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## 1975 No. 197 (S. 16)

## NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Health Boards:  
Membership, Procedure and Payment of Subscriptions)  
(Scotland) Regulations 1975**

*Made - - - - 13th February 1975*

*Laid before Parliament 28th February 1975*

*Coming into Operation 24th March 1975*

In exercise of the powers conferred on me by section 13(11) of and paragraph 1 of Part III of Schedule 1 to the National Health Service (Scotland) Act 1972(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

## PART I

## GENERAL

*Citation and commencement*

1. These regulations may be cited as the National Health Service (Health Boards: Membership, Procedure and Payment of Subscriptions) (Scotland) Regulations 1975 and shall come into operation on 24th March 1975.

*Interpretation*

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

- (a) “the Act of 1947” means the National Health Service (Scotland) Act 1947(b);
- (b) “the Act of 1972” means the National Health Service (Scotland) Act 1972;
- (c) “the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 19 of the Act of 1972;
- (d) “Board” means a Health Board constituted under section 13 of the Act of 1972;
- (e) “member” means the chairman or other member of a Board and “members” shall be construed accordingly.

(2) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

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 (a) 1972 c. 58.

(b) 1947 c. 27.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

## PART II

### MEMBERSHIP

#### *Term of office*

3.—(1) Subject to the following provisions of these regulations—

- (a) the term of office of members of a Board, other than a member to whom sub-paragraph (b) or (c) of this paragraph applies, shall be four years;
- (b) the first chairman of a Board shall hold office until 31st March 1977; and
- (c) of the members of a Board appointed before the commencement of these regulations one half, or as near as may be, shall vacate office on 31st March 1975, and the remainder on 31st March 1977.

(2) At the expiration of his term of office a member shall, subject to regulation 5 of these regulations, be eligible for re-appointment.

#### *Resignation and removal of members*

4.—(1) A member of a Board who desires to resign his membership shall give written intimation of his resignation to the Secretary of State.

(2) If a member of a Board has not attended any meeting of the Board or of any committee of the Board throughout a period of six consecutive months, the Secretary of State shall, unless satisfied that his absence was due to illness or other reasonable cause, declare that his seat on the Board has become vacant and that person shall forthwith cease to be a member.

#### *Disqualification*

5.—(1) A person shall be disqualified for appointment to or for being a member of a Board, if:—

- (a) he is a person who within the preceding five years has been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic 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) he is a person who has held any paid appointment or office or other place of profit under a Board or under the Agency and has been dismissed from such appointment, office, or other place of profit otherwise than by reason of redundancy; or
- (c) he is disqualified under section 43 of the Act of 1947 for inclusion in any list prepared under Part IV of the Act of 1947; or
- (d) he is a person whose estates have been sequestrated by a competent court in Scotland or has been adjudged bankrupt elsewhere than in Scotland;

Provided that—

- (i) the disqualification attaching to a person whose estates have been sequestrated shall cease if and when—
  - (a) the sequestration of his estates is recalled or reduced; or
  - (b) he obtains his discharge from a competent court;
- (ii) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease if and when—
  - (a) the bankruptcy is annulled; or
  - (b) he is discharged.

(2) A member of a Board being either—

- (a) a person who holds any paid appointment or office or other place of profit under a Board or under the Agency and who resigns from such appointment, office, or other place of profit, or
- (b) a person whose name is included in any list prepared under Part IV of the Act of 1947, and whose name is withdrawn from the list on his own application,

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

#### *Filling of casual vacancies*

6.—(1) Where a vacancy occurs in the membership of a Board by reason of the death, resignation, removal or disqualification of a member, the Secretary of State may, subject to Part I of Schedule 1 to the Act of 1972, appoint a person to fill the vacancy.

(2) Subject to these regulations, any person appointed to fill a vacancy shall hold office for the remainder of the term of office of the person in whose place he is appointed.

