STATUTORY INSTRUMENTS

1986 No. 2005

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Broadmoor Hospital Board (Functions and Membership) Regulations 1986

Made - - - - -	*24th November* 1986
Laid before Parliament	*19th December* 1986
Coming into Operation	*1st January* 1987

The Secretary of State for Social Services in exercise of powers conferred upon him by sections 12, 13 and 18(1)(*a*) of, and paragraphs 12 and 16 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 Broadmoor Hospital Board (Functions and Membership) Regulations 1986 and shall come into operation on 1st January 1987.

Interpretation

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

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

"the Act of 1983" means the Mental Health Act 1983**(b)**;

"the Board" means the Broadmoor Hospital Board established by the Broadmoor Hospital Board (Establishment and Constitution) Order 1986**(c)**;

"the hospital" means the special hospital known as Broadmoor Hospital;

"member" means the chairman or another member of the Board and "members" shall be construed accordingly.

Functions of the Board

3.—(1) Subject to paragraph (2) below and to the provisions of regulation 4 of these regulations and, with respect to the exercise of any function, to such limitations as the Secretary of State may direct, the Board shall exercise on behalf of the Secretary of State his functions in relation to the hospital as follows—

(*a*) functions in relation to the provision of services at the hospital including appropriate professional services, and in relation to the giving of advice and support to officers employed at the hospital, to secure the implementation of such policies and programmes as may be required for the care and treatment of patients in the hospital;

(a) 1977 c. 49. **(b)** 1983 c. 20. **(c)** S.I. 1986/2004.

(*b*) functions as to the determination of priorities and the development of policies in relation to the use of manpower resources, revenue and capital funds allocated by the Secretary of State for the provision of services at the hospital;

(*c*) functions in relation to the operation of an adequate procedure for the investigation of complaints made by or on behalf of any person who is a patient in the hospital in respect of any service provided at the hospital;

(*d*) the functions conferred upon the Secretary of State as the manager of the hospital by virtue of section 145(1) of the Act of 1983.

(2) In exercising any function conferred upon the Board by these regulations the Board shall have regard to the terms of any agreements approved by the Secretary of State relating to the remuneration and conditions of employment of officers of the Department of Health and Social Security employed at the hospital.

Restrictions on exercise of functions by the Board

4.—(1) The exercise of any functions by the Board in accordance with directions given in regulation 3 above shall be subject to the following provision of this regulation.

(2) Nothing in these regulations shall enable the Board—

(*a*) to exercise, in relation to the admission of patients to the hospital, any function of the Secretary of State under the Act of 1977 or any function conferred on him by the Act of 1983 as the manager of the hospital;

(*b*) to appoint any person to the staff of the hospital.

Appointment of members

5. The chairman and the other members of the Board shall be appointed by the Secretary of State.

Tenure of office of members

6. Subject to any provisions applied by these regulations as to termination of and disqualification for membership, the tenure of office of members shall be for such period not exceeding four years as the Secretary of State shall specify on making the appointment.

Termination of tenure of office

7.—(1) A member may resign his office at any time during the period for which he was appointed by giving notice in writing to the Secretary of State.

(2) Where the Secretary of State is satisfied that it is not in the interests of the Board or of the hospital that a person whom he has appointed as a member should continue to hold that office, he may forthwith terminate his tenure of office.

Application of regulations relating to membership and procedure

8. The provisions of regulation 5(4), (6) and (7) (termination of tenure of office), regulation 6 (eligibility for re-appointment), regulation 7 (disqualification for appointment), regulation 8 (cessation of disqualification), regulation 9 (election of vice-chairman), regulation 11 (appointment of committees and sub-committees), regulation 12 (arrangements for exercise of functions), regulation 13 (meetings and proceedings), regulation 14 (disability of chairman and members in proceedings on account of pecuniary interests), of, and Schedule 1 (rules as to meetings and proceedings of authorities) to, the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983(a) shall apply in relation to the Board as if any reference in those provisions to an Authority included a reference to the Board.

Reports and papers by the Board

9. The Board shall make reports to the Secretary of State in such manner and at such time, being at least once each year, as the Secretary of State may direct and shall furnish to the Secretary of State such information and papers as he may from time to time require.

Signed by authority of the Secretary of State for Social Services.

Trumpington,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

24th November 1986.

EXPLANATORY NOTE

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

Directions are given in these regulations by the Secretary of State to the special health authority known as the Broadmoor Hospital Board to exercise on his behalf certain of his functions under the National Health Service Act 1977 relating to Broadmoor Hospital and his functions as the manager of the hospital under the Mental Health Act 1983. These regulations also provide for the appointment and tenure of office of members of the Broadmoor Hospital Board and for the procedure of, and report to the Secretary of State by, that special health authority.

(a) S.I. 1983/315.