The National Health Service (Executive Council for the Isles of Scilly) Regulations, 1948

1948 No. 441

Made - - - -	*3rd March*, 1948
Laid before Parliament	*4th March*, 1948
Coming into Operation	*1st April*, 1948

107693.

The Minister of Health, in exercise of his powers under paragraph 3 of the Fifth Schedule to the National Health Service Act, 1946(**a**), as extended to the Isles of Scilly by the Isles of Scilly (National Health Service) Order, 1948(**b**), and of all other powers enabling him in that behalf hereby makes the following regulations:—

PART I

General

1. These regulations may be cited as the National Health Service (Executive Council for the Isles of Scilly) Regulations, 1948, and shall come into operation on the first day of April, 1948.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

" the Act " means the National Health Service Act, 1946;

" the Order " means the Isles of Scilly (National Health Service) Order, 1948;

" the council " means the Executive Council for the Isles of Scilly as constituted under the Order.

(2) The Interpretation Act, 1889(**c**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Term of office of members, casual vacancies, etc.

3. The clerk of the council shall forthwith give notice in writing to the Minister of the name and address of any person who becomes a member of the council in accordance with paragraphs (*a*) and (*b*) of the schedule to the Order:

Provided that pending the appointment of a clerk of the council any such notice shall be given by the chairman of the council.

4.—(1) The first chairman and the other original members appointed by the Minister shall hold office until the 31st day of March, 1949.

(2) Subject as aforesaid the term of office of members appointed by the Minister shall be three years:

(**a**) 9 & 10 Geo. 6. c. 81. (**b**) S.I. 1948 No. 167, p. 2304 above. (**c**) 52 & 53 Vict. c. 63.

Provided that at the expiration of his term of office a member shall be eligible for reappointment.

5. The council shall appoint a member to be vice-chairman, and any person so appointed shall, so long as he remains a member of the council, hold office for such period as may be specified in the resolution under which he is appointed.

6.—(1) A member of the council who desires to resign his membership thereof shall give notice in writing to the clerk of the council, or, in the case of the chairman, to the Minister.

(2) If a member of the council has not attended any meeting of the council or of any committee for a period of six months, the clerk of the council shall inform the council, and unless the council is satisfied that his absence was due to illness or other reasonable cause it shall declare that his seat on the council has become vacant.

7. Subject to paragraphs (ii), (iii) and (v) of the proviso to subsection (1) of section 59 of the Local Government Act, 1933 (a), the provisions of paragraphs (*b*) and (*e*) of that subsection (which disqualify a person for being elected or being a member of a local authority if he has been adjudged bankrupt or made a composition or arrangement with his creditors or has been sentenced to imprisonment for not less than three months without the option of a fine) shall apply as if the section related to membership of the council.

8. If a casual vacancy occurs by reason of the death, resignation or disqualification of a member of the council appointed by the Minister, the clerk of the council shall forthwith inform the Minister.

9. Any person appointed to fill a casual vacancy shall hold office for the remainder of the term of office of the person in whose place he is appointed.

PART II

Procedure of the Council

General Provisions

10.—(1) At every meeting of the council, the chairman, if present, shall preside.

(2) If the chairman is absent from any meeting, the vice-chairman shall, if present, preside, and if the chairman and vice-chairman are both absent the members present at the meeting shall elect from among themselves a person to act as chairman for that meeting.

(3) Every question at a meeting of the council shall be determined by a majority of the votes of the members of the council present and voting on the question, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

11. Minutes of the proceedings at every meeting of the council and a record of the attendance of the members of the council shall be duly kept by the clerk.

12.—(1) The council shall appoint a person approved by the Minister to act as clerk of the council and shall also appoint such other officers as may be necessary. The resolution appointing the clerk shall embody the terms on which the appointment is made.

(a) 23 & 24 Geo. 5. c. 51.

(2) When an officer has attained the age of 65 years he shall cease to hold his office:

Provided that the council may in exceptional circumstances, with the consent of an officer and of the Minister, by resolution extend his period of service for one year or any less period, and so on from time to time.

(3) The council shall pay to the clerk and to their other officers remuneration in accordance with scales from time to time approved by the Minister, or such remuneration as the Minister may in special circumstances authorise.

(4) No member of the council or person who has at any time in the previous twelve months been a member of the council shall be appointed to the office of clerk or any other paid office under the council.

13.—(1) The council shall appoint a committee to be called the finance committee which shall consist wholly of members of the council and may appoint such further committees as they think fit which shall consist either wholly or partly of members of the council as the council may determine, provided that at least a majority of the members of the committee shall be members of the council.

(2) Subject to the provisions of any regulations relating to the finance committee, the council may delegate to any committee any of the powers and duties of the council, and any resolution of the council appointing a committee shall define the powers and duties delegated to them and the term of office of the members:

Provided that—

(i) No expenditure shall be incurred by any committee without the consent of the council; and

(ii) Every committee shall report their proceedings to the council at such times and in such manner as the council may direct.

(3) Every committee shall appoint a chairman and subject as aforesaid and to any standing orders of the council relating to committees the provisions of these regulations relating to the duties of the chairman and the provisions relating to the vice-chairman, and proceedings of the council shall apply to committees as they apply to the council, with the substitution of the committee for the council.

14. The council may make, vary and revoke standing orders for the regulation of the proceedings and business of the council and of the committees and in particular—

(*a*) for the times and places of the meetings of the council or committee which in the case of the council shall be held not less often than once in every three months;

(*b*) for due notice of the time and place of each meeting of the council or any committee and, subject to any exceptions which may be mentioned in the standing orders, of the business to be transacted thereat, to be given to members;

(*c*) for the suspension of a member who is guilty of persistent disorder;

(*d*) for providing that, subject to such exceptions and qualifications as may be specified in the standing orders, if a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter (not being a contract for the provision of one of the services

mentioned in Part IV of the Act) and is present at a meeting of the council or committee at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter;

(*e*) for such number of members of the council or committee, not being less than one-third of the whole number, as the standing order may specify to form a quorum.

15. Nothing in this part of these regulations shall apply (except so far as it may be specifically applied) to a committee constituted for any purpose for which a committee is authorised or required to be appointed by any other provisions for the time being in force.

16. The council may provide itself with offices and in the case of a joint committee established under subsection (4) of section 31 of the Act, the council may combine with other constituent councils in providing the joint committee with offices.

PART III

Subscriptions to, and payment of expenses of members attending meetings of an association of Executive Councils

17. The council may pay any sum, not exceeding in respect of any year ten pounds or such higher amount as the Minister approves not exceeding twenty pounds, as a subscription to the funds of any association of councils whose objects are approved by the Minister, and also the travelling and subsistence expenses reasonably incurred by representatives not exceeding in any case four in attending any meetings of any such association in accordance with rates prescribed under and for the purposes of paragraph 3 (*c*) of the Fifth Schedule to the Act.

Given under the official seal of the Minister of Health this third day of March nineteen hundred and forty-eight.

(L.S.)

Aneurin Bevan,
Minister of Health.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These regulations make provision with respect to the appointment and term of office of members and staff of the Executive Council for the Isles of Scilly and with respect to the procedure of the council.