EXPLANATORY NOTE

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

These regulations amend the existing provisions by increasing the maximum rates of payments to members of certain bodies set up under the National Health Service Act, 1946, in respect of subsistence expenses, where the member is absent overnight in London as a result of the performance of his duties.

NATIONAL HEALTH SERVICE, SCOTLAND

1954 No. 461 (S. 48)

The National Health Service (Executive Councils) (Scotland) Regulations, 1954

Made - - - -	*5th April*, 1954
Laid before Parliament	*8th April*, 1954
Coming into Operation	*9th April*, 1954

In exercise of the powers conferred on me by paragraph 4 of the Sixth Schedule to the National Health Service (Scotland) Act, 1947(a), as amended by Part II of the Schedule to the National Health Service (Amendment) Act, 1949(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

General

Short title and commencement

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

Interpretation

2.—(1) In these regulations—

"the Act" means the National Health Service (Scotland) Act, 1947;

"Council" means any Executive Council constituted in terms of section 32 of, and the Sixth Schedule to, the Act;

"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 or orders 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.

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93. (c) 52 & 53 Vict. c. 63.

PART II

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

Notice of appointment of members

3.—(1) A local health authority, Local Medical Committee, Local Dental Committee, or Local Pharmaceutical Committee shall give notice in writing to the clerk of the Council of the name and address of any person appointed by them to be a member of the Council.

(2) The clerk of the Council shall inform the Secretary 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, one-third of the members, as near as may be, retiring on 31st March each year:

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

Resignation or removal of members

5.—(1) A member of the Council who desires to resign his membership shall give written intimation of his resignation 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 of the Council 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

6. If a member of the Council, being a member appointed by a 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 be deemed not 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

7. A person shall be disqualified for being a member of a Council if :—

(*a*) he or a partner of his holds any paid office or other place of profit under any Council, or joint committee established for the areas of two or more Councils ; or

(*b*) he is disqualified under section 43 of the Act for inclusion in any list prepared under Part IV of the Act ; or

(*c*) he is a person whose estates have been sequestrated by a competent court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland ; or

(*d*) he is disqualified for being elected to or for being a member of a local authority under any enactment relating to corrupt or illegal practices :

Provided that—

(i) the disqualification attaching to a person whose estates have been sequestrated shall cease if and when—

(*a*) the sequestration of his estates is recalled or reduced ; or

(*b*) he obtains his discharge from a competent court ;

(ii) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease if and when—

(*a*) the bankruptcy is annulled ; or

(*b*) he is discharged.

Notification and filling of vacancies

8.—(1) If a vacancy occurs in the membership of the Council, the clerk of the Council shall, in the case of a member appointed by the Secretary of State, inform the Secretary of State, and in the case of a member appointed otherwise, inform the clerk or secretary of the appointing body.

(2) A casual vacancy occurring by reason of the death, vacation of office, or disqualification of a member shall in the case of a member appointed by the Secretary of State be filled by the Secretary of State, and in the case of any other member by the appointing body.

(3) 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 III

Appointment of chairman, vice-chairman, officers and committees

Chairman and Vice-Chairman

9.—(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 a chairman :—

(*a*) The chairman shall be appointed at a meeting of members of the Council specially summoned for the purpose.

(*b*) The members present at the meeting shall appoint one of themselves to preside at the meeting and paragraph (2) of regulation 12 shall not apply.

(3) The Council shall appoint a member to be vice-chairman, and any person so appointed shall, so long as he remains a member of the Council, hold office for such period as the Council may decide.

Officers

10.—(1) The Council shall appoint a clerk of the Council and such other officers as may be necessary. The resolution appointing the clerk shall embody the terms on which the appointment is made and the appointment shall be subject to the approval of the Secretary of State.

(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 from time to time extend his period of service, in his existing capacity or in some other capacity, for one year or any less period :

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 the special circumstances of any individual case 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

11.—(1) The Council shall appoint a committee to be called the finance committee which shall consist wholly of members of the Council; they may also 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 a majority of the members of any such 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 a vice-chairman, and subject as aforesaid and to any standing orders of the Council relating to committees, the provisions of these regulations relating to the chairman, vice-chairman, and procedure of Councils shall apply to committees as they apply to Councils, with the necessary modifications.

PART IV

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, if present, shall 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 kept by the clerk.

Power to make standing orders

14. 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 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;

(*d*) 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.

Admission of the Press to meetings

15. The provisions of the Local Authorities (Admission of the Press to Meetings) Act, 1908(**a**), shall apply to the meetings of a Council as they apply to the meetings of a local authority as defined by that Act.

PART V

Subscriptions to an association of Executive Councils

16. A Council may pay any sum, not exceeding in respect of any year ten pounds or such higher amount not exceeding twenty pounds as the Secretary of State may approve, as a subscription to the funds of any association of Councils whose objects are approved by the Secretary of State.

PART VI

Revocation of Regulations

17. The National Health Service (Executive Councils) (Scotland) Regulations, 1947(**b**), the National Health Service (Executive Councils) (Scotland) Amendment Regulations, 1949(**c**), and the National Health Service (Executive Councils) (Scotland) Amendment Regulations, 1950(**d**), 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 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.

Dated this fifth day of April, 1954.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(**a**) 8 Edw. 7. c. 43. (**b**) S.R. & O. 1947/2504 (Rev. XV, p. 823: 1947, I, p. 1335).
(**c**) S.I. 1949/947 (1949 I, p. 2646). (**d**) S.I. 1950/159 (1950 I, p. 1439).

EXPLANATORY NOTE

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

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

Under regulation 10 (2) as now amended 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.

1954 No. 77 (S. 18)

The National Health Service (Medical Auxiliaries) (Scotland) Regulations, 1954

Made - - - -	*22nd January,* 1954
Laid before Parliament	*23rd January,* 1954
Coming into Operation	*1st April,* 1954

In exercise of the powers conferred on me by section 65 of the National Health Service (Scotland) Act, 1947(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Medical Auxiliaries) (Scotland) Regulations, 1954, and shall come into operation on the first day of April, 1954.

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

"employing authority" means a Regional Hospital Board, on behalf of whom a Board of Management are exercising functions, a local health authority or an education authority;

"medical auxiliary" means a member of one of the following classes of auxiliary:—

chiropodist, dietitian, medical laboratory technician, occupational therapist, physiotherapist, radiographer, remedial gymnast or speech therapist.

(2) The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations, as it applies to the interpretation of an Act of Parliament.

3. The qualifications required by a person for employment by an employing authority as a medical auxiliary shall be that:—

(1) he was on the 31st day of March, 1954, employed as a member of that particular class by an employing authority, or by a Regional Hospital Board, Board of Governors of a teaching hospital, or local health authority in England and Wales or by the Northern Ireland Hospitals Authority or the Northern Ireland Tuberculosis Authority; or a health authority or welfare authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, in Northern Ireland; or

(2) he satisfied on the 31st day of March, 1954, in respect of that class, the requirements set out in column (2) of the First Schedule to these regulations opposite the class mentioned in column (1); or

(3) he holds in respect of that class, a certificate issued by the appropriate body certifying either—

(i) that he has attended a course of training and passed an examination, approved by the Secretary of State; or

(**a**) 10 & 11 Geo. 6. c. 27. (**b**) 52 & 53 Vict. c. 63.