### PART III

#### APPOINTMENT OF VICE-CHAIRMAN AND COMMITTEES

##### *Vice-Chairman*

7. Each Board shall appoint a member to be vice-chairman and any person so appointed shall, so long as he remains a member of the Board, hold office for such period as the Board may decide.

##### *Committees*

8. Each Board may, and if so directed by the Secretary of State shall, appoint committees and sub-committees consisting wholly or mainly of members of the Board, for the exercise on their behalf of any of the Board's functions, subject to such restrictions or conditions as the Board may think fit, or as the Secretary of State may direct.

## PART IV

## PROCEDURE OF BOARDS

*Interpretation*

9. In this Part, unless the context otherwise requires, "committee" includes "sub-committee".

*Meetings*

10.—(1) At every meeting of a Board, the chairman, if present, shall preside.

(2) If the chairman is absent from any meeting, the vice-chairman, if present, shall preside, and if the chairman and vice-chairman are both absent, the members present at the meeting shall elect from among themselves a person to act as chairman for that meeting.

(3) All acts of, and all questions coming and arising before, a Board shall be done and decided by a majority of the members of the Board present and voting at a meeting of the Board and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

*Minutes*

11.—(1) The names of members present at a meeting of a Board or of a committee of a Board shall be recorded.

(2) Minutes of the proceedings of a meeting of a Board or of a committee of a Board shall be drawn up by or on behalf of the secretary of the Board and shall be signed at the meeting by the person presiding thereat or shall be submitted to the next ensuing meeting of the Board for approval as a record of the meeting and signed by the person presiding at that next ensuing meeting.

(3) The minutes of every meeting of a Board shall be forwarded to the Secretary of State by the secretary of the Board.

*Disability of members in proceedings on account of interests*

12.—(1) Subject to such exceptions and qualifications as may, with the approval of the Secretary of State, be specified in standing orders, if a member has any pecuniary or other interest, direct or indirect, in any contract or proposed contract (not being a contract for the provision of one of those services mentioned in Part IV of the Act of 1947) or other matter, and is present at a meeting of the Board or of a committee of the Board at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration and discussion of, or vote on any question with respect to, the contract or other matter.

(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

(3) Any remuneration, compensation or allowances payable to a chairman or other member by virtue of paragraph 5 of Part I or paragraph 3 of Part III of Schedule 1 to the Act of 1972 shall not be treated as a pecuniary interest for the purpose of this regulation.

*Power to make standing orders*

13. Subject to such directions as may be given by the Secretary of State, each Board shall make, and may vary and revoke, standing orders for the regulation of the procedure and business of the Board and of any committee of the Board and in particular—

- (a) for the times and places of the meetings of the Board or committee which, in the case of the Board, shall be held not less often than once in every three months;
- (b) for due notice of the time and place of each meeting of the Board or of a committee of the Board and, subject to any exceptions which may be mentioned in the standing orders, of the business to be transacted thereat, to be given to members by or on behalf of the secretary of the Board;
- (c) for the secretary of the Board calling a meeting of the Board at any time on being required so to do by the chairman of the Board or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting and signed by one-fourth of the whole number of members of the Board, which meeting shall be held within fourteen days of receipt of the requisition, provided that no business shall be transacted at the meeting other than that specified in the requisition;
- (d) for specifying the exceptions and qualifications referred to in regulation 12 (Disability of members in proceedings on account of interests);
- (e) for providing that no business shall be transacted at a meeting of the Board or of a committee of the Board unless at least one-fourth of the whole number of members of the Board or of the committee are present thereat;
- (f) for the adjournment of a meeting of the Board or of a committee of the Board to any other day, hour and place.

PART V

PAYMENT OF SUBSCRIPTIONS

14. A Board may subscribe such sums as may be approved by the Secretary of State as subscriptions to the funds of any association or other body whose objects shall be approved by the Secretary of State for that purpose.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh.

13th February 1975.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations provide for the term of office etc. of members of Health Boards, for the procedure of the Boards and for the payment of subscriptions by Boards.

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