STATUTORY INSTRUMENTS

1979 No. 738

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Health Authorities: Membership) Regulations 1979

Made - - -	*27th June* 1979
Laid before Parliament	*6th July* 1979
Coming into Operation	*27th July* 1979

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred on them by paragraphs 1(2), 2(1)(*b*) and 12(*a*) of Schedule 5 to the National Health Service Act 1977(**a**) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Health Authorities: Membership) Regulations 1979 and shall come into operation on 27th July 1979.

Interpretation

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

"the Act" means the National Health Service Act 1977;

"appointing authority" means the Secretary of State, Regional Authority or local authority as appropriate;

"Area Authority" means an Area Health Authority;

"Authority" means a Regional Authority or an Area Authority;

"local authority" in relation to any Area Authority means a local authority specified in the Order constituting the Area Authority as entitled to make appointments to that Authority;

"member" in relation to an Authority does not include the chairman and "members" and "membership" shall be construed accordingly;

"Regional Authority" means a Regional Health Authority;

"relevant Regional Authority" has the meaning assigned to it in paragraph 5(1)(*b*) of Schedule 5 to the Act.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(**a**) 1977 c. 49.

Tenure of office of chairman and members of Authorities

3. Subject to regulations 4 and 5—

(*a*) the tenure of office of the chairman of an Authority shall, subject to the provisions of the Schedule to these regulations, be for such period not exceeding four years, expiring on 31st July in any year, as the Secretary of State shall specify on making the appointment;

(*b*) the tenure of office of the members of a Regional Authority shall, subject to the provisions of the Schedule to these regulations, be for such period not exceeding four years, expiring on 30th September in any year, as the Secretary of State shall specify on making the appointment;

(*c*) the tenure of office of a member of an Area Authority in Wales appointed by the Secretary of State shall be for a period of four years expiring on 31st July;

(*d*) the tenure of office of a member of an Area Authority appointed by the relevant Regional Authority shall, subject to the provisions of the Schedule to these regulations, be for a period of four years expiring on 30th September;

(*e*) the tenure of office of a member of an Area Authority appointed by one or more local authorities shall be for such period as it or they shall specify on making the appointment.

Variation of tenure of office of chairmen and members of Authorities

4.—(1) Where, before the expiry of the period for which he was appointed otherwise than by a local authority, a person—

(*a*) has ceased for any reason to be a member of any Area Authority, or

(*b*) has been declared, pursuant to regulation 5(7), not to have been duly appointed,

the tenure of office of any person appointed in his place shall be for the remainder of that period.

(2) Where the specified number of members of any category is increased the tenure of office of each member first appointed to fill a vacancy created by the increase shall be in the case of—

(*a*) an Area Authority in England for such period not exceeding four years as the appointing authority shall specify on making the appointment expiring on 30th September, in any year; and

(*b*) an Area Authority in Wales for such period not exceeding four years as the appointing authority shall specify on making the appointment expiring on 31st July, in any year.

(3) Subject to paragraph (5), where an Authority is established in England after 27th July 1979, the tenure of office of—

(*a*) one-half of the original members appointed by the Secretary of State or the relevant Regional Authority shall be for such period, not exceeding two years, expiring on 30th September in any year, as the Secretary of State or the relevant Regional Authority in appointing them shall specify, and

(*b*) the tenure of office of the remainder of such members shall be for a period two years longer than that specified in sub-paragraph (*a*) above.

(4) Subject to paragraph (5), where an Area Authority is established in Wales after 31st July 1977, the tenure of office of—

(*a*) one-half of the original members appointed by the Secretary of State shall be for such period, not exceeding two years, expiring on 31st July in any year, as the Secretary of State in appointing them shall specify, and

(*b*) the tenure of office of the remainder of such members shall be for a period two years longer than that specified by the Secretary of State.

(5) Where in the case of an Authority to which paragraph (3) or (4) applies the original members so appointed constitute an uneven number, the one-half referred to in that paragraph shall be deemed to be the integer next above the half of that number.

Termination of tenure of office

5.—(1) A chairman or member of an Authority may resign his office at any time during the period for which he was appointed by giving notice in writing to the appointing authority by which he was appointed.

