

## 1973 No. 1624

## NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The Welsh Health Technical Services Organisation  
(Establishment and Constitution) Order 1973**

<i>Made - - - -</i>	<i>20th September 1973</i>
<i>Laid before Parliament</i>	<i>2nd October 1973</i>
<i>Coming into Operation</i>	<i>23rd October 1973</i>

The Secretary of State for Wales, in exercise of the powers conferred upon him by sections 5(6) and 6(3) of the National Health Service Reorganisation Act 1973(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and commencement*

1. This order may be cited as the Welsh Health Technical Services Organisation (Establishment and Constitution) Order 1973 and shall come into operation on 23rd October 1973.

*Interpretation*

2.—(1) In this order—

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

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

“the Organisation” means the Welsh Health Technical Services Organisation;

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

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

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

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

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

(2) In article 12 of this order “public body” includes any body established for the purpose of carrying on under national ownership any industry or part

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(a) 1973 c. 32.  
(c) 1958 c. 45.

(b) 1946 c. 81.

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(a).

(3) The Interpretation Act 1889(b) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

*Establishment of the Welsh Health Technical Services Organisation*

3. There shall be established for Wales a special health authority which shall be known as the Welsh Health Technical Services Organisation for the purpose of performing—

- (a) such functions relating to capital works, the procurement of supplies, and the provision of computer services as the Secretary of State may direct the Organisation to perform on his behalf,
- (b) such functions relating to the checking and pricing of prescriptions for drugs, medicines and appliances supplied as pharmaceutical services as the Secretary of State may direct the Organisation to perform on behalf of Family Practitioner Committees, and
- (c) such other functions as the Secretary of State may direct the Organisation to perform on his behalf or on behalf of an Area Health Authority or a Family Practitioner Committee.

*Constitution of the Organisation*

4. The Organisation shall consist of the following members, that is to say—

- (a) a chairman appointed by the Secretary of State;
- (b) three members appointed by the Secretary of State;
- (c) three members appointed by the Secretary of State being persons nominated between them by the Area Health Authorities for areas in Wales;
- (d) such other members not exceeding two as the Secretary of State may appoint after consultation with the Area Health Authorities for areas in Wales.

*Term of office of members*

5. Subject to the following provisions of this order, the chairman of the Organisation and the other members shall hold and vacate office in accordance with the terms of their appointment.

*Disqualification for membership*

6.—(1) A person shall be disqualified for appointment to or being a member of the Organisation 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

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(a) 1907 c. cxxxvi.

(b) 1889 c. 63.

(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 an 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 had his name restored to such list.

(2) For the purposes of paragraph (1)(a) of this article 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 article by reason of having been adjudged bankrupt 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*

7.—(1) Any member may resign at any time during the period for which he was appointed on giving notice in writing to the Secretary of State and his resignation shall take effect upon the receipt of the notice by the Secretary of State.

(2) 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.

(3) Where a member becomes disqualified from membership under article 6 of this order or, having been so disqualified at the time of his appointment the fact comes to the knowledge of the Secretary of State he shall forthwith cease to be a member.

(4) If the Secretary of State is of the opinion that any member has failed to comply with article 12(1) of this order he may terminate the appointment of that member who shall, on such termination, forthwith cease to be a member.

(5) If the Secretary of State is of the opinion that it is not in the interest of the national health service that a person whom he has appointed as a member should continue to be a member, he may terminate the appointment of that member who shall, on such termination, forthwith cease to be a member.

*Election of vice-chairman*

8. The members of the Organisation shall elect one of their number other than the chairman to be a vice-chairman for the period of his membership of the Organisation:

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 Organisation shall thereupon elect another of their members as vice-chairman in accordance with the provisions of this article.

*Appointment of committees and sub-committees*

9.—(1) Subject to the provisions of article 13 of this order and subject to any directions by the Secretary of State, the Organisation may, and if directed as aforesaid shall, appoint committees of the Organisation, or together with one or more other health authorities appoint joint committees, which may, in either case, consist partly of persons who are not members of the Organisation or authorities.

