
STATUTORY INSTRUMENTS

1996 No. 707

**The Health Authorities (Membership
and Procedure) Regulations 1996**

PART III

CONSTITUTION AND PROCEEDINGS

Appointment of vice-chairman

12.—(1) Subject to paragraph (2), the chairman and members of an Authority may appoint one of their number, who is not an officer member of the Authority, to be vice-chairman, for such period, not exceeding the remainder of his term as a member of the Authority, as they may specify on appointing him.

(2) Any member so appointed may at any time resign from the office of vice-chairman by giving notice in writing to the chairman.

(3) The date on which a resignation by notice given pursuant to paragraph (2) shall take effect shall be—

- (a) where a date is specified in the notice as being that on which the resignation is to take effect, that date; and
- (b) in any other case, the date on which the notice is received by the chairman.

Powers of vice-chairman

13. Where—

- (a) a member of an Authority is appointed to be vice-chairman under regulation 12, and
- (b) the chairman of the Authority has died or has ceased to hold office, or is unable to perform his duties as chairman owing to illness, absence from England and Wales or any other cause,

the vice-chairman shall act as chairman until a new chairman is appointed or the existing chairman resumes his duties, as the case may be; and references to the chairman in Schedule 3 shall, so long as there is no chairman able to perform his duties, be taken to include references to the vice-chairman.

Appointment of committees and sub-committees

14.—(1) Subject to such directions as may be given by the Secretary of State, an Authority may and, if directed by him, shall appoint committees of the Authority, or together with one or more other Authorities appoint joint committees consisting, in either case, wholly or partly of the chairman and members of the Authority or Authorities or wholly of persons who are not members of the Authority or Authorities in question.

(2) A committee or joint committee appointed under this regulation may, subject to such directions as may be given by the Secretary of State or the Authority or Authorities, appoint sub-committees consisting wholly or partly of members of the committee or joint committee (whether or not they are members of the Authority or Authorities in question) or wholly of persons who are not members of the Authority or Authorities or the committee of the Authority or Authorities in question.

(3) On a committee or joint committee appointed under paragraph (1), or a sub-committee appointed under paragraph (2), except a discipline committee, a service committee, a committee whose sole function is to advise the Authority or a medical audit committee, the majority of the members shall be persons who do not provide, or assist in providing, Part II services.

Meetings and proceedings

15.—(1) The meetings and proceedings of an Authority shall be conducted in accordance with the rules set out in Schedule 3 and with Standing Orders made under paragraph (2).

(2) Subject to those rules, to regulation 16 and to such directions as may be given by the Secretary of State an Authority shall make, and may vary or revoke, Standing Orders for the regulation of its proceedings and business; and such Standing Orders may contain provision for their own suspension.

(3) Subject to such directions as may be given by the Secretary of State, an Authority may, on its own in the case of a committee or sub-committee of the Authority or jointly with other Authorities in the case of a joint committee or sub-committee thereof, make, vary and revoke Standing Orders relating to the quorum, proceedings and place of meeting of such committee, joint committee or sub-committee but, subject to any such Standing Orders, the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

Disability of chairman and members in proceedings on account of pecuniary interest

16.—(1) Subject to the following provisions of this regulation, if the chairman or a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Authority at which the contract, proposed contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it.

(2) The Secretary of State may, subject to such conditions as he may think fit to impose, remove any disability imposed by this regulation in any case in which it appears to him in the interests of the health service that the disability shall be removed.

(3) An Authority may, by Standing Orders made under regulation 15(2), provide for the exclusion of the chairman or a member from a meeting of the Authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to the chairman or a member by virtue of paragraph 9 of Schedule 5 to the 1977 Act shall not be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), the chairman or a member shall be treated for the purposes of this regulation as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) he, or a nominee of his, is a director of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) he is a partner of, or in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration;

and in the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of this regulation to be also an interest of the other.

(6) The chairman or a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of his membership of a company or other body if he has no beneficial interest in any securities of that company or other body;
- (b) of an interest of his as a person providing Part II services which cannot reasonably be regarded as an interest more substantial than that of others providing such of those services as he provides; or
- (c) of an interest in any company, body or person with which he is connected as mentioned in paragraph (5) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of or in voting on, any question with respect to that contract, proposed contract or matter.

(7) Where the chairman or a member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, this regulation shall not prohibit him from taking part in the consideration or discussion of the contract, proposed contract or other matter or from voting on any question with respect to it, without prejudice however to his duty to disclose his interest.

(8) This regulation applies in relation to a committee or sub-committee and to a joint committee or sub-committee as it applies in relation to an Authority and applies to a member of any such committee or sub-committee (whether or not he is also a member of an Authority) as it applies to a member of an Authority.

Revocation and amendment of Regulations and savings

17.—(1) Subject to paragraph (2), the regulations specified in Part I of Schedule 4 are hereby revoked.

(2) The revocation by paragraph (1) of the Family Health Services Authorities (Membership and Procedure) Regulations 1990(1) and the Regional and District Health Authorities (Membership and Procedure) Regulations 1990(2) shall not affect the application, by the regulations listed in Part II of Schedule 4, of the provisions applied by those regulations; and to that extent those regulations shall continue to have effect as if there had been no such revocation.

(3) Regulation 10(2) of the Prescription Pricing Authority Regulations 1990(3) is hereby revoked.

(4) The regulations specified in Schedule 5 shall have effect subject to the amendments specified in that Schedule.

(1) [S.I. 1990/1330](#).
(2) [S.I. 1990/1331](#).
(3) [S.I. 1990/1719](#).