
STATUTORY INSTRUMENTS

1990 No. 1331

**The Regional and District Health Authorities
(Membership and Procedure) Regulations 1990**

PART II

MEMBERSHIP

Membership of Authorities in England

- 2.—(1) The number of non-officer members to be appointed to an Authority in England shall be 5.
- (2) One of those 5 shall, in the case of a Regional Health Authority, be the chairman of a Family Health Services Authority.
- (3) The prescribed officer member of an Authority in England, for the purposes of paragraphs 1(1)(d) and 2(1)(d) of the Schedule, shall be the chief finance officer.
- (4) The prescribed maximum number of officer members of an Authority in England other than the chief officer and the chief finance officer, for the purposes of paragraphs 1(1)(e) and 2(1)(e) of the Schedule, shall be 3.

Membership of District Health Authorities in Wales

- 3.—(1) The number of non-officer members of a District Health Authority in Wales shall be 5 except that, in the case of South Glamorgan Health Authority, it shall be 6.
- (2) One of these 6, in the case of South Glamorgan Health Authority, shall be a second member who holds a post in a university with a medical or dental school.
- (3) The prescribed officer members of a District Health Authority in Wales, for the purposes of paragraph 3(1)(d) of the Schedule, shall be—
- (a) the chief finance officer;
 - (b) the chief administrative medical officer and director of public health medicine;
 - (c) the chief administrative nursing officer.
- (4) The prescribed maximum number of officer members of a District Health Authority in Wales, for the purposes of paragraph 3(1)(e) of the Schedule, other than the chief officer and those specified in paragraph (3) shall be 1.

University non-officer members of District Health Authorities

4. The prescribed District Health Authorities for the purposes of paragraph 2(3) of the Schedule or paragraph 2(3) of the Schedule as applied by paragraph 3(2) of the Schedule, shall be those specified in Schedule 1, Part I of which relates to England and Part II of which relates to Wales.

Persons to be regarded as non-officers

5. Where a person—
- (a) holds a post in a university with a medical or dental school;
 - (b) would also, apart from this sub-paragraph, be regarded as an officer of an Authority; or
 - (c) is employed by a Regional Health Authority as a Consultant, but works in one or more District Health Authorities,

his employment as an officer of the Authority shall not prevent him being appointed as a non-officer member of that Authority.

Joint members

6. Where more than one person is appointed jointly to a post in an Authority which qualifies the holder for officer membership or in relation to which an officer member is to be appointed, those persons shall become or be appointed as an officer member jointly, and shall count for the purposes of regulations 2 and 3 as one person.

Period of tenure of office of members

7.—(1) Subject to regulation 11, the tenure of office of a chairman or non-officer member of an Authority shall be for such period, not exceeding 4 years, as the appointing authority may specify on making the appointment.

(2) Subject to regulation 8 the tenure of office of an officer member of an Authority who is appointed shall be for such period as the appointing authority may specify on making the appointment.

Termination and suspension of tenure of office of officer members

8.—(1) An officer member of an Authority shall cease to hold office as member where he ceases to hold a post in the Authority or hold the same post in it as when he commenced his term of office.

(2) If the appointing authority is of the opinion that it is not in the interest of the Authority that an appointed officer member of an Authority should continue to hold office as member, the appointing authority shall forthwith terminate his tenure of office.

(3) If an officer member of an Authority is suspended from his post in the Authority he shall be suspended from performing his functions as member for the period of his suspension.

Eligibility for reappointment of officer members

9. An officer member of an Authority who has been appointed shall on the termination of the period of his tenure of office be eligible for reappointment.

Application of regulations 11 to 14

10. The provisions of regulations 11 to 14 shall not apply to officer members of an Authority.

Termination of tenure of office

11.—(1) The chairman or a member of an Authority may resign his office at any time during the period for which he was appointed by giving notice in writing to the appointing authority by which he was appointed.

(2) Where during his period of membership a member of an Authority is appointed to be the chairman of that Authority, his tenure of office as a member shall terminate when his appointment as chairman takes effect.

(3) If an appointing authority is of the opinion that it is not in the interests of the health service in the region or district of an Authority that a person whom it has appointed as the chairman or a member of that Authority should continue to hold that office, that appointing authority may, subject, if it is a relevant Regional Health Authority, to the consent of the Secretary of State, forthwith terminate his tenure of office.

