STATUTORY INSTRUMENTS

1969 No. 352

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Executive Councils) Regulations 1969

Made - - - -	14*th March* 1969
Laid before Parliament	26*th March* 1969
Coming into Operation	1*st April* 1969

The Secretary of State for Social Services, in exercise of his powers under section 31 of, and Schedule 5 to, the National Health Service Act 1946(a), as substituted by section 16 of and Schedule 1 to, the Health Services and Public Health Act 1968(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 1969 and shall come into operation on 1st April 1969.

(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

(a) 1946 c. 81. (b) 1968 c. 46. (c) 1889 c. 63.

to the clerk of the council of the name and address of any person appointed by them to be a member of the council and the local optical committee shall give such notice of such particulars of the persons so appointed by the members of that committee who are respectively ophthalmic opticians and dispensing opticians.

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

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 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 a person 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 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.

(**a**) 1933 c. 51

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 Secretary of State the clerk of the council shall forthwith inform the Secretary of State, and if the person whose seat is vacated was other than one appointed by the Secretary of State, he shall inform the clerk or secretary of the appointing body.

(2) If a casual vacancy occurs amongst the persons appointed by the Secretary of State, 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 Secretary of State 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 Secretary of State, 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 Secretary of State, or such remuneration as the Secretary of State may in special circumstances authorise.

(4) No member of the council or person who has at any time in the prevoius 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 council 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

SUBSCRIPTIONS TO AN ASSOCIATION OF EXECUTIVE COUNCILS

19. A council may pay any sum, not exceeding in respect of any year £20 or such higher amount as the Secretary of State approves not exceeding £50, as a subscription to the funds of any association of councils whose objects are approved by the Secretary of State.

PART IV

REVOCATION OF REGULATIONS

20. 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;

(*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 order 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 1954(a)
The National Health Service (Executive Councils) Amendment Regulations 1956(b)
The National Health Service (Executive Councils) Amendment Regulations 1967(c)

R. H. S. Crossman,
Secretary of State for Social Services.

14th March 1969.

(a) S.I. 1954/224 (1954 I, p. 1270).
(b) S.I. 1956/1075 (1956 I, p. 1552).
(c) S.I. 1967/278 (1967 I, p. 998).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the National Health Service (Executive Councils) Regulations 1954, as amended, and give effect to the changes in the constitution and responsibilities of Executive Councils introduced by the Health Services and Public Health Act, 1968. The main change is the repeal of Part III of the previous regulations, which is no longer required because the ophthalmic services are to be directly administered by Executive Councils instead of by separately constituted Ophthalmic Services Committees.