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STATUTORY INSTRUMENTS

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**1998 No. 1975**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service Trusts (Membership  
and Procedure) Amendment Regulations 1998**

*Made* - - - - *10th August 1998*  
*Laid before Parliament* *11th August 1998*  
*Coming into force* - - *10th September 1998*

The Secretary of State for Health, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred by section 126(4) of the National Health Service Act 1977(1) and section 5(7) of the National Health Service and Community Care Act 1990(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service Trusts (Membership and Procedure) Amendment Regulations 1998 and shall come into force on 10th September 1998.

(2) In these Regulations, “the Regulations” means The National Health Service Trusts (Membership and Procedure) Regulations 1990(3).

**Maximum number of directors**

2. For regulation 2 of the Regulations (maximum number of directors), there shall be substituted the following regulation—

**“Maximum number of directors**

2.—(1) The maximum number of directors of an NHS trust shall be twelve, excluding the Chairman.

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(1) 1977 c. 49 (“the 1977 Act”); section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”). See, for the definitions of “prescribed” and “regulations”, section 128(1) of the 1977 Act, as amended by section 26(2)(g) and (i) of the 1990 Act.  
(2) 1990 c. 19; section 5(7) was amended by paragraph 69(d) of Schedule 1 to the Health Authorities Act 1995 (c. 17).  
(3) S.I. 1990/2024, as amended by S.I. 1990/2160, S.I. 1996/1755 and S.I. 1997/2990.

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*Status: This is the original version (as it was originally made).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

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(2) An NHS trust shall have no more than seven non-executive directors (excluding the Chairman), and no more than five executive directors.”.

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

3. At the end of regulation 11 of the Regulations, there shall be inserted the following paragraph—

“(6) A person shall not be disqualified by paragraph (1)(e) from being the chairman or a non-executive director of an NHS trust during the period between the date on which it is established and its operational date(4) by virtue of being the chairman or a non-executive director of another NHS trust.”.

Signed by authority of the Secretary of State for Health.

Department of Health  
4th August 1998

*Baroness Hayman*  
Parliamentary Under-Secretary of State for  
Health

Signed by authority of the Secretary of State for Wales

Welsh Office  
10th August 1998

*Jon Owen Jones*  
Parliamentary Under-Secretary of State for  
Wales

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(4) See paragraph 5(1) of Schedule 2 to the Act.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service Trusts (Membership and Procedure) Regulations 1990 (“the 1990 Regulations”) which make provision in connection with the membership and procedure of NHS trusts established under Part I of the National Health Service and Community Care Act 1990.

The amendment made to regulation 2 of the 1990 Regulations changes the maximum number of directors of an NHS trust from eleven to twelve (excluding the Chairman), and provides that no more than seven of these may be non-executive directors (excluding the Chairman) and no more than five shall be executive directors.

The amendment made to regulation 11 of the 1990 Regulations provides that a person is not to be disqualified from being the chairman or non-executive director of an NHS trust during the period between its establishment and its operational date, by virtue of being the chairman or non-executive director of another NHS trust.