STATUTORY INSTRUMENTS

2005 No. 2415

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005

Made - - - -	*29th August 2005*
Laid before Parliament	*2nd September 2005*
Coming into force - -	*1st October 2005*

The Secretary of State for Health in relation to England, and the National Assembly for Wales in relation to Wales, in exercise of the powers conferred by sections 16(4) and 126(4) of, and paragraphs 10, 12 and 16 of Schedule 5 to, the National Health Service Act 1977(**a**), and now vested in them, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement, and interpretation

1.—(1) These Regulations may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005 and shall come into force on 1st October 2005.

(2) In these Regulations—

"the Act" means the National Health Service Act 1977;

"the Authority" means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(**b**);

"appropriate authority" means—

(**a**) 1977 c.49; section 16 was substituted by section 65 of, and paragraphs 4 and 9 of Schedule 4 to, the Health Act 1999 (c.8) ("the 1999 Act") and amended by sections 1(3) and 6(2) of, and paragraphs 1 and 3 of Schedule 1 and paragraphs 4 and 5 of Schedule 5 to, the National Health Service Reform and Health Care Professions Act 2002 (c.17) ("the 2002 Act"); section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), section 65(1) of, and paragraphs 4 and 37(1) and (6) of Schedule 4 to, the 1999 Act, section 67(1) of, and paragraphs 5(1) and (13)(b) of Schedule 5 to, the Health and Social Care Act 2001 (c.15) ("the 2001 Act"), sections 6(3)(c) and 37(1) of, and paragraphs 1 and 10(a) of Schedule 8 to, the 2002 Act and section 184 of, and paragraph 38 of Schedule 11 and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43) ("the 2003 Act"); paragraph 10 of Schedule 5 was amended by sections 14 and 15 of, and paragraph 3 of Schedule 6 to, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 54(1) of, and paragraphs 8 and 10 of Schedule 5 to, the Dentists Act 1984 (c.24), sections 5 and 24 of, and paragraph 14 of Schedule 3 and Part 1 of Schedule 8 to, the Health and Social Security Act 1984 (c.48), article 7 of S.I. 1985/39, section 1 of, and paragraph 8 of Schedule 1 to, the 1990 Act, sections 2(1) and 5(1) of, and paragraph 60(c) of Schedule 1 and Schedule 3 to, the Health Authorities Act 1995 (c.17) ("the 1995 Act"), section 65 of, and paragraphs 4, 39(1) and (3) of Schedule 4 and Schedule 5 to, the 1999 Act and section 6 of the 2001 Act; paragraph 12 of Schedule 5 was amended by article 7 of S.I. 1985/39, section 1 of, and paragraph 9 of Schedule 1 to, the 1990 Act, sections 2(1) and 5(1) of, and paragraph 60(e) of Schedule 1 and Schedule 3 to, the 1995 Act and section 65(1) of, and paragraphs 4, 39(1) and (4) of Schedule 4 to, the 1999 Act. See section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act, for the definitions of "prescribed" and "regulations". The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 ("the 1999 Order"); see the entry in Schedule 1 of the 1999 Order relating to the National Health Service Act 1977, as amended by section 66(4) and (5)(a) of the 1999 Act, section 67(1) of, and paragraph 12(1) and (3) of Schedule 5 to, the 2001 Act and section 196 of, and Part 4 of Schedule 14 to, the 2003 Act on a date to be appointed.

(**b**) S.I. 2005/2414

(a) in relation to England, the Secretary of State; and

(b) in relation to Wales, the National Assembly for Wales;

"the chairman" means, unless the context otherwise requires, the chairman of the Authority;

"the FHSAA" means the Family Health Service Appeal Authority constituted under section 49S of the Act(**a**);

"health service body" means—

(a) a Strategic Health Authority(**b**), Special Health Authority(**c**), Primary Care Trust(**d**), NHS trust(**e**), Local Health Board(**f**), NHS foundation trust(**g**) or Community Health Council(**h**),

(b) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(**i**) or the Scottish Dental Practice Board, the Common Service Agency for the Scottish Health Service or an NHS trust constituted under, respectively, sections 4, 10 or 12A of that Act(**j**),

(c) the Dental Practice Board constituted under section 37(1) of the Act(**k**),

(d) the Commission for Healthcare Audit and Inspection(**l**),

(e) the Health Protection Agency(**m**),

(f) the Secretary of State,

(g) the Northern Ireland Central Services Agency for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972(**n**),

(h) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(**o**),

(i) a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972,

(j) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991(**p**), and

(k) the Department of Health, Social Services and Public Safety for Northern Ireland;

"member" means, unless the context otherwise requires, a member of the Authority other than the chairman;

