1954 No. 224

The National Health Service (Executive Councils) Regulations, 1954

Made - - - -	1*st March*, 1954
Laid before Parliament	2*nd March*, 1954
Coming into Operation	15*th March*, 1954

The Minister of Health, in exercise of the powers conferred on him by sections 41 and 79 of, and the Fifth Schedule to, the National Health Service Act, 1946(a), as amended by the National Health Service (Amendment) Act, 1949(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

General

Short title, commencement and extent

1.—(1) These regulations may be cited as the National Health Service (Executive Councils) Regulations, 1954, and shall come into operation on the fifteenth day of March, 1954.

(2) These regulations shall not apply to the Isles of Scilly.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Act" means the National Health Service Act, 1946.

"council" means the Executive Council constituted for any area.

"enactment" includes regulations.

(2) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(3) References in any other regulations to the regulations revoked by these regulations or to any provision thereof shall be construed as references to these regulations or to the corresponding provision thereof as the case may be.

(4) The Interpretation Act, 1889(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Appointment of members, term of office, casual vacancies, etc.

Notice of appointment of members

3.—(1) A local health authority, local medical committee, local pharmaceutical committee, or local dental committee shall forthwith give notice in writing to the Minister of the name and address of any person appointed by them to be an original member of a council and to the clerk of the council of the name and address of any other member appointed by them.

(2) The clerk of the council shall forthwith inform the Minister of the names and addresses of any members so notified to him.

(a) 9 & 10 Geo. 6. c. 81. (b) 12, 13 & 14 Geo. 6. c. 93. (c) 52 & 53 Vict. c. 63.

Term of office

4. The term of office of members of a council shall be three years:

Provided that at the expiration of his term of office a member shall be eligible for re-appointment.

Chairman

5.—(1) The council shall, in the case of any vacancy in the office of chairman, appoint a member to be chairman.

(2) The following provisions shall have effect with regard to the appointment of the chairman:—

(*a*) The chairman shall be appointed at a meeting of the members of the council to be specially summoned for the purpose;

(*b*) The members present at the meeting shall appoint one of themselves to preside at the meeting.

Vice-chairman

6. A council shall appoint a member to be vice-chairman, and any person so appointed shall, so long as he remains a member of that council, hold office for such period as may be specified in the resolution under which he is appointed.

Resignation or removal of members

7.—(1) A member of the council who desires to resign his membership thereof shall give notice in writing to the clerk of the council.

(2) If a member of the council has not attended any meeting of the council or of any committee for a period of six months, the clerk of the council shall inform the council, and unless the council are satisfied that his absence was due to illness or other reasonable cause, they shall declare that his seat on the council has become vacant.

Vacation of office

8. If a member of the council, being a member appointed by the local health authority, is also a member or officer of that authority, he shall upon ceasing to be a member or officer of the authority, also cease to be a member of the council:

Provided that for the purpose of this regulation a person shall not be deemed to have ceased to be a member of the local health authority, if he has been re-elected a member thereof not later than the day of his retirement.

Disqualification for membership

9. Subject to paragraphs (ii), (iii) and (v) of the proviso to subsection (1) of section 59 of the Local Government Act, 1933(**a**), the provisions of paragraphs (*b*) and (*e*) of that subsection (which disqualify a person for being elected or being a member of a local authority if he has been adjudged bankrupt or made a composition or arrangement with his creditors or has been sentenced to imprisonment for not less than three months without the option of a fine) shall apply as if the section related to membership of a council.

Notification and filling of casual vacancies

10.—(1) If a casual vacancy occurs by reason of the death, vacation of office or disqualification of any member of the council appointed by the Minister the clerk of the council shall forthwith inform the Minister, and if the person whose seat is vacated was other than one appointed by the Minister, he shall inform the clerk or secretary of the appointing body.

(**a**) 23 & 24 Geo. 5. c. 51.

(2) If a casual vacancy occurs amongst the persons appointed by the Minister, he shall inform the clerk of the council of the name and address of the person appointed to fill the vacancy.

(3) If a casual vacancy occurs amongst the persons appointed by one of the bodies specified in regulation 3, it shall be filled by the same body.

Term of office of persons filling casual vacancies

11. Any person appointed to fill a casual vacancy shall hold office for the remainder of the term of office of the person in whose place he is appointed.

PART II

Procedure of Executive Councils

Meetings

12.—(1) At every meeting of the council, the chairman, if present, shall preside.

(2) If the chairman is absent from any meeting, the vice-chairman shall, if present, 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) Every question at a meeting of the council shall be determined by a majority of the votes of the members of the council present and voting on the question, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

Minutes

13. Minutes of the proceedings at every meeting of the council and a record of the attendance of the members of the council shall be duly kept by the clerk.

