STATUTORY INSTRUMENTS

# 1990 No. 1526

# NATIONAL HEALTH SERVICE, ENGLAND AND WALES

## The Authorities for London Post-Graduate Teaching Hospitals Regulations 1990

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| *Made - - - -* | *24th July 1990* |
| *Laid before Parliament* | *31st July 1990* |
| *Coming into force* | *17th September 1990* |

The Secretary of State for Health in exercise of powers conferred by sections 16(1), 17, 18, 80, 126(4) and 128(1) of and paragraphs 12 and 12A of Schedule 5 to the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Authorities for London Post-Graduate Teaching Hospitals Regulations 1990 and shall come into force on 17th September 1990.

**Interpretation**

**2.** In these Regulations, unless the context otherwise requires –
"the Act" means the National Health Service Act 1977;
"Authority" means a special health authority continued in being under the Order;
"officer member" and "non-officer member" have the meaning given by article 5(1) of the Order;
"the Order" means the Authorities for London Post-Graduate Teaching Hospitals (Constitution) Order 1990(b);
"the relevant committee" means the committee appointed under regulation 7 of these Regulations.

**Appointment of members and tenure of office**

**3.**–(1) The chairman and non-officer members of an Authority shall be appointed by the Secretary of State.

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(a) 1977 c.49; section 16(1) was amended by the Health Services Act 1980 (c.53), sections 1 and 2 and Schedule 1, paragraph 36 and by the National Health Service and Community Care Act 1990 (c.19) (the 1990 Act), section 3(3); section 17 was substituted by the Health and Social Security Act 1984 (c.48), Schedule 3, paragraph 2; section 18 was amended by the Health Services Act 1980 (c.53), Schedule 1, paragraphs 38 and 92 and the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39) article 7(2); section 126(4) was amended by the 1990 Act, section 65(1); section 128(1) was amended by the 1990 Act, section 26(2); paragraph 12 of Schedule 5 was amended by the 1990 Act, Schedule 1, paragraph 9; paragraph 12A of Schedule 5 was inserted by the 1990 Act, Schedule 1, paragraph 10. Section 128(1) is cited for the definition of "regulations".
(b) S.I. 1990/1525.

(2) The officer members other than the chief officer and chief finance officer shall be appointed by the relevant committee.

(3) Subject to regulation 4 of these Regulations and regulation 11 of the Regional and District Health Authorities (Membership and Procedure) Regulations 1990(a) as applied by regulation 8(3) of these Regulations, the tenure of office of a chairman or non-officer member of an Authority shall be for such period not exceeding 4 years as the Secretary of State shall specify on making the appointment.

(4) Subject to regulation 8 of those Regulations as so applied the tenure of office of an officer member of an Authority other than the chief officer and chief finance officer shall be for such period as the relevant committee shall specify on making the appointment.

**Termination of tenure of office**

**4.**—(1) Where a person appointed pursuant to article 6(1)(a) of the Order ceases to hold a post as there specified the Secretary of State may terminate his appointment as a member.

(2) Where a person appointed pursuant to article 6(1)(b) of the Order ceases to work in an activity undertaken by a hospital managed by the Authority, the Secretary of State may terminate his appointment as a member.

**Joint members**

**5.** Where more than one person is appointed jointly to a post in an Authority which qualifies the holder for officer membership or in relation to which an officer member is to be appointed, those persons shall become or be appointed as an officer member jointly and shall count for the purposes of article 5 of the Order as one person.

**Eligibility for reappointment**

**6.** An officer member of an Authority apart from the chief officer or the chief finance officer shall, upon termination of the period of his tenure of office, be eligible for reappointment.

**Committee for the appointment of officer members other than the chief officer and chief finance officer**

**7.** An Authority shall appoint a committee consisting of the chairman of the Authority, its non-officer members, and its chief officer, which shall exercise on behalf of the Authority functions of appointing the officer members, other than the chief officer and the chief finance officer, as members of the Authority.

**Application of regulations**

**8.**—(1) The provisions of the National Health Service (Venereal Diseases) Regulations 1974(b) shall apply to Authorities as if any reference therein to a Regional Health Authority were a reference to an Authority.

(2) The provisions of the Sale of Goods for Mothers and Children (Designation and Charging) Regulations 1976(c) shall apply to Authorities as if any reference therein to a District Health Authority were a reference to an Authority.

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(a) S.I. 1990/1331.
(b) S.I. 1974/29.
(c) S.I. 1976/516; the relevant amending instrument is S.I. 1982/288.

(3) The provisions of regulation 8 (termination and suspension of tenure of officer members), regulation 10 (application of regulations 11 to 14 to non-officer members), regulation 11(1) to (6) (termination of tenure of office), regulation 12 (eligibility for re-appointment), regulation 13 (disqualification for appointment), regulation 14 (cessation of disqualification), regulation 15 (appointment of vice-chairman), regulation 16 (powers of vice-chairman), regulation 17 (appointment of committees and sub-committees), regulation 18 (arrangements for the exercise of functions), regulation 19 (meetings and proceedings) and regulation 20 (disability on account of pecuniary interest) of and Schedule 2 (rules as to meetings and proceedings) to the Regional and District Health Authorities (Membership and Procedure) Regulations 1990**(a)** apply in relation to an Authority established by the Order as if –

(a) any reference in them to an Authority except in regulation 13(1)(f)(i) were a reference to an Authority for the purposes of these Regulations;

(b) any reference to an officer member were a reference to an officer member for the purposes of these Regulations;

(c) any reference to an appointing authority were a reference to a person appointing a chairman or member under these Regulations;

(d) in regulation 13(1)(f)(i) the word "other" were omitted and in regulation 13(1)(f)(iii) the word "other" were inserted before the words "special health authorities"; and

(e) in paragraph 8 of Schedule 2 the reference to regulation 6 were a reference to regulation 5 of these Regulations.

**Revocation of Regulations**

**9.** The Authorities for London Post-Graduate Teaching Hospitals Regulations 1982**(b)** and the Board of Governors of the Eastman Dental Hospital Regulations 1984**(c)** are hereby revoked.

Signed by authority of the Secretary of State for Health

24th July 1990

*Virginia Bottomley*
Minister of State for Health

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**(a)** S.I. 1990/1331.
**(b)** S.I. 1982/315.
**(c)** S.I. 1984/189.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in regulations 3, 6 and 7 relating to the appointment of members of the special health authorities for London post-graduate teaching hospitals continued in being by the Authorities for London Post-Graduate Teaching Hospitals (Constitution) Order 1990. They also make a number of specific provisions relating to the membership of those authorities – as to tenure of office (regulation 3), termination of tenure of office (regulation 4), joint membership (regulation 5) and eligibility for re-appointment (regulation 6) and a committee (regulation 7).

They also provide for the membership and procedure of those authorities by applying in regulation 8(3) provisions of the membership and procedure regulations relating to Regional and District Health Authorities which deal with such matters as tenure of office, termination of tenure of office, disqualification for appointment as members, committees of an authority and meetings and proceedings of an authority.

They provide that certain provisions of Regulations relating to other health authorities should apply also to those authorities (regulation 8(1) and (2)).

They revoke regulations which formerly related to the membership and procedure of those authorities (regulation 9).

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