

1973 No. 1286

NATIONAL HEALTH SERVICE, ENGLAND AND WALES
**The National Health Service (Regional and Area Health
 Authorities: Membership and Procedure) Regulations 1973**

<i>Made</i>	- - -	<i>25th July 1973</i>
<i>Laid before Parliament</i>		<i>1st August 1973</i>
<i>Coming into Operation</i>		<i>22nd August 1973</i>

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred upon them by sections 6, 7(4) and 58(3) of, and Schedule 1 to, the National Health Service Reorganisation Act 1973(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I
 GENERAL

Citation and Commencement

1. These regulations may be cited as the National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973 and shall come into operation on 22nd August 1973.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

“the Act of 1946” means the National Health Service Act 1946(b);

“the Act of 1973” means the National Health Service Reorganisation Act 1973;

“appointing authority” means the Secretary of State, Regional Health Authority or local authority as appropriate;

“Area Authority” means an Area Health Authority;

“Authority” means a Regional Health Authority or an Area Health Authority;

“health authority” means any one of the following authorities:—

a Regional Health Authority, an Area Health Authority, a special health authority, a Preserved Board, a Regional Hospital Board, a Hospital Management Committee, a Board of Governors of a teaching hospital, an Executive Council or a local health authority;

(a) 1973 c. 32.

(b) 1946 c. 81.

“local authority” in relation to any Area Authority means a local authority specified, in the Order constituting the Area Authority, as entitled to make appointments to that Authority;

“member” means the chairman or other member of an Authority and members shall be construed accordingly;

“Regional Authority” means a Regional Health Authority;

“securities” and “shares” have the same meanings respectively as in the Prevention of Fraud (Investments) Act 1958(a);

and any other expression to which a meaning is assigned by the Act of 1946 has that meaning in these regulations.

(2) In regulation 14 of these regulations “public body” includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907(b).

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

PART II

MEMBERSHIP

Term of office of members of Regional Authorities

3.—(1) Subject to the following provisions of these regulations, the term of office of members of a Regional Authority shall be 4 years expiring on 31st March in any year.

(2) Where a Regional Authority is established before 1st April 1974 one half of the original members shall be appointed for a period ending on 31st March 1976 and the remainder for a period ending on 31st March 1978.

(3) Where a Regional Authority is established after 31st March 1974 one half of the original members shall be appointed for such period, not exceeding two years, expiring on the 31st March in any year, as the Secretary of State shall in the case of each Authority determine and the remainder shall be appointed for a period two years greater than the period of office of the first half of the original members.

(4) For the purposes of this regulation, in the case of a Regional Authority established with an uneven number of members, one half of the members shall be calculated by reference to the number of such members other than the chairman and the period of office of the original chairman of a Regional Authority shall in all cases be that prescribed for the remainder of the original members.

(a) 1958 c. 45.

(b) 1907 c. cxxxvi.

(c) 1889 c. 63.

Term of office of members of Area Authorities appointed by the Secretary of State or by a Regional Authority

4.—(1) Subject to the following provisions of these regulations, the term of office of members of an Area Authority in England appointed by the Secretary of State or by a Regional Authority and of an Area Authority in Wales appointed by the Secretary of State (hereafter in this regulation all referred to as “Health Authority appointed members”) shall be 4 years expiring on 31st March in any year.

(2) Where an Area Authority is established in England before 1st April 1977 the original Health Authority appointed members shall be appointed for a period ending on 31st March 1977 and one half of the Health Authority appointed members whose appointments take effect from 1st April 1977 shall be appointed for a period ending on 31st March 1979 and the remainder of such members shall be appointed for a period ending on 31st March 1981.

(3) Where an Area Authority is established in Wales before 1st April 1974 one half of the original Health Authority appointed members shall be appointed for a period ending on 31st March 1976 and the remainder of such members shall be appointed for a period ending on 31st March 1978.

(4) Where an Area Authority is established in Wales after 31st March 1974 and in England after 31st March 1977 one half of the original Health Authority appointed members shall be appointed for such a period, not exceeding two years expiring on the 31st March in any year as the Secretary of State shall, in the case of such Authority, determine and the remainder of such members shall be appointed for a period two years greater than the period of office of the first half of such original members.

(5) For the purposes of this regulation in the case of an Area Authority established with an uneven number of Health Authority appointed members one half of such members shall be calculated by reference to the number of those members other than the chairman and the period of office of the original chairman of an Area Authority shall in all cases be that prescribed for the remainder of the Health Authority appointed members.

