

1979 No. 897

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (Health Authorities and Family
Practitioner Committees: Membership) Regulations 1979**

<i>Made</i> - - - -	25th July 1979
<i>Laid before Parliament</i>	26th July 1979
<i>Coming into Operation</i>	27th July 1979

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 on them by section 16(1) of, and paragraphs 1(2), 2(1)(b), 6(1) and 12 of Schedule 5 to, the National Health Service Act 1977(a) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and Commencement

1. These regulations may be cited as the National Health Service (Health Authorities and Family Practitioner Committees: Membership) Regulations 1979 and shall come into operation on 27th July 1979.

Amendment of the National Health Service (Health Authorities: Membership) Regulations 1979

2. The National Health Service (Health Authorities: Membership) Regulations 1979(b) shall be amended as follows:—

(a) for regulation 4 there shall be substituted the following:—

“Variation of tenure of office of chairmen and members of Authorities

4.—(1) Where, before the expiry of the period for which he was appointed otherwise than by a local authority, a person—

(a) has ceased for any reason to be a member of any Area Authority, or

(b) has been declared, pursuant to regulation 5(7), not to have been duly appointed,

the tenure of office of any person appointed in his place shall be for the remainder of that period.

(2) Where the specified number of members of any category is increased the tenure of office of each member first appointed to fill a vacancy created by the increase shall be in the case of—

(a) 1977 c. 49.

(b) S.I. 1979/738.

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- (a) an Area Authority established for an area in England for such period not exceeding four years, expiring on 30th September in any year, as the appointing authority shall specify on making the appointment; and
- (b) an Area Authority established for an area in Wales for such period not exceeding four years, expiring on 31st July in any year, as the appointing authority shall specify on making the appointment.
- (3) Subject to paragraph (5), on the establishment of a new Area Authority for an area in England the tenure of office of—
- (a) one-half of the original members appointed by the Secretary of State or the relevant Regional Authority shall be for such period, not exceeding two years, expiring on 30th September in any year, as the Secretary of State or the relevant Regional Authority in appointing them shall specify, and
- (b) the tenure of office of the remainder of such members shall be for a period two years longer than that so specified.
- (4) Subject to paragraph (5), on the establishment of a new Area Authority for an area in Wales, the tenure of office of—
- (a) one-half of the original members appointed by the Secretary of State shall be for such period not exceeding two years, expiring on 31st July in any year, as the Secretary of State in appointing them shall specify, and
- (b) the tenure of office of the remainder of such members shall be for a period two years longer than that specified by the Secretary of State.
- (5) Where in the case of an Authority to which paragraph (3) or (4) applies the original members so appointed constitute an uneven number, the one-half referred to in that paragraph shall be deemed to be the integer next above the half of that number.”;
- (b) for paragraph 2 of the Schedule thereto there shall be substituted the following:—
- “2. The tenure of office of—
- (a) a member of a Regional Authority appointed by the Secretary of State for a period expiring on 31st July in 1979, 1980, 1981 or 1982 shall be extended for a further period of 2 months;
- (b) a member of an Area Authority established for an area in England, appointed by the relevant Regional Authority for a period expiring—
- (i) on 31st July 1979, shall be extended for a further period expiring on 30th September 1979;
- (ii) on 31st July 1981, shall be extended for a further period expiring on 30th September 1981.”;
- (c) paragraph 3 of the said Schedule shall be omitted.

Amendment of the National Health Service (Family Practitioner Committees: Membership and Procedure) Regulations 1979

3. The National Health Service (Family Practitioner Committees: Membership and Procedure), Regulations 1979(a) shall be amended as follows:—

(a) for regulation 3 there shall be substituted the following—

“Terms of Office of members appointed by an Authority or by a local representative body

3.—(1) Subject to the provisions of these regulations, the term of office of members appointed by an Authority or by a local representative body to a Committee shall be in the case of—

- (a) a Committee established for an area in England, four years expiring on 30th November in any year;
- (b) a Committee established for an area in Wales, four years expiring on 31st July in any year.

(2) The term of office of a member of a Committee established for an area in England, appointed by the relevant Authority or by a local representative body for a period ending—

- (a) on 31st July 1979, shall be for a period ending on 30th November 1979;
- (b) on 31st July 1981, shall be for a period ending on 30th November 1981.

(3) On the establishment of a new Committee for an area in England—

- (a) one half of the original members appointed by the relevant Authority or by each local representative body shall be appointed for such period not exceeding two years and eight months, expiring on 30th November in any year, as the relevant Authority shall, in the case of such Committee, determine, and
- (b) 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.

(4) On the establishment of a new Committee for an area in Wales one half of the original members appointed by the relevant Authority or by each local representative body shall be appointed for such a period, not exceeding two years and four months, expiring on 31st July in any year, as the relevant Authority shall, in the case of such Committee, determine (and such determination may be made after the date of appointment) 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 where, in accordance with paragraph 6 of Schedule 5 to the Act or with an Order made under paragraph 7 of that Schedule, an uneven number of members greater than one falls to be appointed by the relevant Authority or a local representative body, one half of such members shall be calculated by reference to the number of those members less one and where only one member is to be appointed by a local representative body the period of office of such member shall in all cases be that prescribed for the remainder of members appointed by local representative bodies.

(a) S.I. 1979/739.

(6) On making an appointment of any member in accordance with the provisions of this regulation, the appointing body shall give notice in writing to that member, and to the Administrator of the period for which such member is appointed.”;

(b) for regulation 5(1) there shall be substituted the following:—

“Variation of membership of Committees

5.—(1) Where the Secretary of State—

(a) has by Order provided that paragraph 6 of Schedule 5 to the Act should apply with such modifications as are specified in the Order to a Committee established in accordance with that paragraph, or

(b) makes an Order revoking or varying such an Order—

he may terminate the appointment of any member of the Committee as established before the date of coming into operation of the Order and the term of office of any original members appointed in accordance with provisions taking effect upon that date shall be—

(i) in the case of a Committee established for an area in England, for such period not exceeding four years and eight months, expiring on 30th November in any year, as the relevant Authority shall, in each case, determine, and

(ii) in the case of a Committee established for an area in Wales, for such period not exceeding four years and four months, expiring on 31st July in any year, as the relevant Authority shall, in each case, determine.”.

Patrick Jenkin,
Secretary of State for Social Services.

25th July 1979.

Nicholas Edwards,
Secretary of State for Wales.

25th July 1979.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the National Health Service (Health Authorities: Membership) Regulations 1979 and the National Health Service (Family Practitioner Committees: Membership and Procedure) Regulations 1979.

The regulations consist of minor drafting amendments substituting amended provisions for—

- (a) regulation 4 of, and paragraph 2 of the Schedule to, the National Health Service (Health Authorities: Membership) Regulations 1979 and omitting paragraph 3 of the Schedule;
- (b) regulations 3 and 5(1) of the National Health Service (Family Practitioner Committees: Membership and Procedure) Regulations 1979.

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