
STATUTORY INSTRUMENTS

1994 No. 602

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

The Microbiological Research Authority Regulations 1994

<i>Made</i>	- - - -	<i>8th March 1994</i>
<i>Laid before Parliament</i>		<i>8th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

The Secretary of State for Health, in exercise of powers conferred on her by section 126(4) of, and paragraphs 12 and 16 of Schedule 5 to, the National Health Service Act 1977⁽¹⁾ and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Microbiological Research Authority Regulations 1994 and shall come into force on 1st April 1994.

(2) In these Regulations—

“appointing authority” means—

- (a) in relation to the Chairman and any non-officer member of the Authority, the Secretary of State; and
- (b) in relation to any officer member other than the chief officer, a committee of the Authority comprising the Chairman, the non-officer members and the chief officer;

“the Authority” means the Microbiological Research Authority established by the Order;

“Chairman” means the Chairman of the Authority;

“chief officer” means the chief officer of the Authority;

“member” means a member of the Authority other than the Chairman;

“non-officer member” and “officer member” mean respectively, a member who is not, and one who is, an officer of the Authority;

⁽¹⁾ 1977 c. 49; see, for the meaning of “regulations”, section 128(1), as amended by section 26(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 126(4) was amended by section 65(2) of the 1990 Act; paragraph 12 of Schedule 5 was amended by paragraph 9 of Schedule 1 to the 1990 Act.

“the Order” means the Microbiological Research Authority (Establishment and Constitution) Order 1994(2);

“the 1990 Regulations” means the Regional and District Health Authorities (Membership and Procedure) Regulations 1990(3).

Appointment of Chairman and members

2.—(1) The Chairman and non-officer members shall be appointed by the Secretary of State.

(2) The officer members other than the chief officer shall be appointed by a committee of the Authority comprising the Chairman, the non-officer members and the chief officer.

Tenure of office

3. Subject to regulation 4 of these Regulations and to provisions of the 1990 Regulations applied by these Regulations —

- (a) the term of office of the Chairman and of members other than the chief officer shall be for such period, not exceeding 4 years, as the appointing authority shall specify on making the appointment; and
- (b) the chief officer shall hold office as a member for so long as he remains the chief officer.

Termination of tenure of office

4.—(1) The Chairman, and any member other than the chief officer, may resign his office at any time during the period for which he was appointed, by giving notice in writing to the appointing authority which appointed him.

(2) Where the Secretary of State is of the opinion that it is not in the interests of the Authority or of the health service that the Chairman, or a non-officer member, should continue to hold that office, she may forthwith terminate his term of office.

Eligibility for re-appointment

5. Subject to the provisions of the Order as to qualification, and to the provisions of the 1990 Regulations applied by these Regulations as they relate to disqualification, for appointment to the Authority, the Chairman and any member shall, on the termination of his term of office, be eligible for re-appointment.

Application of Regulations relating to membership and procedure

6.—(1) Subject to paragraphs (2) to (4) of this regulation, the following provisions of the 1990 Regulations shall apply to the Authority:

- (a) regulation 8 (termination of tenure, or suspension, of officer member);
- (b) regulation 11(2), (4), (5) and (6) (termination of non-officer member’s tenure of office), regulation 13(1)(a) to (e), (2) and (3) (disqualification for appointment) and regulation 14 (cessation of disqualification); and
- (c) regulation 15 (appointment of vice-chairman), regulation 16 (powers of vice-chairman), regulation 17 (appointment of committees and sub-committees), regulation 18 (arrangements for the exercise of functions), regulation 19 (meetings and proceedings),

(2) [S.I. 1994/603](#).

(3) [S.I. 1990/1331](#), to which there are amendments not relevant to these Regulations.

regulation 20 (disability on account of pecuniary interests), and Schedule 2 (rules as to meetings and proceedings);

and regulation 1(2) to (4) (interpretation) so far as it relates to those provisions.

(2) Regulation 8(1) and (2) of the 1990 Regulations shall not apply in the case of the chief officer.

(3) The provisions of the 1990 Regulations referred to in paragraph (1)(b) of this regulation shall not apply in relation to officer members.

(4) In the application to the Authority of any provisions of the 1990 Regulations specified in paragraph (1) of this regulation—

- (a) any reference in those provisions to an Authority shall be construed as a reference to the Authority; and
- (b) the expression “appointing authority” in those provisions shall have the same meaning as in these Regulations.

Reports by the Authority

7. The Authority shall make reports to the Secretary of State in such manner and at such time, being at least once each year, as the Secretary of State may direct, and shall furnish to the Secretary of State such information as she may from time to time require.

Signed by authority of the Secretary of State for Health

Department of Health
8th March 1994

Tom Sackville
Parliamentary Under-Secretary of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations make provision in connection with the membership and procedure of the Microbiological Research Authority (“the Authority”) which is a special health authority established under the National Health Service Act 1977 to exercise certain functions of the Secretary of State under that Act in relation to the provision of a microbiological service.

In particular, these Regulations provide for the appointment and tenure of office of members of the Authority (regulations 2 and 3), for the termination of office and the eligibility of members for re-appointment (regulations 4 and 5), for the application to the Authority of certain provisions of Regulations relating to the membership and procedure of Regional and District Health Authorities (regulation 6), and for the provision of reports and information by the Authority to the Secretary of State (regulation 7).