Officers

14.—(1) The council shall appoint a person approved by the Minister to act as clerk of the council and shall also appoint such other officers as may be necessary. The resolution appointing the clerk shall embody the terms on which the appointment is made.

(2) When an officer has attained the age of 65 years he shall cease to hold office unless the council, with the consent of the officer, and also, in the case of the clerk, of the Minister, by resolution extend his period of service, in his existing capacity or in some other capacity, for one year or any less period, and so on from time to time:

Provided that when the officer attains the age of 70 years, further extensions of service shall be given only in special circumstances.

(3) The council shall pay to the clerk and to their other officers remuneration in accordance with scales from time to time approved by the Minister, or such remuneration as the Minister may in special circumstances authorise.

(4) No member of the council or person who has at any time in the previous twelve months been a member of the council shall be appointed to the office of clerk or any other paid office under the council.

Committees

15.—(1) The council shall appoint a committee to be called the finance committee which shall consist wholly of members of the council, and may appoint such further committees as they think fit which shall consist either wholly or partly of members of the council as the council may determine, provided that at least a majority of the members of the committee shall be members of the council.

(2) Subject to the provisions of any regulations relating to the finance committee, the council may delegate to any committee any of the powers and duties of the council, and any resolution of the council appointing a committee shall define the powers and duties delegated to them and the term of office of the members:

Provided that—

(i) No expenditure shall be incurred by any committee without the consent of the council; and

(ii) Every committee shall report their proceedings to the council at such times and in such manner as the council may direct.

(3) Every committee shall appoint a chairman and subject as aforesaid and to any standing orders of the council relating to committees the provisions of these regulations relating to the duties of the chairman and the provisions relating to the vice-chairman, and proceedings of councils shall apply to committees as they apply to councils, with the substitution of the committee for the council.

Power to make standing orders

16. The council may make, vary, and revoke standing orders for the regulation of the proceedings and business of the council and of the committees and in particular—

(*a*) for the times and places of the meetings of the council or committee which in the case of the council shall be held not less often than once in every three months;

(*b*) for due notice of the time and place of each meeting of the council or any committee and, subject to any exceptions which may be mentioned in the standing orders, of the business to be transacted thereat, to be given to members;

(*c*) for the suspension of a member who is guilty of persistent disorder;

(*d*) for providing that, subject to such exceptions and qualifications as may be specified in the standing orders, if a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter (not being a contract for the provision of one of the services mentioned in Part IV of the Act) and is present at a meeting of the council or committee at which the 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 or discussion of, or vote on any question with respect to, the contract or other matter;

(*e*) for such number of members of the council or committee, not being less than one-third of the whole number, as the standing order may specify to form a quorum.

Committees authorised or required to be appointed by other provisions

17. Nothing in this part of these regulations shall apply (except so far as it may be specifically applied) to a committee constituted for any purpose for which a committee is authorised or required to be appointed by any other provisions for the time being in force.

Offices

18. The council may provide itself with offices and in the case of a joint committee established under subsection (4) of section 31 of the Act, the constituent councils may provide the joint committee with offices.

PART III

Supplementary ophthalmic services

Ophthalmic Services Committee

19.—(1) Unless the Minister has by order made under subsection (4) of section 41 of the Act directed that that section shall cease to apply to the area of the council, the council shall appoint an ophthalmic services committee (in this part of these regulations referred to as "the committee"), which shall exercise on behalf of the council the duty of making arrangements for the testing of sight and for the supply of optical appliances.

(2) The committee shall make reports to the council at such times and in such manner as the council may direct.

Appointment of members

20.—(1) The committee shall consist of sixteen members appointed as follows:—

(*a*) eight members by the council from among the members of the council other than those appointed by the local medical committee;

(*b*) one medical practitioner by the council from among those members of the council appointed by the local medical committee;

(*c*) (i) three medical practitioners having the prescribed qualifications;

(ii) three ophthalmic opticians; and

(iii) one dispensing optician,

appointed respectively by such organisations as the Minister may recognise as composed of members of the professions concerned:

Provided that the number and proportion of members appointed may be varied with the consent of the Minister to meet local conditions.

(2) The committee shall appoint a member to be chairman.

(3) Where a member appointed under paragraph (1) (*c*) of this regulation is unable for any reason to attend, or take part in any proceedings at, a meeting of the committee held for the investigation of a complaint or other matter under Part VIII of the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948(**a**), and where, in his absence there would not otherwise be a quorum, a deputy having the same qualifications as the member shall be appointed for the purposes of the proceedings in the same manner as the member was appointed, and the deputy shall act in place of the member in those proceedings.

