STATUTORY INSTRUMENTS

1974 No. 2177 (S.200)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Local Health Councils) (Scotland) Regulations 1974

Made - - -	17*th December* 1974
Laid before Parliament	9*th January* 1975
Coming into Operation	30*th January* 1975

In exercise of the powers conferred on me by sections 14(2), (8) and (9) and 62(4) of the National Health Service (Scotland) Act 1972**(a)**, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Local Health Councils) (Scotland) Regulations 1974 and shall come into operation on 30th January 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

"the Act" means the National Health Service (Scotland) Act 1972;

"Health Board" means a board constituted under section 13 of the Act;

"Council" means a local health council established under section 14 of the Act;

"local authorities" means the regional, islands and district councils established under the Local Government (Scotland) Act 1973**(b)**;

"district" means, in relation to a Council, the locality for which it is established;

"member" means a member of a Council.

(2) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(a) 1972 c. 58. **(b)** 1973 c. 65.

(3) The Interpretation Act 1889**(a)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Submission of schemes

3. Schemes for the establishment of local health councils submitted to the Secretary of State by Health Boards in accordance with section 14(1) of the Act shall specify:—

(a) the number of councils to be established in the Health Board's area;

(b) the districts for which such councils are to be established;

(c) the number of members to be appointed to such councils;

(d) the composition of the membership of such councils;

(e) the procedures for appointing members, chairmen, and vice-chairmen of such councils; and

(f) such other particulars as may be required by the Secretary of State.

Appointment of members by local authorities

4. The number of members of a Council to be appointed by local authorities in or for the district of the Council shall be:—

(a) where the total number of members of the Council is to be a number specified in the first column of the Schedule to these regulations—the number specified in the second column of the Schedule opposite that total number; and

(b) in any other case—not less than one-third of the total number of members to be appointed.

Consideration of matters by Councils

5. In furtherance of its general function under section 14(1) of the Act to represent the interests of the public in the health service in the district for which it has been established, each Council may keep under review the operation of the health service in its district and make recommendations for the improvement of such service or otherwise advise the Health Board.

Information

6. It shall be the duty of every Health Board to provide each Council in its area with such information about the planning and operation of the health service in the area of the Health Board (other than information about the diagnosis and treatment of individual patients or confidential information about individual members of staff employed by the Health Board) as the Council may reasonably require in order to carry out its functions.

(a) 1889 c. 63.

Consultation with Councils by Health Boards

7.—(1) Every Health Board shall, so far as is reasonably practicable, consult each Council in its area on any proposals which the Board may have under consideration for:—

(a) any substantial development of any of the services, provided under the National Health Service (Scotland) Acts 1947 to 1973**(a)**, used by the community in the Council's district; and

(b) any substantial variation in the provision of such services.

(2) Without prejudice to paragraph (1) of the regulation, a Health Board may consult Councils in its area about any other matter on which it considers consultation is necessary or desirable.

Reports

8.—(1) A Council may, and if so requested by the Health Board or the Secretary of State shall, consider any question relating to the operation of the health service in its district and submit a report thereon to the Health Board.

(2) It shall be the duty of a Council, as soon as is practicable after 1 April 1976 and thereafter as soon as is practicable after 1 April in each successive year, to make a report to the Health Board on the performance of its functions during the year preceding that date and to secure that copies of the report are available to the public in its district.

(3) Following receipt of such annual report, the Health Board shall furnish to the Council comments thereon, including any steps taken or proposed to be taken by the Health Board in consequence of advice given or proposals made by the Council, and the Board or the Council may make these comments known to the public in the Council's district.

(4) The Health Board shall as soon as is practicable send to the Secretary of State a copy of each annual report prepared by the Council in its area.

(5) The Secretary of State may require a Heaith Board to furnish him with its comments on any report prepared by a Council in its area and submitted in accordance with paragraph (1) or (2) of this regulation.

Visits to health service establishments by Councils

9. Members of a Council may visit any premises administered by the Health Board at such reasonable times and subject to such reasonable conditions as may be agreed between the Council and the Board.

