appointed members respectively.
- 3
- (1) Where the place of a member becomes vacant before the expiration of his term of office (whether by death, resignation or otherwise) the vacancy shall be filled—

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- (a) if the former member was an elected member, by an appointment made by the Secretary of State of a person (proposed by the Board) who would be qualified for election to that place;
- (b) if the former member was appointed by the Secretary of State, by an appointment made by the Secretary of State having regard to the qualification by virtue of which the former member was appointed.
- (2) Persons so appointed shall (subject to paragraph 4(2) and (3)) hold office for the remainder of the term of office of the former member.
- 4
- (1) If the chairman or deputy chairman of a Board ceases to be a member of that Board, he shall also cease to be chairman or deputy chairman.
- (2) Where a member of a Board or of any of its committees is absent from meetings for more than 6 months consecutively or is disqualified from practising as a nurse, midwife or health visitor, the Board may by resolution declare his office to be vacant.
- (3) An elected member, or a member appointed under paragraph 3(1)(a) who ceases to hold the qualification by virtue of which he was elected or appointed shall cease to be a member and his place shall become vacant.
- 5
- (1) In Part III of Schedule 1 to the ^{M1} House of Commons Disqualification Act 1975 (disqualifying offices), the following entry is inserted at the appropriate place in alphabetical order— “ Chairman of any of the National Boards constituted under the Nurses, Midwives and Health Visitors Act 1979, if appointed by the Secretary of State under section 5(8)(a) of that Act. ”
- (2) In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, in Part III the following entry is inserted at the appropriate place in alphabetical order— “ Chairman of the National Board of Nursing, Midwifery and Health Visiting for Northern Ireland ”.

Modifications etc. (not altering text)

C1 The text of s. 23(4)(5), Sch. 1 Pt. II para. 5, Sch. 2 Pt. II para. 5, Sch. 7, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

Marginal Citations

M1 1975 c 24.

Procedure

- 6
- (1) A Board may act notwithstanding—
- (a) any vacancy among its members, or
- (b) that in consequence of one or more vacancies, the elected members cease to form the majority of the total membership of the Board.

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- (2) At any meeting of a Board the quorum shall be 15 members (10 in the case of the Board for Northern Ireland).
- (3) A Board may constitute committees of itself, for the purpose of transacting particular business of the Board.
- (4) A Board may appoint as members of such committees persons who are not members of the Board; but not more than one-third of the members of such a committee shall be persons appointed by virtue of this sub-paragraph.
- (5) A Board may, by means of standing orders, regulate its own procedure and that of its standing and other committees and may, to such extent and in such cases as may be permitted or required by orders of the Secretary of State and by its standing orders, act through those standing and other committees and through joint committees constituted by or under section 8:

Provided that standing orders shall not be made by a Board so as to conflict with any rules of the Central Council.
- (6) No defect in the appointment of any member shall invalidate any proceedings of a Board, or of any of its standing or other committees.

Remuneration, allowances and pensions

- 7 A Board may pay—
- (a) to its employees such remuneration, and make such provision for the payment of pensions, allowances or gratuities to or in respect of them, as the Secretary of State may, with the consent of the Minister for the Civil Service, approve;
 - (b) to its chairman and members and to other persons appointed to serve on its standing and other committees, such travelling and other allowances as the Secretary of State may determine with the approval of the Minister for the Civil Service.

Modifications etc. (not altering text)

- C2** Sch. 2 Pt. II para. 7 amended (transfer of functions from the Minister for the Civil Service to the Treasury) by S.I. 1981/1670, arts. 2(1), 3(5)

Documents

- 8 A document purporting to be duly executed under the seal of a 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.

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