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 STATUTORY INSTRUMENTS
 

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## 1983 No. 894

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**
**The Mental Health Act Commission Regulations 1983**

*Made* - - - - - 17th June 1983

*Laid before Parliament* 1st July 1983

*Coming into Operation* 1st September 1983

The Secretary of State for Social Services, in exercise of the powers conferred upon him by paragraph 12 of Schedule 5 to the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Mental Health Act Commission Regulations 1983 and shall come into operation on 1st September 1983.

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

“the Commission” means the Mental Health Act Commission established by the Order;

“the Order” means the Mental Health Act Commission (Establishment and Constitution) Order 1983(b).

*Appointment of chairman and members*

2. The chairman and members of the Commission shall be appointed by the Secretary of State.

*Tenure of office of chairman and members*

3. Subject to the following provisions of these regulations and to any provisions of regulations applied by these regulations, the term of office of the chairman or a member shall be such period, not exceeding four years, as the Secretary of State may specify on making the appointment.

*Termination of tenure of office*

4.—(1) The chairman or a member of the Commission may resign his office at any time during the period for which he was appointed by giving notice in writing to the Secretary of State.

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(a) 1977 c. 49.

(b) S.I. 1983/892.

(2) Notwithstanding that the appointment of the chairman or any member is for a term of years, the Secretary of State may, at any time, terminate that person's tenure of office.

*Eligibility for re-appointment*

5. Subject to any provisions of regulations applied by these regulations as to disqualification from membership, the chairman or a member of the Commission shall, on the termination of his tenure of office, be eligible for re-appointment.

*Vice-chairman*

6.—(1) The Secretary of State may appoint a member of the Commission to be vice-chairman for such period as the Secretary of State may specify on making the appointment.

(2) Where no such appointment is made, the chairman and members of the Commission 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 during which he is elected has less than a year to run, for the remainder of such period.

(3) Any member so appointed or elected may at any time resign from the office of vice-chairman by giving notice in writing—

- (a) if he was appointed by the Secretary of State, to the Secretary of State;
- (b) in any other case, to the chairman of the Commission,

and the Secretary of State may thereupon appoint another member or, failing such an appointment, the chairman and members shall thereupon elect another member as vice-chairman in accordance with paragraph (1) or, as the case may be, paragraph (2) of this regulation.

*Committees and sub-committees*

7.—(1) The Secretary of State shall appoint a central policy committee of the Commission, consisting wholly of members of the Commission, but the Commission may co-opt any other member of the Commission as a member of the committee.

(2) Subject to paragraph (3) of this regulation and subject to and in accordance with such directions as the Secretary of State may give to that committee, the central policy committee shall perform on behalf of the Commission the following functions:—

- (a) the function mentioned in Article 3(2)(d) of the Order (proposals for the code of practice);
- (b) the preparation of the report on the Commission's activities required by section 121(10) of the Mental Health Act 1983(a);
- (c) any other function, or activity in connection with any function, which the Commission may require it to perform.

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(a) S.I. 1983 c. 20.

(3) The functions mentioned in paragraph (2)(a) and (b) of this regulation, and any such function under paragraph (2)(c) of this regulation as the Commission may specify, shall be performed in consultation with the Commission.

(4) Subject to such directions as may be given by the Secretary of State, the Commission may, and if so directed shall, appoint committees of the Commission, consisting wholly of members of the Commission.

(5) A committee appointed under this regulation may, subject to such directions as may be given by the Secretary of State or the Commission, appoint sub-committees consisting wholly of members of the Commission.

(6) Any power in this regulation to appoint members of the Commission as members of any committee or sub-committee shall include the power to appoint the chairman as a member of such a committee or sub-committee.

*Meetings and proceedings*

**8.**—(1) The meetings and proceedings of the Commission shall be conducted in accordance with Standing Orders made under paragraph (2) of this regulation.

(2) Subject to paragraph (3) of this regulation, the Commission shall make, and may vary or revoke, Standing Orders for the regulation of their proceedings and business and provision may be made in those Standing Orders for the suspension of those Orders.

(3) The Standing Orders shall provide that there shall be held at least one full meeting of the Commission in any year.

*Application of regulations relating to membership*

**9.** The provisions of regulation 7 (disqualification for appointment) and regulation 8 (cessation of disqualification) of the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983(a) shall apply as if any reference in those regulations to an Authority included a reference to the Commission.

*Norman Fowler,*  
Secretary of State for Social Services.

17th June 1983.

EXPLANATORY NOTE

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

These Regulations provide for the appointment and tenure of office of the chairman and members of the Mental Health Act Commission, and for meetings, and proceedings of the Commission.

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