STATUTORY INSTRUMENTS

1977 No. 1103

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Health Authorities: Membership) Regulations 1977

Made - - -	*1st July* 1977
Laid before Parliament	*8th July* 1977
Coming into Operation	*1st August* 1977

The Secretary of State for Social Services and the Secretary of State for Wales, in exercise of powers conferred on them by paragraphs 1(2), 2(1)(*b*) and 12(*a*) of Schedule 1 to the National Health Service Reorganisation Act 1973(**a**) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Health Authorities: Membership) Regulations 1977 and shall come into operation on 1st August 1977.

Interpretation

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

"the Act of 1946" means the National Health Service Act 1946(**b**);

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

"appointing authority" means the Secretary of State, Regional Authority or local authority as appropriate;

"Area Authority" means an Area Health Authority;

"Authority" means a Regional Authority or an Area Authority;

"local authority" in relation to any Area Authority means a local authority specified in the Order constituting the Area Authority, as entitled to make appointments to that Authority;

"member" in relation to an Authority does not include the chairman and "members" and "membership" shall be construed accordingly;

"Regional Authority" means a Regional Health Authority;

and any other expression to which a meaning is assigned by the Act of 1946 has that meaning.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(**a**) 1973 c. 32. (**b**) 1946 c. 81.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**a**) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament, and in relation to any revocation effected by these regulations shall have effect as if these regulations and the regulations revoked were Acts of Parliament and as if each revocation were a repeal.

Tenure of office of chairmen and members of Authorities

3. Subject to regulations 4 and 5—

(*a*) the tenure of office of the chairman and members of a Regional Authority shall be for such period not exceeding four years, expiring on 31st July in any year, as the Secretary of State shall specify on making the appointment;

(*b*) the tenure of office of the chairman of an Area Authority in England shall, subject to the provisions of the Schedule to these regulations, be for such period not exceeding four years, expiring on 31st July in any year, as the Secretary of State shall specify on making the appointment;

(*c*) the tenure of office of the chairman of an Area Authority in Wales or of a member of an Area Authority appointed by the Secretary of State or a Regional Authority shall, subject to the provisions of the Schedule to these regulations, be for a period of four years expiring on 31st July;

(*d*) the tenure of office of a member of an Area Authority appointed by one or more local authorities shall be for such period as it or they shall specify on making the appointment.

Variation of tenure of office of chairmen and members of Authorities

4.—(1) Where, before the expiry of the period for which he was appointed otherwise than by a local authority, a person—

(*a*) has ceased for any reason to be the chairman of an Area Authority in Wales, or

(*b*) has ceased for any reason to be a member of any Area Authority, or

(*c*) has been declared, pursuant to regulation 5(7), not to have been duly appointed,

the tenure of office of any person appointed in his place shall be for the remainder of that period.

(2) Where in the case of an Area Authority the specified number of members of any category is increased, the tenure of office of each member first appointed to fill a vacancy created by the increase shall be for such period not exceeding four years, expiring on 31st July in any year, as the appointing authority shall specify on making the appointment.

(**a**) 1889 c. 63.

(3) Subject to paragraph (4), where an Authority is established after 31st July 1977, the tenure of office of one-half of the original members appointed by the Secretary of State or the Regional Authority shall be for such period, not exceeding two years, expiring on 31st July in any year, as the Secretary of State or the Regional Authority in appointing them shall specify, and the tenure of office of the remainder of such members shall be for a period two years longer.

(4) Where in the case of an Authority to which paragraph (3) applies the original members so appointed constitute an uneven number, the one-half referred to in that paragraph shall be deemed to be the integer next above the half of that number.

Termination of tenure of office

5.—(1) A chairman or member of an Authority may resign his office at any time during the period for which he was appointed by giving notice in writing to the appointing authority by which he was appointed.

(2) Where a member of an Authority is appointed, during his period of membership, to be the chairman of that Authority, his tenure of office as a member shall terminate when his appointment as chairman takes effect.