Term of Office of members of Area Authorities appointed by a local authority

5. Subject to the following provisions of these regulations, the term of office of members of an Area Authority appointed by a local authority shall be for so long as they are members of the appointing authority or for such shorter period as the appointing authority may determine on making the appointment:

Provided that it shall be open to a local authority to terminate the appointment of a member appointed by that authority at any time if it appears to such authority to be in the interests of the national health service in the area that another member of the local authority should be appointed in place of that member.

Variation of membership of Authorities

6.—(1) Where the number of members of any Authority is increased at any time the term of office of an original additional member shall be for such period, not exceeding 4 years, expiring on 31st March in any year, as the Secretary of State shall, in each case, determine.

(2) Where, for any reason, a person ceases to be a member before the expiration of the period for which he was appointed, the term of office of any member appointed in his place shall be the remainder of such period and consultation in accordance with Schedule 1 to the Act of 1973 shall not be required with respect to such an appointment.

(3) Where a person is appointed chairman of an Authority of which he is already a member he shall thereupon cease to be a member of that Authority by virtue of any appointment that preceded his appointment as chairman.

Eligibility of members for re-appointment

7. Subject to the provisions of regulation 8 of these regulations a member shall, on the expiration of his term of office, be eligible for reappointment.

Disqualification from membership

8.—(1) A person shall be disqualified for appointment to or being a member of an Authority if he—

- (a) is a person who within the preceding five years has 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; or
- (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
- (c) being a person who has held any paid appointment or office, other than an appointment as chairman, with any health authority, has been dismissed from such appointment or office otherwise than by reason of redundancy; or
- (d) being a person whose name has been included in any list prepared under Part IV of the Act of 1946, has had his name removed from the list under the provisions of Section 42 of that Act and has not subsequently has his name restored to such list.

(2) For the purposes of paragraph (1)(a) of this regulation the ordinary date on which the 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 the non-prosecution thereof shall be deemed to be the date of the conviction.

(3) Where a person is disqualified under paragraph (1)(b) of this regulation, then—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and

(c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(4) Where a person is disqualified under the said paragraph (1)(b) by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

Termination of membership

9.—(1) Any member may resign at any time during the period for which he was appointed on giving notice in writing to the appointing authority by which he was appointed.

(2) If a member has not attended a meeting of the Authority to which he belongs or a committee or sub-committee thereof for a period of six months the Secretary of State after consultation with any other appointing authority by which that member was appointed shall, unless satisfied that the absence was due to illness or other reasonable cause, declare that his place on the Authority has become vacant and that person shall forthwith cease to be a member.

(3) A member being either—

(a) a person who, holding any paid appointment or office with any health authority, resigns from such appointment or office, or

(b) a person, whose name being included in any list prepared under Part IV of the Act of 1946, has his name withdrawn from such list on his own application,

shall, if the Secretary of State so directs, cease to be a member.

(4) Where a member becomes disqualified from membership under regulation 8 of these regulations or, having been so disqualified at the time of his appointment the fact comes to the knowledge of the appointing authority by which he was appointed, he shall forthwith cease to be a member.

(5) If the Secretary of State is of the opinion that any member has failed to comply with regulation 14(1) of these regulations he may terminate the appointment of that member who shall, on such termination, forthwith cease to be a member.

(6) If an appointing authority, other than a local authority, is of the opinion that it is not in the interest of the national health service that a person whom it has appointed as a member should continue to be a member, the appointing authority, with the consent of the Secretary of State in the case of a person appointed by a Regional Authority, may terminate the appointment of that member who shall, on such termination, forthwith cease to be a member.

PART III

CONSTITUTION AND PROCEEDINGS

Election of vice-chairman

10. The members of an Authority shall elect one of their number other than the chairman to be vice-chairman for a period of one year or where the period of his membership of the Authority during which he is elected has less than a year to run, for the remainder of such period:

Provided that any member so elected may at any time resign from the office of vice-chairman by giving notice in writing to the chairman and the members of the Authority shall thereupon elect another of their members as vice-chairman in accordance with the provisions of this regulation.

Appointment of committees and sub-committees

11.—(1) Subject to any directions by the Secretary of State, an Authority may, and if directed as aforesaid shall, appoint committees of the Authority, or together with one or more other health authorities appoint joint committees, consisting in either case wholly or partly of persons who are members of the Authority or authorities.

