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STATUTORY INSTRUMENTS

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**1990 No. 2024**

**The National Health Service Trusts  
(Membership and Procedure) Regulations 1990**

**PART II**

**MEMBERSHIP**

**Disqualification for appointment of chairman and non-executive directors**

**11.**—(1) Subject to regulation 12 a person shall be disqualified for appointment as the chairman or non-executive director of an NHS trust 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; or
- (d) he is a person whose tenure of office as the chairman member or director of a health service body has been terminated because his appointment is not in the interests of the health service, for non-attendance at meetings or for non-disclosure of a pecuniary interest;
- (e) he is a chairman, member, director or employee of a health service body; or
- (f) he is a general medical practitioner or general dental practitioner or an employee of either of those; or
- (g) he holds a paid appointment or office with a trade union which represents the interests of members who are employed by a health service body; or
- (h) he has had his name removed, by a direction under section 46 of the National Health Service Act 1977, from any list prepared under Part II of that Act and has not subsequently had his name included in such a list.

(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 it 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, membership or directorship of the health service body.

(4) A person shall not be disqualified by paragraph (1)(e) from being the non-executive director of an NHS trust referred to in paragraph 3(1)(d) of Schedule 2 to the Act by reason of his employment with the trust.