STATUTORY INSTRUMENTS

1975 No. 196 (S. 15)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Common Services Agency: Membership and Procedure) (Scotland) Regulations 1975

Made - - - -	*13th February* 1975
Laid before Parliament	*28th February* 1975
Coming into Operation	*24th March* 1975

In exercise of the powers conferred on me by section 19(1) of and paragraph 8 of Schedule 3 to the National Health Service (Scotland) Act 1972**(a)**, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the National Health Service (Common Services Agency: Membership and Procedure) (Scotland) Regulations 1975 and shall come into operation on 24th March 1975.

Interpretation

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

(*a*) "the Act of 1947" means the National Health Service (Scotland) Act 1947**(b)**;

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

(*c*) "the Agency" means the Common Services Agency for the Scottish Health Service constituted under section 19 of the Act of 1972;

(*d*) "Board" means a Health Board constituted under section 13 of the Act of 1972;

(*e*) "the Management Committee" means the Management Committee of the Agency;

(a) 1972 c. 58. **(b)** 1947 c. 27.

(*f*) "member" means the chairman or other member of the Management Committee and "members" shall be construed accordingly.

(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.

(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.

PART II

MEMBERSHIP

Term of office

3.—(1) Subject to the following provisions of these regulations—

(*a*) the term of office of members of the Management Committee, other than a member to whom sub-paragraph (*b*), (*c*), (*d*) or (*e*) of this paragraph applies, shall be four years;

(*b*) the first chairman of the Management Committee shall hold office until 31st March 1977;

(*c*) members of the Management Committee appointed under paragraph 3(*a*) of Schedule 3 to the Act of 1972 shall hold office for such period not exceeding four years as may be determined by the Secretary of State;

(*d*) of the members of the Management Committee appointed before the commencement of these regulations under paragraph 3(*b*) of Schedule 3 to the Act of 1972, one half shall vacate office on 31st March 1977, and the remainder on 31st March 1979;

(*e*) members of the Management Committee appointed before the commencement of these regulations under paragraph 3(*c*) of Schedule 3 to the Act of 1972 shall vacate office on 31st March 1979.

(2) At the expiration of his term of office a member of the Management Committee shall, subject to regulation 5 of these regulations, be eligible for re-appointment.

Resignation and removal of members

4.—(1) A member of the Management Committee who desires to resign his membership shall give written intimation of his resignation to the Secretary of State.

(2) If a member of the Management Committee has not attended any meeting of the Management Committee or of any sub-committee of the Management Committee throughout a period of six consecutive months, the Secretary of State shall, unless satisfied that his absence was due to illness or other reasonable cause, declare that his seat on the Management Committee has become vacant and that person shall forthwith cease to be a member.

(a) 1889 c. 63.

(3) If a member of the Management Committee, being a member appointed on the nomination of the Boards, is also a member or officer of any Board, he shall, on ceasing to be a member or officer of that Board, cease also to be a member of the Management Committee.

Disqualification

5.—(1) A person shall be disqualified for appointment to or for being a member of the Management Committee, if:—

(*a*) he is a person who within the preceding five years has been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

(*b*) he is a person who has held any paid appointment or office or other place of profit under the Agency or under a Board and has been dismissed from such appointment, office, or other place of profit otherwise than by reason of redundancy; or

(*c*) he is disqualified under section 43 of the Act of 1947 for inclusion in any list prepared under Part IV of the Act of 1947; or

(*d*) he is a person whose estates have been sequestrated by a competent court in Scotland or has been adjudged bankrupt elsewhere than in Scotland;

Provided that—

(i) the disqualification attaching to a person whose estates have been sequestrated shall cease if and when—

(*a*) the sequestration of his estates is recalled or reduced; or

(*b*) he obtains his discharge from a competent court;

(ii) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease if and when—

(*a*) the bankruptcy is annulled; or

(*b*) he is discharged.

(2) A member of the Management Committee being either—

(*a*) a person who holds any paid appointment or office or other place of profit under the Agency or under a Board and who resigns from such appointment, office, or other place of profit, or

(*b*) a person whose name is included in any list prepared under Part IV of the Act of 1947, and whose name is withdrawn from the list on his own application,

shall, if the Secretary of State so directs, forthwith cease to be a member.

Filling of casual vacancies

6.—(1) Where a vacancy occurs in the membership of the Management Committee by reason of the death, resignation, removal or disqualification of a member, the Secretary of State may appoint a person to fill the vacancy.