"national NHS disqualification" means—

(**a**) Section 49S was inserted by section 27(1) of the 2001 Act and amended by section 1(3) of, and paragraphs 1 and 18 of Schedule 1 to, the 2002 Act.
(**b**) *See* section 8 of the Act.
(**c**) *See* section 11 of the Act.
(**d**) *See* section 16A of the Act.
(**e**) *See* section 5 of the 1990 Act.
(**f**) *See* section 16BA of the Act.
(**g**) *See* section 1 of the 2003 Act.
(**h**) *See* section 20 A of the Act inserted by section 1(1) of the Health (Wales) Act 2003 (c.4).
(**i**) 1978 c.29.
(**j**) Section 4 was amended by section 12(3) and Schedule 3 of the Health and Medicines Act 1988 (c.49) ("the 1988 Act"); section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c.53) and Schedule 10 to the 1990 Act; section 12A was inserted by section 31 of the 1990 Act and amended by section 46(1) of the 1999 Act.
(**k**) Section 37(1) was amended by section 12 of the 1988 Act and repealed in part by section 25 and Schedule 3 of that Act; amended by section 2(1) of, and paragraph 26 of Schedule 1 to, the 1995 Act and section 1(3) of, and paragraphs 1 and 17 of Schedule 1 to, the 2002 Act. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, the 1999 Order, except that the regulation-making function in section 37(1) continues as a function of the Secretary of State in respect of Wales as well as England; see the entry in Schedule 1 for the National Health Service Act 1977 as amended; the Dental Practice Board is abolished by sections 181 and 196 of, and Schedule 14 to, the 2003 Act on a date to be appointed.
(**l**) *See* section 41 of the 2003 Act for the establishment of the Commission for Healthcare Audit and Inspection.
(**m**) Health Protection Agency Act 2004 (c.17).
(**n**) S.I. 1972/1265 (N.I. 14).
(**o**) S.I. 1990/247 (N.I. 3).
(**p**) S.I. 1991/194 (N.I. 1).

(a) a decision made by the FHSAA under section 49N of the Act(**a**),or

(b) a decision by the NHS Tribunal which is treated as a national disqualification by the FHSAA by virtue of regulation 6(4)(b) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2001(**b**) or regulation 6(4)(b) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2002(**c**);

"NHS Pension Scheme" means the National Health Service Pension Scheme for England and Wales(**d**);

"the NHS Tribunal" means the Tribunal constituted under section 46 of the Act(**e**) for England and Wales;

"non-officer member" means a member who is not an officer of the Authority; and

"primary care list" means—

(a) a list referred to in section 49N(1)(a) to (c) of the Act,

(b) a list of persons undertaking to provide general medical services prepared in accordance with regulations under section 29 of the Act(**f**) as the list existed on or before 31st March 2004,

(c) a list of persons approved by a Primary Care Trust for the purpose of assisting in the provision of general medical services prepared in accordance with regulations under section 43D(1)of the Act(**g**) as the list existed on or before 31st March 2004, or

(d) a services list referred to in section 8ZA(1)(a) of the National Health Service (Primary Care) Act 1997(**h**) as the list existed on or before 31 March 2004.

Appointment and tenure of office of chairman and members

2.—(1) The chairman and non-officer members shall be appointed by the Secretary of State.

(2) Subject to regulation 5 (termination of tenure of office of chairman and non-officer members), the term of office of the chairman and non-officer members shall be such period, not exceeding four years, as the Secretary of State shall specify on making the appointment.

(3) Subject to regulation 3 (disqualification for appointment), the chairman and any non-officer member shall, on the termination of his office, be eligible for re-appointment.

(4) The chairman and non-officer members shall appoint the member who is the chief executive of the Authority.

(**a**) Section 49N was inserted by section 25 of the 2001 Act and amended by section 2(5) of, and paragraphs 1 and 25 of Schedule 2 to, the 2002 Act and section 184 of, and paragraph 24(a) and paragraph 24(b) of Schedule 11 to, the 2003 Act in respect of paragraph 24(b) on a date to be appointed. A transitional amendment is made to section 49N(1) inserting sub-paragraph (bb) by article 7(4)(i) of the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004 S.I. 2004/288 (C. 12).

(**b**) S.I. 2001/3744, as modified and amended by S.I. 2002/2469.

(**c**) S.I. 2002/1920 amended by S.I.2004/865.