Vacancy in membership

21. The proceedings of an ophthalmic services committee shall not be invalidated by any vacancy in the membership of the committee or by any defect in the appointment or qualification of any member thereof.

Qualifications of persons entitled to provide supplementary ophthalmic services

22.—(1) For the purpose of Part IV of the Act and these regulations the expression "medical practitioner having the prescribed qualifications" means a medical practitioner who has either—

(*a*) held an appointment under the Hospital and Specialist Services provided under Part II of the Act with the status of consultant ophthalmologist or held for a period of two years an appointment of equivalent

(**a**) S.I. 1948/1273 (Rev. XV, p. 638: 1948 I, p. 2248).

status as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an ophthalmic hospital or a hospital having a special ophthalmic department approved for this purpose by the committee, or

(*b*) obtained the Diploma in Ophthalmic Medicine and Surgery or the Diploma in Ophthalmology (Conjoint Board) or the Diploma in Ophthalmology (Oxon) or any other higher degree or qualification approved by the committee and held for the period of two years an appointment or appointments in an ophthalmic hospital or the ophthalmic department of a general hospital which has been approved for this purpose by the committee, of which period at least six months shall have been spent in a resident appointment,

and who shall, to the satisfaction of the Minister acting on the advice of the committee, have had adequate, including recent, experience.

For the purpose of this paragraph the expression " the committee " means the committee recognised by the Minister for the purpose of approving any hospital, degree or qualification which is required by the paragraph to be approved and of advising the Minister in accordance with the requirements of the paragraph.

(2) Notwithstanding the provisions of the last preceding paragraph a medical practitioner whose qualifications for the purposes of providing supplementary ophthalmic services had been and were still approved immediately before the first day of November, 1951, shall, so long as he possesses the qualifications then in force, be deemed to have the qualifications required by this regulation.

(3) The qualifications required by an ophthalmic optician for the purpose of Part IV of, and the Seventh Schedule to, the Act and these regulations shall be that—

(*a*) he was in possession of one of the following diplomas or certificates:—

(i) The Fellowship Diploma of the British Optical Association;

(ii) The Honours Fellowship Diploma of the British Optical Association;

(iii) The Fellowship Diploma of the Worshipful Company of Spectacle Makers;

(iv) The Honours Fellowship Diploma of the Worshipful Company of Spectacle Makers;

(v) The Fellowship Diploma of the National Association of Opticians, if obtained subsequent to the 16th day of October, 1935;

(vi) The Fellowship Diploma of the Scottish Association of Opticians, if obtained subsequent to the 12th day of December, 1935;

(vii) The Ordinary Membership Certificate of the Institute of Optical Science (Incorporating the Institute of Chemists—Opticians)—

(*a*) where the member obtained his Membership Certificate of the Institute of Chemists—Opticians subsequently to the 12th day of December, 1935, or

(*b*) where the member has passed the Diploma in Ophthalmics examination of the Institute of Optical Science; or

(*b*) immediately before the fifth day of July, 1948, he was an optician on the list of the Ophthalmic Benefit Approved Committee constituted under the National Health Insurance Act, 1936(a), or had been in practice as

(a) 26 Geo. 5 & 1 Edw. 8. c. 32.

an ophthalmic optician, for fifteen out of the previous twenty years, including five years between the 1st day of October, 1930, and the 30th day of September, 1937;

and that he shall, to the satisfaction of the Minister acting on the advice of a committee to be recognised by him for the purpose of approving such qualifications, have had adequate, including recent, experience as an ophthalmic optician.

(4) The qualifications required by a dispensing optician for the purpose of Part IV of, and the Seventh Schedule to, the Act and these regulations shall be that—

(*a*) he was in possession of one of the following diplomas or certificates:—

(i) any of the diplomas or certificates mentioned in sub-paragraph (*a*) of paragraph (3) of this regulation or the dispensing certificate of any of the examining bodies referred to in the said sub-paragraph;

(ii) The Associate Diploma or the Fellowship Diploma of the Association of Dispensing Opticians; or

(*b*) he has passed the practical side of the final dispensing examination of the Association of Dispensing Opticians and has been engaged as a dispensing optician for a period of five years; or

(*c*) he has been engaged as an optician for ten out of the previous fifteen years, and for five years between the 1st day of October, 1930, and the 30th day of September, 1937.

and that he shall, to the satisfaction of the Minister acting on the advice of a committee to be recognised by him for the purpose of approving such qualifications, have had adequate, including recent, experience as a dispensing optician:

Provided that a person who is entitled to have his qualifications approved either under the last foregoing paragraph of this regulation or this paragraph shall only be entitled to have his qualifications approved either as an ophthalmic optician or as a dispensing optician.