(2) Where a member of an Authority is appointed, during his period of membership, to be the chairman of that Authority, his tenure of office as a member shall terminate when his appointment as chairman takes effect.

(3) If an appointing authority is of the opinion that it is not in the interest of the health service in the area of an Authority that a person whom it has appointed as the chairman or a member of that Authority should continue to hold that office, that appointing authority may, subject, if it is a relevant Regional Authority, to the consent of the Secretary of State, forthwith terminate his tenure of that office.

(4) (*a*) A relevant Regional Authority which, on the recommendation of a non-metropolitan district council which it has consulted pursuant to paragraph 2(2)(*b*) of Schedule 5 to the Act, has appointed a person to be a member of an Area Authority, shall forthwith terminate his tenure of office if that council, being of the opinion that it is not in the interest of the health service in the area of that Authority that he should continue to be a member, so requests.

(*b*) Where the appointment to which sub-paragraph (*a*) above refers was made on the recommendation of two or more non-metropolitan district councils, that sub-paragraph shall apply as if those councils were a single council.

(5) If the chairman or a member of an Authority has not attended a meeting of that Authority or a committee or sub-committee thereof for a period of six months, the Secretary of State, after consultation with any other appointing authority by which that member was appointed, shall, unless satisfied that the absence was due to illness or other reasonable cause, forthwith terminate his tenure of office.

(6) If a chairman or member of an Authority is either—

(*a*) a person who, having at the time of his appointment been in paid employment with any Authority, special health authority or preserved Board, has voluntarily left that employment, or

(*b*) a person who on his own application has had his name withdrawn from any list prepared by virtue of Part II of the Act, and whose name is not included in any other such list,

the Secretary of State may terminate his tenure of office.

(7) Where a person has been appointed to be the chairman or a member of an Authority—

(*a*) if he becomes disqualified for appointment under regulation 8 the appointing authority by which he was appointed shall forthwith terminate his tenure of office; or

(*b*) if it comes to the notice of that appointing authority that at the time of his appointment he was so disqualified it shall forthwith declare that he was not duly appointed and he shall thereupon cease to act as such chairman or member.

(8) If it appears to the Secretary of State that a chairman or member of an Authority has failed to comply with regulation 14(1) of the National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973(**a**), (disclosure etc. on account of pecuniary interest) he may forthwith terminate that person's tenure of office.

Eligibility for reappointment

6. Subject to regulation 8, a chairman or member of an Authority shall, on the termination of his tenure of office, be eligible for reappointment.

Exception from duty to consult

7. The duty to consult imposed by paragraphs 1(2) and 2(1)(*b*) of Schedule 5 to the Act shall not apply—

(*a*) where the Secretary of State appoints as a member of a Regional Authority—

(i) an employee of that Authority; or

(ii) an employee of an Area Authority whose area is situated within the region of that Regional Authority; or

(iii) a person providing general dental or ophthalmic services or pharmaceutical services in the area of any such Area Authority; or

(*b*) where, in Wales, the Secretary of State, or, in England, a Regional Authority, appoints as a member of an Area Authority—

(i) an employee of that Regional Authority; or

(ii) an employee of that Area Authority; or

(iii) a person providing general dental or ophthalmic services or pharmaceutical services in the area of that Area Authority; or

(*c*) in respect of any appointment by the Secretary of State or a Regional Authority as the case may require to which regulation 4(1) or (2) applies or which is the appointment of a person to be a member of a Regional Authority for the purpose of his taking the place of a member whose tenure of office has ceased before the expiry of the period for which he was appointed.

(**a**) S.I. 1973/1286, to which there are amendments not relevant to these regulations.

Disqualification for appointment

8.—(1) Subject to regulation 9, a person shall be disqualified for appointment as chairman or member of an Authority if he—

(*a*) has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man 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*) has been adjudged bankrupt or has made a composition or arrangement with his creditors; or

(*c*) has been dismissed, otherwise than by reason of redundancy, from any paid employment with any body specified as a relevant body in section 109 of the Act; or

(*d*) has had his name removed from any list prepared by virtue of Part II of the Act, under the provisions of section 46 of the Act, and has not subsequently had his name included in such a list; or

(*e*) is a person whose tenure of office as chairman or member of an Authority has been terminated pursuant to regulation 5(3) to (8).