(2) Any person appointed by the Secretary of State to fill a vacancy shall be appointed in accordance with the provisions of paragraph 3 of Schedule 3 to the Act of 1972 which governed the appointment of the person whose place has been vacated.

(3) Subject to these regulations, any person appointed to fill a vacancy shall hold office for the remainder of the term of office of the person in whose place he is appointed.

PART III

DEPUTY MEMBERS

7.—(1) Deputy members of the Management Committee, who shall be appointed by the Secretary of State, acting where appropriate in consultation with the Health Boards, shall be entitled to attend meetings of the Management Committee or sub-committees thereof in place of members who may be absent.

(2) Regulations 4(1), 4(3), 5, 6 and 12 shall apply to a deputy member as they apply to a member of the Management Committee.

PART IV

APPOINTMENT OF VICE-CHAIRMAN AND SUB-COMMITTEES

Vice-Chairman

8. The Management Committee shall appoint a member to be vice-chairman and any person so appointed shall, so long as he remains a member of the Management Committee, hold office for such period as the Management Committee may decide.

Sub-Committees

9. The Management Committee may, and if so directed by the Secretary of State shall, appoint sub-committees, whose membership may include persons who are not members of the Management Committee, for the exercise on their behalf of any of the Management Committee's functions, subject to such restrictions or conditions as the Management Committee may think fit, or as the Secretary of State may direct.

PART V

PROCEDURE OF MANAGEMENT COMMITTEE

Meetings

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

(2) If the chairman is absent from any meeting, the vice-chairman, if present, shall preside, and if the chairman and vice-chairman are both absent, the mem-

bers present at the meeting shall elect from among themselves a person to act as chairman for that meeting.

(3) All acts of, and all questions coming and arising before, the Management Committee shall be done and decided by a majority of the members (including deputy members) of the Management Committee present and voting at a meeting of the Management Committee and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

Minutes

11.—(1) The names of members present at a meeting of the Management Committee or of a sub-committee of the Management Committee shall be recorded.

(2) Minutes of the proceedings of a meeting of the Management Committee or of a sub-committee of the Management Committee shall be drawn up by or on behalf of the secretary of the Management Committee and shall be signed at the meeting by the person presiding thereat or shall be submitted to the next ensuing meeting of the Management Committee for approval as a record of the meeting and signed by the person presiding at that next ensuing meeting.

(3) The minutes of every meeting of the Management Committee shall be forwarded to the Secretary of State by the secretary of the Management Committee.

Disability of members in proceedings on account of interests

12.—(1) Subject to such exceptions and qualifications as may, with the approval of the Secretary of State, be specified in standing orders, if a member has any pecuniary or other interest, direct or indirect, in any contract or proposed contract (not being a contract for the provision of one of those services mentioned in Part IV of the Act of 1947) or other matter, and is present at a meeting of the Management Committee or of a sub-committee of the Management 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 and discussion of, or vote on any question with respect to, the contract or other matter.

(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 national health service that the disability should be removed.

(3) Any compensation or allowances payable to a member by virtue of paragraph 5 of Schedule 3 to the Act of 1972 shall not be treated as a pecuniary interest for the purpose of this regulation.

Power to make standing orders

13. Subject to such directions as may be given by the Secretary of State, the Management Committee shall make, and may vary and revoke, standing orders for the regulation of the procedure and business of the Management Committee and of any sub-committee of the Management Committee, and in particular—

(*a*) for the times and places of the meetings of the Management Committee or sub-committee which, in the case of the Management Committee, 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 Management Committee or sub-committee thereof 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 by or on behalf of the secretary of the Management Committee;

(*c*) for the secretary of the Management Committee calling a meeting of the Committee at any time on being required so to do by the chairman of the Management Committee or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting and signed by one-fourth of the whole number of members of the Management Committee, which meeting shall be held within fourteen days of receipt of the requisition, provided that no business shall be transacted at the meeting other than that specified in the requisition;

(*d*) for specifying the exceptions and qualifications referred to in regulation 12 (Disability of members in proceedings on account of interests);

(*e*) for providing that no business shall be transacted at a meeting of the Management Committee or of a sub-committee thereof unless at least one-fourth of the whole number of members of the Management Committee or of the sub-committee are present thereat;

(*f*) for the adjournment of a meeting of the Management Committee or of a sub-committee thereof to any other day, hour and place.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
13th February 1975.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for the term of office etc. of members of the Management Committee of the Common Services Agency, and for the procedure of the Committee.

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