Provision of staff, accommodation and other facilities by Health Boards

10. It shall be the duty of every Health Board to provide each Council in its area with the services of officers, and with accommodation and other facilities, to such extent as the Council may reasonably require to enable it to perform its functions.

(a) 1973 c. 32.

Meetings with Health Boards

11. It shall be the duty of every Health Board to hold, not less than once every year, a meeting between members of the Health Board and the members of each Council in its area to discuss such matters relating to the functions of the Council as may be raised by the Council or the Board.

Appointment of committees and joint committees

12.—(1) A Council may, and if so required by the Secretary of State shall, appoint committees of the Council to exercise, subject to such restrictions and conditions as the Council or, as the case may be, the Secretary of State thinks fit, some, but not all, of the Council's functions and, unless the Secretary of State otherwise determines, such committees shall consist wholly of persons who are members of the Council.

(2) A Council may, together with one or more other Councils, appoint a joint committee, of which the members consist of members of those Councils, to exercise, subject to such restrictions and conditions as may be agreed between those Councils some, but not all, of the functions of such Councils.

Meetings and proceedings

13.—(1) The first meeting of a Council shall be held on such day and at such place as may be fixed by the Health Board, which shall be responsible for convening the meeting.

(2) A meeting of the Council shall take place at least once in every three months.

(3) After the first meeting the chairman may call a meeting of the Council at any time and, if he refuses to call a meeting after a requisition for that purpose, signed by at least one-third of the whole number of members, has been presented to him, or if, without so refusing the chairman does not call a meeting within ten days after such requisition has been presented to him, such one-third or more members may forthwith call a meeting.

(4) Before each meeting of a Council a notice of the meeting, specifying the business proposed to be transacted thereat, and signed by the officer appointed to act as Secretary of the Council or by some other officer of the Council authorised to sign on his behalf, shall be delivered to every member, or sent by post to the usual place of residence of such member, so as to be available to such member at least seven clear days before the meeting:

Provided that—

(a) want of service of such notice on any member shall not affect the validity of a meeting; and

(b) in the case of a meeting called by members in default of the chairman, the notice shall be signed by those members and no business shall be transacted at the meeting other than that specified in the notice.

(5) At any meeting of a Council

(a) the chairman, if present, shall preside;

(b) if the chairman is absent from the meeting the vice-chairman, if present, shall preside; and

(c) if the chairman and vice-chairman are absent, such one of their number as the members present shall choose shall preside.

(6) No business shall be transacted at a meeting unless one-third of the whole number of members are present.

(7) Every question at a meeting shall be determined by a majority of votes of members present and voting on the question and, in the case of an equality of votes, the person presiding shall have a second and casting vote.

(8) The names of members present at any meeting shall be recorded and the minutes of the proceedings of each meeting shall be drawn up and entered in a book kept for that purpose and shall be signed at the same or next ensuing meeting by the person presiding thereat.

(9) A meeting of a Council or of a committee thereof may be adjourned to any other day, hour and place.

(10) If a member has any pecuniary interest, direct or indirect, in any matter which is discussed at a meeting of the Council or of a committee of the Council he shall at the meeting, as soon as practicable after the commencement thereof, declare the fact and shall not vote on any question with respect to such matter; but he shall not be precluded from taking part in the consideration or discussion of the matter.

William Ross

One of Her Majesty's Principal Secretaries of State.

St Andrew's House,
Edinburgh,
17th December 1974.

Regulation 4 SCHEDULE

Number of members of local health councils to be appointed by local authorities

Total number of members to be appointed	*Corresponding number of local authority appointments*
12	4
13	5
14	5
15	5
16	6
17	6
18	6
19	7
20	7
21	7
22	8
23	8
24	8
25	9
26	9
27	9
28	10
29	10
30	10
31	11
32	11
33	11

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision as to the submission of schemes for the establishment of local health councils and the appointment of members to such councils by local authorities. The Regulations also determine the powers and duties of local health councils, the duties of Health Boards in regard to such councils and make provision for the performance of their functions and for their staffing, accommodation and procedures.

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