STATUTORY INSTRUMENTS

1974 No. 190

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Health Authorities and Local Authorities Joint Consultative Committees Order 1974

Made - - - -	*7th February* 1974
Laid before Parliament	*8th February* 1974
Coming into Operation	*12th March* 1974

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 upon them by section 10(4) of the National Health Service Reorganisation Act 1973(a) and of all other powers enabling them in that behalf, after consultation with such associations of local authorities as appear to them to be concerned and with those local authorities with whom consultation appears to them to be desirable, hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Health Authorities and Local Authorities Joint Consultative Committees Order 1974 and shall come into operation on 12th March 1974.

Interpretation

2.—(1) In this Order:—

"the Act of 1973" means the National Health Service Reorganisation Act 1973;

"Area Authority" means an Area Health Authority;

"committee" means a joint consultative committee;

"local authority" means, as appropriate, the Council of a London Borough or of a County or district as defined in relation to England in section 270(1) of the Local Government Act 1972(b) or of a County or district mentioned in section 20(3) of that Act (which relates to Wales) or the Inner London Education Authority or the Common Council of the City of London.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply for the purpose of the interpretation of this Order as they apply for the purpose of the interpretation of an Act of Parliament.

(a) 1973 c. 32.
(b) 1972 c. 70.
(c) 1889 c. 63.

Appointment of committees

3. It shall be the duty of each Area Authority and each local authority associated with such Area Authority in the Table in section 10(2) of the Act of 1973 to appoint, in accordance with the arrangements set out in section 10(2) and 10(3) of the Act of 1973, such committees as may be agreed between them.

Representation on committees in other areas

4. Where an Area Authority provides any service forming part of the health service which is available for persons resident in the area of a local authority whose area is not within the area of that Area Authority, such local authority may, with the agreement of any other authority represented on any committee on which that Area Authority is represented in accordance with the arrangements set out in section 10(2) of the Act of 1973, be represented on such committee, and the Area Authority may, with the agreement of any other authority represented on any committee on which such local authority is represented in accordance with the said arrangements, be represented on that committee.

Number and functions of committees

5. Subject to the provisions of section 10(2) and 10(3) of the Act of 1973 and to the foregoing provisions of this Order, an Area Authority and a local authority to which any of the said provisions apply, may be represented together on such number of committees as may be agreed between them and separate committees may be appointed to advise the authorities represented on such committees on the performance of a particular duty or on the planning and operation of a particular service of common concern to those authorities:

Provided that each Area Authority and any local authority associated with such Area Authority in accordance with section 10(2) of the Act of 1973 shall secure that they are advised by some committee on the overall performance of their duty to cooperate with one another and on the planning and operation of each of the services of common concern to those authorities.

Membership of committees

6. The number of members by which an Area Authority or a local authority shall be represented on a committee shall be such as may be agreed between all the authorities represented on such committee and the persons appointed to a committee may be, but need not be, members of the Area Authority or local authority by which they are appointed.

Appointment of sub-committees and joint sub-committees

7. A committee may appoint a sub-committee of the committee or, together with one or more other committees, appoint a joint sub-committee, for the purpose, in either case, of making recommendations to the committee or committees by which they were appointed on the advice to be given to the authorities represented on such committee or committees.

Proceedings of committees

8.—(1) Subject to the following provisions of this Article, the rules as to meetings and proceedings of committees, or of sub-committees or joint sub-

committees appointed by virtue of Article 7 of this Order, shall be such as the committee, sub-committee or joint sub-committee may determine.

(2) Every decision taken by a committee as to any advice to be given to the authorities represented on that committee shall require the agreement of more than half of the whole number of members appointed to the committee, but, where the majority of members appointed to a committee by Area Authorities or the majority of members appointed to a committee by local authorities so demand, a decision to give any advice to the authorities represented on that committee shall require the agreement both of a majority of the members appointed by Area Authorities and of a majority of the members appointed by local authorities.

(3) Where, on any committee, the majority of members appointed by any one authority dissent from a decision to give advice, it shall be the duty of the committee, in giving such advice, to communicate to the authorities represented on the committee any objections to that advice made by such dissenting members.

Expenses of committees

9. It shall be the duty of the authorities represented on a committee to reach agreement as to the expenses which may reasonably be incurred by the committee, by a sub-committee appointed by the committee or by a joint sub-committee appointed jointly by that committee and one or more other such committees, and to make such arrangements as may be agreed between them for the payment of sums equal to such expenses as have been agreed as aforesaid.

Reports by authorities represented on committees

10. It shall be the duty of each Area Authority and local authority represented on a committee to join with the other authorities represented on the committee in making to the Secretary of State such reports on the work of the committee and of any sub-committee thereof as he may from time to time require and the authorities represented on a committee may join with each other in making such other reports to the Secretary of State on the work of the committee and any sub-committee thereof as they think fit.

Determination by Secretary of State

11. Any matter which, by virtue of any provision of this Order, is to be determined by agreement between one or more Area Authorities and one or more local authorities shall, in default of such agreement, be determined by the Secretary of State.

Keith Joseph,
Secretary of State for Social Services.

6th February 1974.

Peter Thomas,
Secretary of State for Wales.

7th February 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision for matters relating to Joint Consultative Committees set up under the National Health Service Reorganisation Act 1973 to advise Area Health Authorities and local authorities on the performance of their duty to co-operate with one another in order to secure and advance the health and welfare of the people of England and Wales and on the planning and operation of services of common concern to those authorities.

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