(2) A committee or joint committee appointed under this regulation may, subject to such directions as may be given by the Secretary of State or the appointing authority or authorities, appoint sub-committees consisting wholly or partly of members of the committee or joint committee.

Arrangements for the exercise of functions

12. Subject to any directions by the Secretary of State, an Authority may make arrangements for the exercise, on behalf of the Authority, of any of their functions by a committee, sub-committee or joint committee appointed by virtue of regulation 11 of these regulations or by an officer of the Authority, in each case subject to such restrictions and conditions as the Authority thinks fit or as the Secretary of State may direct.

Meeting and proceedings

13.—(1) The meetings and proceedings of an Authority shall be conducted in accordance with the rules set out in the Schedule to these regulations and with Standing Orders made under the next following paragraph of this regulation.

(2) Subject to the aforesaid rules, to regulation 14 of these regulations and to such directions as may be given by the Secretary of State an Authority shall make, and may vary or revoke, Standing Orders for the regulation of their proceedings and business and provision may be made in such Standing Orders for the suspension thereof.

(3) Subject to such directions as may be given by the Secretary of State an Authority may, on its own in the case of a committee or sub-committee of the Authority or jointly with other appointing authorities in the case of a joint committee or sub-committee thereof, make vary and revoke Standing Orders respecting the quorum, proceedings and place of meeting of such committee, joint committee or sub-committee but subject to any such Standing Order the quorum, proceedings and place of meeting shall, subject to such directions as aforesaid, be such as the committee, joint committee or sub-committee may determine.

Disability of members in proceedings on account of pecuniary interests

14.—(1) Subject to the following provisions of this regulation, if a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

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

(3) An Authority may by Standing Orders, made by virtue of regulation 13 of these regulations provide for the exclusion of a member from a meeting of the Authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to a chairman or other member by virtue of paragraph 9 of Schedule 1 to the Act of 1973 shall not be treated as a pecuniary interest for the purpose of this regulation.

(5) For the purposes of this regulation a member shall be treated, subject to paragraph (2) hereof and the next following paragraph, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if—

(a) he or a nominee of his is a member of a company or other body not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

and in the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this regulation to be also an interest of the other.

(6) A member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

(a) of his membership of a company or other body if he has no beneficial interest in any securities of that company or other body;

(b) of an interest of his or of any company, body or person with which he is connected as mentioned in paragraph (5) of this regulation which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of or in voting on, any question with respect to that contract or matter.

(7) Where a member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £1,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, this regulation shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice however to his duty to disclose his interest.

25th July 1973.

Keith Joseph,
Secretary of State for Social Services.

25th July 1973.

Peter Thomas,
Secretary of State for Wales.

SCHEDULE

Regulation 13(1)

RULES AS TO MEETINGS AND PROCEEDINGS OF AUTHORITIES

1. The first meeting of an Authority shall be held on such day and at such place as may be fixed by the chairman and he shall be responsible for convening the meeting.

2. The chairman may call a meeting of the Authority at any time and if he refuses to call a meeting after a requisition for that purpose, signed by at least one third of the whole number of members, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, such one-third or more members may forthwith call a meeting.

3. Before each meeting of an Authority, a notice of the meeting, specifying the business proposed to be transacted thereat, and signed by the chairman or by an officer of the Authority authorised by the chairman to sign on his behalf shall be delivered to every member, or sent by post to the usual place of residence of such member, so as to be available to such member at least three clear days before the meeting:

Provided that want of service of such notice on any member shall not affect the validity of a meeting: and

Provided also that, in the case of a meeting called by members in default of the chairman, the notice shall be signed by those members and no business shall be transacted at the meeting other than that specified in the notice.

4.---(1) At any meeting of an Authority the chairman, if present, shall preside.

(2) If the chairman is absent from the meeting the vice-chairman, if present, shall preside.

(3) If the chairman and vice-chairman are absent, such member as the members present shall choose shall preside.

5. Every question at a meeting shall be determined by a majority of the votes of members present and voting on the question and, in the case of an equality of votes, the person presiding shall have a second and casting vote.

6. The names of members present at the meeting shall be recorded.

7. No business shall be transacted at a meeting unless at least one-third of the whole number of members are present.

8. The minutes of the proceedings of a meeting shall be drawn up and entered in a book kept for that purpose and shall be signed at the same or next ensuing meeting by the person presiding thereat.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the appointment and term of office of members of Regional and Area Health Authorities and for the procedure of those authorities.

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