(2) A committee or joint committee appointed under this article may, subject to such directions as may be given by the Secretary of State or the appointing authority or authorities, appoint sub-committees which may consist partly of persons who are not members of the committee or joint committee.

*Arrangements for the exercise of functions*

10. Subject to the provisions of article 13 of this order and subject to any directions by the Secretary of State, the Organisation may make arrangements for the exercise, on behalf of the Organisation, of any of their functions by a committee, sub-committee or joint committee appointed by virtue of article 9 of this order or by an officer of the Organisation, in each case subject to such restrictions and conditions as the Organisation thinks fit or as the Secretary of State may direct.

*Meetings and proceedings*

11.—(1) The meetings and proceedings of the Organisation shall be conducted in accordance with the rules set out in the Schedule to this order and with Standing Orders made under the next following paragraph of this article.

(2) Subject to the aforesaid rules, to article 12 of this order and to such directions as may be given by the Secretary of State the Organisation 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 the Organisation may, on its own in the case of a committee or sub-committee of the Organisation 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*

12.—(1) Subject to the following provisions of this article, 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 Organisation 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 article in any case in which it appears to him in the interests of the national health service that the disability should be removed.

(3) 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 article.

(4) For the purposes of this article 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 article to be also an interest of the other.

(5) 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 (4) of this article 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.

(6) 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 article 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.

*Appointment of Welsh Pricing Committee*

**13.**—(1) The Organisation shall appoint a committee which shall be known as the Welsh Pricing Committee (hereinafter referred to as “the Committee”) and shall, subject to any directions by the Secretary of State, make arrangements for the exercise by the Committee on behalf of the Organisation of any functions relating to the checking and pricing of prescriptions for drugs, medicines and appliances supplied as pharmaceutical services, which become exercisable by the Organisation on behalf of Family Practitioner Committees.

(2) The Committee shall consist of—

- (a) one member who shall be a member of the Organisation;
- (b) two members nominated by such body as the Secretary of State may recognise as being representative of registered pharmacists;
- (c) one member nominated by such body as the Secretary of State may recognise as being representative of medical practitioners;
- (d) two members nominated between them by the Family Practitioner Committees established by the Area Health Authorities for areas in Wales.

(3) The Committee shall appoint a member of the Committee to be chairman and may appoint another to be vice-chairman.

(4) The members of the Committee shall hold and vacate office in accordance with the terms of their appointment which shall be in accordance with directions given by the Secretary of State.

(5) The provisions of articles 6, 7 and 12 of this order shall apply to the Committee as if for any reference to the Organisation there were substituted a reference to the Committee and as if for any reference to the Secretary of State there were substituted a reference to the Organisation:

Provided that the termination of appointment of a member under article 7(5) as so applied shall be subject to the consent of the Secretary of State.

*Expenses of the Organisation*

**14.** Such expenses of the Organisation as the Secretary of State may direct shall be defrayed by an Area Health Authority or by two or more such authorities in such portions as he may determine.

*Peter Thomas,*  
Secretary of State for Wales.

20th September 1973.

## Article 11(1)

## SCHEDULE

## RULES AS TO MEETINGS AND PROCEEDINGS OF THE ORGANISATION

1. The first meeting of the Organisation 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 Organisation at any time and if he refuses to call a meeting after a requisition for that purpose, signed by three other 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, any three members may forthwith call a meeting.

3. Before each meeting of the Organisation, a notice of the meeting, specifying the business proposed to be transacted thereat, and signed by the chairman or by an officer of the Organisation 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 the Organisation 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, unless all members present are agreed that such question may be determined without a vote, 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 three members are present, of whom one shall have been appointed under article 4(b) and one under article 4(c) of this order.

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 Order.)*

This Order provides for the establishment of a special health authority for Wales to be known as the Welsh Health Technical Services Organisation for the purpose of exercising such functions relating to the health service as the Secretary of State for Wales may direct the Organisation to perform on his behalf or on behalf of an Area Health Authority or Family Practitioner Committee. The Order also provides for the membership and for the procedure of the Organisation, including the appointment of a committee to exercise functions relating to the pricing of prescriptions for drugs, medicines and appliances.

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