(3) If an appointing authority is of the opinion that it is not in the interest of the health service in the area of an Authority that a person whom it has appointed as the chairman or a member of that Authority should continue to hold that office, that appointing authority may, subject, if it is a Regional Authority, to the consent of the Secretary of State, forthwith terminate his tenure of that office.

(4) (*a*) A Regional Authority which, on the recommendation of a non-metropolitan district council which it has consulted pursuant to paragraph 2(2)(*b*) of Schedule 1 to the Act of 1973, has appointed a person to be a member of an Area Authority, shall forthwith terminate his tenure of office if that council, being of the opinion that it is not in the interest of the health service in the area of that Authority that he should continue to be a member, so requests.

(*b*) Where the appointment to which sub-paragraph (*a*) above refers was made on the recommendation of two or more non-metropolitan district councils, that sub-paragraph shall apply as if those councils were a single council.

(5) If the chairman or a member of an Authority has not attended a meeting of that Authority or a committee or sub-committee thereof for a period of six months, the Secretary of State after consultation with any other appointing authority by which that member was appointed shall, unless satisfied that the absence was due to illness or other reasonable cause, forthwith terminate his tenure of office.

(6) If a chairman or member of an Authority is either—

(*a*) a person who, having at the time of his appointment been in paid employment with any Authority, special health authority or preserved Board, has voluntarily left that employment, or

(*b*) a person who on his own application has had his name withdrawn from any list prepared by virtue of Part IV of the Act of 1946, and whose name is not included in any other such list,

the Secretary of State may terminate his tenure of office.

(7) Where a person has been appointed to be the chairman or a member of an Authority—

(*a*) if he becomes disqualified for appointment under regulation 8 the appointing authority by which he was appointed shall forthwith terminate his tenure of office; or

(*b*) if it comes to the notice of that appointing authority that at the time of his appointment he was so disqualified it shall forthwith declare that he was not duly appointed and he shall thereupon cease to act as such chairman or member.

(8) If it appears to the Secretary of State that a chairman or member of an Authority has failed to comply with regulation 14(1) of the National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973(**a**), as amended(**b**), (disclosure etc. on account of pecuniary interest) he may forthwith terminate that person's tenure of office.

Eligibility for reappointment

6. Subject to regulation 8, a chairman or member of an Authority shall, on the termination of his tenure of office, be eligible for reappointment.

Exception from duty to consult

7. The duty to consult imposed by paragraphs 1(2) and 2(1)(*b*) of Schedule 1 to the Act of 1973 shall not apply—

(*a*) where the Secretary of State appoints as a member of a Regional Authority—

(i) an employee of that Authority; or

(ii) an employee of an Area Authority whose area is situated within the region of that Regional Authority; or

(iii) a person providing general dental or ophthalmic services or pharmaceutical services in the area of any such Area Authority; or

(*b*) where, in Wales, the Secretary of State, or, in England, a Regional Authority, appoints as a member of an Area Authority—

(i) an employee of that Regional Authority; or

(ii) an employee of that Area Authority; or

(iii) a person providing general dental or ophthalmic services or pharmaceutical services in the area of that Area Authority; or

(*c*) in respect of any appointment by the Secretary of State or a Regional Authority as the case may require to which regulation 4(1) or (2) applies or which is the appointment of a person to be a member of a Regional Authority for the purpose of his taking the place of a member whose tenure of office has ceased before the expiry of the period for which he was appointed.

(**a**) S.I. 1973/1286 (1973 II, p. 3892). (**b**) S.I. 1975/1101 (1975 II, p. 3877).

Disqualification for appointment

8.—(1) Subject to regulation 9, a person shall be disqualified for appointment as chairman or member of an Authority if he—

(*a*) has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

(*b*) has been adjudged bankrupt or has made a composition or arrangement with his creditors; or

(*c*) has been dismissed, otherwise than by reason of redundancy, from any paid employment with any body specified as a relevant body in section 34(1) of the Act of 1973; or

(*d*) has had his name removed from any list prepared by virtue of Part IV of the Act of 1946, under the provisions of section 42 of that Act, and has not subsequently had his name included in such a list; or

(*e*) is a person whose tenure of office as chairman or member of an Authority has been terminated pursuant to regulation 5(3) to (8).