(**d**) *See* the National Health Service Pension Scheme Regulations 1995 S.I.1995/300 as amended by S.I. 1997/80,1888, 1998/666, 2216, 2000/605, 2001/1428, 3649, 2002/561, 2469, 2003/63, 2322,2004/665 and 696; the National Health Service (Injury Benefits) Regulations 1995 S.I.1995/866 as amended by S.I. 1997/646, 1998/667, 2217, 2000/606, 2002/2469, 2003/631 and 2004/665,696,865and1016; the National Health Service (Compensation for Premature Retirement) Regulations 1981 S.I. 1981/1263 as amended by S.I. 1982/226, 1985/39, 1659, 1991/584, 1996/971, 2000/605, 2002/1311; the National Health Service (Compensation for Premature Retirement) Regulations 2002 S.I. 2002/1311 as amended by S.I. 2002/2469, 2003/631 and 2004/696; and the National Health Service Pension Scheme (Additional Voluntary Contributions) Regulations 2000 S.I.2000/619 as amended by S.I 2001/1428, 3649 and 2002/610.

(**e**) Section 46 was repealed by section 67 of, and paragraph 5 of Schedule 5 and Part 1 of Schedule 6 to, and the 2001 Act; the NHS Tribunal, except for prescribed cases, had effect in relation to England only until 14th December 2001, and in relation to Wales, only until 26th August 2002; see article 2(5) and (6)(b) of S.I. 2001/3738 which sets out the prescribed cases for England, and article 2(2) and (3)(b) of S.I. 2002/1919 which sets out the prescribed cases for Wales.

(**f**) Section 29 is repealed by section 196 of, and Schedule 14 to, the 2003 Act.

(**g**) Section 43D was inserted by section 24 of the 2001 Act and amended by section 2(5) of, and paragraphs 1 and 20 of Schedule 2 to, the 2002 Act; section 43D(1) is repealed in part by section 196 of, and Schedule 14 to, the 2003 Act; section 43D(10)(a) (and other parts of 43D(10) on a date to be appointed) is amended by section 184 of, and paragraph 20 of Schedule 11 to, the 2003 Act.

(**h**) 1997 c.46; section 8ZA was inserted by section 26(2) of the 2001 Act and was amended by section 4(3) of, and paragraphs 1 and 3 of Schedule3 of the 2002 Act; and is repealed by section 196 of, and Schedule 14 to, the 2003 Act so far as it relates to personal medical services by S.I.2004/288, and otherwise on a date to be appointed.

(5) The chairman, the non-officer members and the chief executive shall appoint the members who are officers of the Authority.

Disqualification for appointment

3.—(1) Subject to regulation 4 (cessation of disqualification), a person shall be disqualified for appointment as the chairman or as a non-officer member if—

(a) he has, within the preceding five years, been convicted in the United Kingdom of any offence or convicted elsewhere of an offence which, if committed in any part of the United Kingdom would constitute a criminal offence in that part, and in either case has been sentenced to a period of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, and the conviction has not been quashed on appeal;

(b) he is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order(**a**);

(c) he has been dismissed within the previous five years, otherwise than by reason of redundancy, from any paid employment with a health service body;

(d) he is a person whose tenure of office as the chairman, a member, a director or a governor of a health service body has been terminated on the grounds that—

(i) it was not in the interests of, or conducive to the good management of, the health service body or of the health service that he should continue to hold that office,

(ii) he failed, without reasonable cause, to attend any meeting of that health service body for three successive meetings, or

(iii) he failed to declare a pecuniary interest or withdraw from consideration of any matter in respect of which he had a pecuniary interest;

(e) he—

(i) is the subject of a national NHS disqualification,

(ii) was refused nomination or approval to fill a vacancy for a medical practitioner pursuant to regulations made under section 29B(2A) of the Act and was not subsequently nominated or approved or included in a primary care list(**b**),

(iii) has been refused admission to a primary care list on grounds corresponding to the conditions referred to in section 49F(2), (3) or (4) of the Act(**c**) and has not subsequently been included in a primary care list,

(iv) is conditionally included in a primary care list(**d**),

(v) has been removed from a primary care list on any of the grounds set out in section 49F(2),(3) or (4) of the Act or by a direction of the NHS Tribunal and has not subsequently been included in such a list,

(vi) is contingently removed from a primary care list(**e**), or

(vii) is suspended from a primary care list(**f**) or treated as so suspended by virtue of regulation 6(2) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2001 or regulation 6(2) of the Abolition of the National Health Service Tribunal (Consequential Provisions) Regulations 2002,

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(**a**) *See* Schedule 4A to the Insolvency Act 1986 (c.45), inserted by Schedule 20 to the Enterprise Act 2002 (c.40)
(**b**) Section 29B is repealed by section 196 of, and Schedule 14 to, the 2003 Act.
(**c**) Section 49F was inserted by section 25 of the 2001 Act and amended by section 2(5) of, and paragraphs 1 and 21(a) of Schedule 2 to, the 2002 Act; section 49F(1)(a) and 49F(1)(c) on a date to be appointed) are repealed by section 196 of, and Schedule 14 to, the 2003 Act.
(**d**) *See* section 43ZA of the Act for conditional inclusion. See also sections 28X(5) and 43D(4) of the Act and section 8ZA(4)(a) of the 1997 Act.
(**e**) *See* section 49G of the Act for contingent removal. See also sections 28X(4) and 43D(6) of the Act.
(**f**) *See* section 49I of the Act for suspension. See also sections 28X(4) and 43D(6) of the Act and section 8ZA(7) of the 1997 Act.