(5) The qualifications required by an ophthalmic optician or a dispensing optician, being a firm or company (whether corporate or unincorporate), for the purposes of Part IV of the Act and these regulation, shall be that at all premises at which the firm or company provide supplementary ophthalmic services such services shall be in the charge of a director or member or employee of the firm or company who possesses—

(*a*) in the case of a firm or company who propose to provide services as ophthalmic opticians, the qualifications required under paragraph (3) of this regulation, or

(*b*) in the case of a firm or company who propose to provide services as dispensing opticians, the qualifications required under paragraph (4) of this regulation.

(6) Notwithstanding the above provisions of this regulation, a person who has the qualifications prescribed for a medical practitioner, ophthalmic optician or dispensing optician for the purpose of providing supplementary ophthalmic services in Scotland under the National Health Service (Scotland) Act, 1947(**a**), or in Northern Ireland under the Health Services Act (Northern Ireland),

(**a**) 10 & 11 Geo. 6. c. 27.

1948(a), shall for the purpose of Part IV of, and the Seventh Schedule to, the Act and these regulations be deemed to have the corresponding qualifications prescribed by these regulations.

Notification and filling of casual vacancies

23.—(1) A casual vacancy in the committee shall be filled by the appropriate body in accordance with the provisions of paragraph (1) of regulation 20.

(2) Any body other than the council filling a casual vacancy shall notify the clerk of the council of the name and address of the person appointed.

Officers

24. The clerk of the council shall act as clerk of the committee, and the council shall make available to the committee the services of such other officers as the committee may require.

Term of office of members

25. The term of office of members of the committee shall be one year:

Provided that at the expiration of his term of office a member shall be eligible for re-appointment.

Application of regulations

26. Regulations 6, 7, 9, 11, 12 and 13 of these regulations shall apply to the ophthalmic services committee with the substitution in all cases of the committee for the council, and any standing orders made by the council under regulation 16 for the regulation of the proceedings and business of committees shall apply to the committee, with such modifications as the committee may with the council's approval consider necessary.

Office accommodation

27. The council shall make available to the committee such office accommodation as the committee may require.

PART IV

Subscriptions to an association of Executive Councils

28. A council may pay any sum, not exceeding in respect of any year ten pounds or such higher amount as the Minister approves not exceeding twenty pounds, as a subscription to the funds of any association of councils whose objects are approved by the Minister.

PART V

Revocation of regulations

29. The regulations named in the Schedule to these regulations are hereby revoked:

Provided that—

(*a*) such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under those regulations;

(*b*) such revocation shall not affect any legal proceedings commenced before the revocation, or the commencement of any proceedings to enforce any such right, privilege, obligation or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made;

(a) 11 & 12 Geo. 6. c. 3. (N.I.)

(*c*) such revocation shall not affect any appointment, approval, arrangement, authority, condition, consent, delegation of powers, minutes, notice, recognition, requirement, or standing orders, made, prepared, issued or given under the regulations so revoked and every such appointment, approval, arrangement, authority, condition, consent, delegation of powers, minutes, notice, recognition, requirement or standing orders shall so far as it could have been made, prepared, issued or given under these regulations, have effect as if it had been so made, prepared, issued or given.

SCHEDULE

REGULATIONS REVOKED

The National Health Service (Executive Councils) Regulations, 1947(**a**).

The National Health Service (Executive Councils) Amendment Regulations, 1948(**b**).

The National Health Service (Executive Councils) Amendment Regulations, 1949(**c**).

The National Health Service (Executive Councils) Amendment (No. 2) Regulations, 1949(**d**).

The National Health Service (Executive Councils) Amendment Regulations, 1951(**e**).

Given under the official seal of the Minister of Health this first day of March nineteen hundred and fifty-four.

(L.S.)

Iain Macleod,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations are a consolidation of the National Health Service (Executive Council) Regulations, 1947, (as amended), with a few amendments mainly of a purely drafting nature and the omission of such portions of the regulations as are now spent.

Amendments include in particular:

Regulation 14 (2)

Exceptional circumstances are no longer required to enable an Executive Council to extend the period of service of their officers between the ages of 65 and 70.

Regulation 22 (3) (*vii*)

An amendment has been made to the name of one of the bodies granting diplomas or certificates recognised under the regulations for qualification as an ophthalmic optician, such amendment being consequential on the change of name of that body.

(a) S.R. & O. 1947/889 (Rev. XV, p. 505: 1947 I, p. 1324).
(b) S.I. 1948/1156 (Rev. XV, p. 505: 1948 I, p. 2075).
(c) S.I. 1949/1120 (1949 I, p. 2593).
(d) S.I. 1949/2447 (1949 I, p. 2594).
(e) S.I. 1951/1696 (1951 I, p 1391).