(4) If a chairman or member of an Authority has not attended a meeting of that Authority for a period of six months, the Secretary of State shall forthwith terminate the tenure of office of that chairman or member unless he is satisfied that—

- (a) the absence was due to a reasonable cause, and
- (b) the chairman or member will be able to attend meetings of that Authority within such period as the Secretary of State considers reasonable.

(5) Where a person has been appointed to be the chairman or a member of an Authority—

- (a) if he becomes disqualified for appointment under regulation 13 the appointing authority shall forthwith notify him in writing of such disqualification; or
- (b) if it comes to the notice of the appointing authority that at the time of his appointment he was so disqualified, it shall forthwith declare that he was not duly appointed and so notify him in writing,

and, upon receipt of any such notification, his tenure of office, if any, shall be terminated and he shall cease to act as such chairman or member.

(6) If it appears to the Secretary of State that the chairman or a member of an Authority has failed to comply with regulation 20(1) (disclosure etc. on account of pecuniary interest) he may forthwith terminate that person's tenure of office.

(7) Where a member of a Regional Health Authority, who was appointed by virtue of regulation 2(2), ceases to be the chairman of a Family Health Services Authority the Secretary of State may terminate his appointment as a member of the Regional Health Authority.

(8) Where a member of a Regional or District Health Authority who was appointed by virtue of regulation 3(2) or paragraphs 1(2)(a) or 2(3) of the Schedule or paragraph 2(3) of the Schedule as applied by paragraph 3(2) of the Schedule ceases to hold a post in a university with a medical or dental school the appointing authority may, with the consent of the Secretary of State (unless he is the appointing authority), terminate his appointment as a member of the District Health Authority.

Eligibility for reappointment

12. Subject to regulation 13, the chairman or a member of an Authority shall, on the termination of his tenure of office, be eligible for reappointment.

Disqualification for appointment

13.—(1) Subject to regulation 14, a person shall be disqualified for appointment as the chairman or a member of an Authority if—

- (a) he has within the preceding five years 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) he has been adjudged bankrupt or has made a composition or arrangement with his creditors; or

- (c) he has been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body;
- (d) he has had his name removed, by a direction under section 46 of the 1977 Act, from any list prepared under Part II of the Act and has not subsequently had his name included in such a list; or
- (e) he is a person whose tenure of office as the chairman or a member of an Authority has been terminated pursuant to paragraph (3), (4) or (6) of regulation 11;
- (f) he is a chairman or a member of—
 - (i) any other Authority;
 - (ii) except in so far as regulation 2(2) provides to the contrary, any Family Health Services Authority;
 - (iii) any of the special health authorities established by virtue of the Authorities for London Post-Graduate Teaching Hospitals (Establishment and Constitution) Order 1982(1) and the Board of Governors of the Eastman Dental Hospital (Establishment and Constitution) Order 1984(2);
- (g) he is a chairman or director of an NHS trust;
- (h) he holds any paid appointment or office with a trade union which represents the interests of members who are employed by a health service body.
- (i) he is a member of a fund-holding practice recognised under section 14 of the 1990 Act.

(2) For the purposes of paragraph (1)(a) the date of conviction shall be deemed to be the date on which the ordinary 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 its not being prosecuted.

(3) For the purposes of paragraph (1)(c) a person shall not be treated as having been in paid employment by reason only of his chairmanship or membership of a health service body.

Cessation of disqualification

14.—(1) Where a person is disqualified under regulation 13(1)(b) by reason of having been adjudged bankrupt—

- (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 the disqualification shall cease on the date of his discharge.

(2) Where a person is disqualified under regulation 13(1)(b) by reason of his having made a composition or arrangement with his creditors, if 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 expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(3) Subject to paragraph (4), where a person is disqualified under regulation 13(1)(c) (dismissed employees) he may, after the expiry of a period of not less than two years, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification shall cease.

(1) S.I.1982/314; the relevant amending instrument is S.I. 1984/190.

(2) S.I. 1984/188.

(4) Where the Secretary of State refuses an application to remove a disqualification no further application may be made by that person until the expiration of two years from the date of the application and this paragraph shall apply to any subsequent application.

(5) Where a person is disqualified under regulation 13(1)(e) (certain chairmen and members whose appointments have been terminated), the disqualification shall cease on the expiry of a period of two years or such longer period as the appointing authority specifies when terminating his period of office but the Secretary of State may, on application being made to him by that person or by that appointing authority, reduce the period of disqualification.