(2) For the purposes of paragraph (1)(*a*) the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the conviction.

Cessation of disqualification

9.—(1) Where a person is disqualified under regulation 8(1)(*b*) by reason of bankruptcy, then—

(*a*) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;

(*b*) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and

(*c*) if he is discharged without such a certificate, his disqualification shall cease on the expiry of five years from the date of his discharge.

(2) Where a person is disqualified under regulation 8(1)(*b*) by reason of his having made a composition or arrangement with his creditors, if he pays his debts in full the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(3) Where a person is disqualified under regulation 8(1)(*e*), the disqualification shall cease on the expiry of such period of not less than two years as the authority terminating his tenure of office may specify:

Provided that—

(*a*) the Secretary of State may, on application being made to him by that person or that authority, reduce the specified period, and

(*b*) a period of disqualification specified under this paragraph shall expire in the case of:—

(i) a disqualified chairman of an Authority, on 31st July; and

(ii) a disqualified member of a Regional Authority, on 30th September; and

(iii) a disqualified member of an Area Authority established in England, on 30th September; and

(iv) a disqualified member of an Area Authority established in Wales, on 31st July.

Revocation of regulations

10. The National Health Service (Health Authorities: Membership) Regulations 1977(**a**) and the National Health Service (Health Authorities: Membership) Amendment Regulations 1978(**b**) are hereby revoked.

Patrick Jenkin,
Secretary of State for Social Services.

22nd June 1979.

Nicholas Edwards,
Secretary of State for Wales.

27th June 1979.

(**a**) S.I. 1977/1103. (**b**) S.I. 1978/228.

SCHEDULE

Regulation 3(a), (b) and (d)

TRANSITIONAL PROVISIONS

1. In the case of each of the Area Authorities listed below the tenure of office of the chairman whose appointment took effect on 1st August 1977 shall be for a period of two years—

In Northern Region—
Cleveland
Cumbria
Durham
Northumberland
Gateshead

In Yorkshire Region—
Humberside
North Yorkshire
Bradford
Calderdale

In Trent Region—
Derbyshire
Leicestershire (T)
Lincolnshire
Nottinghamshire (T)

In East Anglian Region—
Cambridgeshire (T)
Norfolk

In North West Thames Region—
Bedfordshire
Hertfordshire
Barnet
Brent & Harrow

In North East Thames Region—
Essex
Barking & Havering
Camden & Islington (T)

In South East Thames Region—
East Sussex
Kent
Bromley

In South West Thames Region—
Surrey
West Sussex

In Wessex Region—
Dorset
Hampshire (T)

In Oxford Region—
Berkshire
Buckinghamshire

In South Western Region—
Avon (T)
Cornwall & Isles of Scilly

In West Midlands Region—
Hereford & Worcester
Salop
Staffordshire
Warwickshire
Birmingham (T)

In Mersey Region—
Cheshire
Liverpool (T)

In North Western Region—
Lancashire
Bolton
Bury
Manchester (T)
Oldham

2. The tenure of office of—

(*a*) the member of a Regional Authority appointed by the Secretary of State whose tenure of office expires on 31st July in 1979, 1980, 1981 or 1982 shall continue to hold office for a further period of two months,

(*b*) one-half of the members of an Area Authority in England whose appointments by the relevant Regional Authority took effect on 1st August 1977 shall hold office for two years and two months, and

(*c*) the remainder of such members shall hold office for a period of two years greater than the period of office of the members whose appointments took effect on 1st August 1977 under sub-paragraph (*b*) above.

3. Where a Regional Authority appoints an uneven number of members of an Area Authority with effect on that day, the one-half referred to in paragraph 2 above shall be deemed to be the integer next above the half of that number.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations consolidate with amendments the Regulations which provide for the appointment and tenure of office of chairmen and members of Regional and Area Health Authorities and alter the dates of termination of office of certain members of Health Authorities in England from 31st July to 30th September and adjust appropriately the tenures of office of the original members.

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