(2) For the purposes of paragraph (1)(*a*) the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the conviction.

Cessation of disqualification

9.—(1) Where a person is disqualified under regulation 8(1)(*b*) by reason of bankruptcy, then—

(*a*) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;

(*b*) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and

(*c*) if he is discharged without such a certificate, his disqualification shall cease on the expiry of five years from the date of his discharge.

(2) Where a person is disqualified under the said regulation 8(1)(*b*) by reason of his having made a composition or arrangement with his creditors, if he pays his debts in full the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiry of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(3) Where a person is disqualified under regulation 8(1)(*e*), the disqualification shall cease on the expiry of such period of not less than two years as the authority terminating his tenure of office may specify:

Provided that—

(*a*) the Secretary of State may, on application being made to him by that person or that authority, reduce the specified period, and

(*b*) every period specified under this paragraph shall expire on 31st July.

Revocation of regulations

10.—(1) The National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973, as amended, shall be further amended as follows:—

(*a*) in regulation 2, the provisions defining "the Act of 1946", "Area Authority", "local authority" and "Regional Authority", shall be revoked;

(*b*) Part II shall be revoked.

(2) The National Health Service (Health Authorities: Membership) Regulations 1975(**a**) shall be revoked.

David Ennals,
Secretary of State for Social Services.

30th June 1977.

Signed by authority of the Secretary of State for Wales,

T. Alec Jones,
Parliamentary Under-Secretary of State for Wales.

1st July 1977.

(**a**) S.I. 1975/1101 (1975 II, p. 3877).

SCHEDULE

Regulation 3(*b*) and (*c*)

TRANSITIONAL PROVISIONS

1. In the case of each of the Area Authorities listed below the tenure of office of the chairman whose appointment takes effect on 1st August 1977 shall be for a period of two years:—

In Northern Region—
Cleveland
Cumbria
Durham
Northumberland
Gateshead

In Yorkshire Region—
Humberside
North Yorkshire
Bradford
Calderdale

In Trent Region—
Derbyshire
Leicestershire (T)
Lincolnshire
Nottinghamshire (T)

In East Anglian Region—
Cambridgeshire (T)
Norfolk

In North West Thames Region—
Bedfordshire
Hertfordshire
Barnet
Brent & Harrow

In North East Thames Region—
Essex
Barking & Havering
Camden & Islington (T)

In South East Thames Region—
East Sussex
Kent
Bromley

In South West Thames Region—
Surrey
West Sussex

In Wessex Region—
Dorset
Hampshire (T)

In Oxford Region—
Berkshire
Buckinghamshire

In South Western Region—
Avon (T)
Cornwall & Isles of Scilly

In West Midlands Region—
Hereford & Worcester
Salop
Staffordshire
Warwickshire
Birmingham (T)

In Mersey Region—
Cheshire
Liverpool (T)

In North Western Region—
Lancashire
Bolton
Bury
Manchester (T)
Oldham

2. The tenure of office of one-half of the members of an Area Authority whose appointments by a Regional Authority take effect on 1st August 1977 shall be for a period of two years and in making appointments of members of Area Authorities to take effect on that day Regional Authorities shall in each case specify the period for which the appointment is made.

3. Where a Regional Authority appoints an uneven number of members of an Area Authority with effect on that day, the one half referred to in paragraph 2 above shall be deemed to be the integer next above the half of that number.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations supersede Part II of the National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973, which deals with the appointment and tenure of office of chairmen and members of Regional and Area Health Authorities. They adjust the arrangements for such appointments and provide that the tenure of office will normally be for four years. Under transitional provisions half the chairmen of the Area Health Authorities appointed on 1st August 1977, and half the members appointed to Area Health Authorities by Regional Health Authorities on that day, are to be appointed for two years only. Appointments of chairmen and members are also adjusted so as to end on 31st July in any year. Provision is made whereby appointments can be made for less than four years; for excluding certain appointments from requirements as to consultation; and for termination of, and disqualification for, office.

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