STATUTORY INSTRUMENTS

1984 No. 294 (S.34)

MENTAL HEALTH

The Mental Health (State Hospital Management Committee, State Hospital, Carstairs: Membership and Procedure) (Scotland) Regulations 1984

Made - - - -	*7th March* 1984
Laid before Parliament	*9th March* 1984
Coming into Operation	*31st March* 1984

In exercise of the powers conferred upon me by paragraph 6 of Schedule 2A to the Mental Health (Scotland) Act 1960(a), as read with section 90(1) of that Act(b), 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 Mental Health (State Hospital Management Committee, State Hospital, Carstairs: Membership and Procedure) (Scotland) Regulations 1984, and shall come into operation on 31 March 1984.

Interpretation

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

(*a*) "the Management Committee" means the State Hospital Management Committee for the State Hospital, Carstairs, constituted in accordance with section 90(2) of the Mental Health (Scotland) Act 1960(c);

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

(a) 1960 c. 61; Schedule 2A was inserted by the Mental Health (Amendment) (Scotland) Act 1983 (c. 39) section 26(2).

(b) Section 90(1) was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7.

(c) 1960 c. 61; section 90(2) was substituted by the Mental Health (Amendment) (Scotland) Act 1983, section 26(1).

PART II

MEMBERSHIP OF MANAGEMENT COMMITTEE

Term of Office

3.—(1) Subject to these regulations—

(*a*) the term of office of a member, other than a member to whom sub-paragraph (*b*) of this paragraph applies, shall be such period not exceeding four years as the Secretary of State shall specify on making the appointment;

(*b*) a member appointed *ex-officio* shall cease to be a member on ceasing to hold the office by virtue of which he was so appointed.

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

Resignation and removal

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

(2) If a member has not attended any meeting of the Management Committee or of any committee or 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.

Disqualification

5.—(1) A person shall be disqualified for appointment to or for continuing to hold appointment as a member, 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 any body constituted under the National Health Service (Scotland) Act 1978**(a)** or the National Health Service Act 1977**(b)** and has been dismissed from such appointment, office, or other place of profit otherwise than by reason of redundancy; or

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(a) 1978 c. 29. **(b)** 1977 c. 49.

(*c*) he is a person whose estates have been sequestrated by a competent court in Scotland or who 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 who holds any paid appointment or office or other place of profit under a body constituted under the National Health Service (Scotland) Act 1978 and who resigns from such appointment, office, or other place of profit shall 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) 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

APPOINTMENT OF VICE-CHAIRMAN AND COMMITTEES

Vice-Chairman

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

Committees and Sub-Committees

8. The Management Committee may appoint committees or sub-committees to which they may delegate any of the functions of the Management Committee, subject to such restrictions or conditions as the Management Committee may think fit;

Provided that any committee or sub-committee so appointed shall be composed as to a majority of its members of persons who are members of the Management Committee.

9. Without prejudice to the generality of regulation 8, the Management Committee shall appoint a sub-committee, to be known as the Medical Sub-Committee, for the exercise on their behalf of their functions in relation to the admission and discharge of patients.

PART IV

PROCEDURE OF MANAGEMENT COMMITTEE AND COMMITTEES

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 members 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 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 committee or sub-committee of the Management Committee shall be recorded.

(2) Minutes of the proceedings of a meeting of the Management Committee or of a committee or sub-committee of the Management Committee shall be drawn up by or on behalf of the secretary of the Management Committee.

(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 be specified in standing orders, if a member has any pecuniary or other interest, direct or indirect, in any contract or proposed contract or other matter and is presented at a meeting of the Management Committee, or of a committee or sub-committee of the Management Committee, at which the contract or proposed 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 proposed contract or other matter.

(2) Any remuneration, pension, allowance or gratuity payable to a member in accordance with section 90(4) of the Mental Health (Scotland) Act 1960(a) shall not be treated as a pecuniary interest for the purposes of this regulation.

Power to make standing orders

13. The Management Committee may make, vary or revoke, standing orders for the regulation of the procedure and business of the Management Committee or of any committee or sub-committee of the Management Committee.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House, Edinburgh
7th March 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the term of office, resignation, removal, disqualification and replacement of members of the State Hospital Management Committee for the State Hospital, Carstairs, for the appointment by the Management Committee of committees or sub-committees to which the Management Committee may delegate functions, and for the procedure of the Management Committee and any committees or sub-committees appointed by them.

(a) 1960 c. 61; section 90(4) was substituted by the Mental Health (Amendment) (Scotland) Act 1983, section 26(1).