
STATUTORY INSTRUMENTS

2002 No. 3038

The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002

Disability of members in proceedings on account of pecuniary interest

10.—(1) Subject to the following provisions of this regulation, if a member has any pecuniary interest, direct or indirect, in any matter and is present at any meeting of the Commission at which the matter is the subject of consideration, he shall at that meeting and as soon as practicable after its commencement, disclose his interest and shall not take part in the consideration or discussion of the 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 to be in the interests of the health service that the disability should be removed.

(3) The Commission may, by Standing Orders made under regulation 9(2), provide for the exclusion of a member from a meeting of the Commission while any matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to a member by virtue of paragraph 7 of Schedule 6 to the Act (remuneration and allowances) shall not be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), the circumstances in which a member shall be treated for the purpose of this regulation as having an indirect pecuniary interest in a matter include—

- (a) if he, or a nominee of his, is a director of a company or other body, not being a public body, which has a direct pecuniary interest in the matter under consideration; or
- (b) if he is a partner of, or is in the employment of, a person who has a direct pecuniary interest in the matter under consideration,

and in the case of persons living together as a couple (whether married or not) the interest of one shall, if known to the other, be deemed for the purpose of this regulation to be also an interest of that other.

(6) A member shall not be treated as having a pecuniary interest in any 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; or
- (b) 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 him in the consideration or discussion of, or in voting on, any question with respect to that matter.

(7) Where a member—

- (a) has an indirect pecuniary interest in a matter by reason only of a beneficial interest in securities of a company or other body;
- (b) 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 lesser;

- (c) 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; and
- (d) he has declared his interest,

this regulation shall not prohibit him from taking part in the consideration or discussion of the matter, or from voting on any question with respect to it.

(8) This regulation applies to a committee or sub-committee as it applies to the Commission and applies to a member of any such committee or sub-committee (whether or not he is also a member of the Commission) as it applies to a member of the Commission.

(9) In this regulation—

“public body” includes any body established for the purpose of carrying on, under national ownership, any industry or part of any industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907(1);

“securities” means—

- (a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in any share or such debentures; or
- (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any industrial or provident society or building society;

“shares” means shares in the share capital of a company or other body or the stock of a company or other body.