and in this sub-paragraph any reference to a provision in the Act includes a reference to the provision corresponding to that provision in legislation relating to Scotland and Northern Ireland;

(f) he is subject to a disqualification order under the Company Directors Disqualification Act 1986(**a**), the Companies (Northern Ireland) Order 1986(**b**) or to an order made under section 429(2)(b) of the Insolvency Act 1986(**c**) (disabilities on revocation of administration order against an individual);

(g) he has been—

(i) removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which he was responsible or to which he was privy, or which he, by his conduct, contributed to or facilitated, or

(ii) removed under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(**d**) (powers of Court of Session to deal with management of charities) from being concerned in the management or control of any body;

(h) he is the chairman or another member of the Independent Regulator of NHS foundation trusts;

(i) he is a member of the NHS Pension Scheme unless he is in receipt of benefits under the Scheme and is no longer eligible to contribute to the Scheme;

(2) For the purposes of paragraph (1)(a), the date of conviction shall be deemed to be the date on which the ordinary 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 its not being prosecuted.

(3) For the purposes of paragraph (1)(c), a person shall not be treated as having been in paid employment by reason only of his having been the chairman or a non-officer member of, or in the case of an NHS trust, the chairman or a non-executive director of, or in the case of an NHS foundation trust, the chairman, a governor or a non-executive director of, the health service body in question.

Cessation of disqualification

4.—(1) Subject to paragraph (2), where a person is disqualified under regulation 3(1)(c) or (g)(i) he may, after the expiry of two years beginning on the date on which he was dismissed, apply in writing to the Secretary of State to remove the disqualification, and the Secretary of State may direct that the disqualification shall cease.

(2) Where the Secretary of State refuses an application to remove a disqualification no further application may be made by that person until the expiry of the period of two years beginning with the date of the application and this paragraph shall apply to any subsequent application.

(3) Where a person is disqualified under regulation 3(1)(d), the disqualification shall cease on the expiry of the period of two years beginning on the date of the termination of his tenure of office or such longer period as the Secretary of State specifies when terminating his period of office but the Secretary of State may, on application being made to her by that person, reduce the period of disqualification.

Termination of tenure of office of chairman and non-officer members

5.—(1) The chairman or a non-officer member may resign from that office at any time during the term of that office by giving notice in writing to the Secretary of State.

(2) Where the Secretary of State is of the opinion that it is not in the interests of, or conducive to the good management of, the Authority or of the health service that the chairman or non-officer member

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(**a**) 1986 c.46.
(**b**) S.I. 1986/1032 (N.I.6).
(**c**) 1986 c.45.
(**d**) 1990 c.40.

should continue to hold office, the Secretary of State may forthwith terminate his tenure of office by giving him notice in writing to that effect.

(3) If the chairman or a non-officer member fails to attend three successive meetings of the Authority the Secretary of State shall forthwith terminate that person's tenure of office unless satisfied that—

(a) the absence was due to a reasonable cause; and

(b) the person in question will be able to attend meetings of the Authority within such a period as the Secretary of State considers reasonable.

(4) Where a person has been appointed to be the chairman or a non-officer member, and he becomes disqualified for appointment under regulation 3, he shall notify the Secretary of State in writing of such disqualification.

(5) Where it comes to the notice of the Secretary of State (whether under paragraph (4) or otherwise) that at the time of his appointment or later a person was so disqualified, the Secretary of State shall forthwith declare that the person in question was not duly appointed and notify him in writing to that effect, and upon receipt of any such notification, his tenure of office, if any, shall be terminated and he shall cease to act as chairman or non-officer member.

(6) If it appears to the Secretary of State that the chairman or a non-officer member has failed to comply with regulation 10 (disability on account of pecuniary interest) she may forthwith terminate that person's tenure of office by giving him notice in writing to that effect.

Appointment of vice-chairman

6.—(1) The chairman and members may appoint one of the non-officer members to be vice-chairman for such period, not exceeding the remainder of his term as a member, as they may specify on appointing him.

(2) Any member so appointed may at any time resign from the office of vice-chairman by giving notice in writing to the chairman.

(3) Where the chairman has died or has ceased to hold office, or where he is unable to perform his duties as chairman owing to illness, absence or any other cause, references to the chairman in the Schedule to these Regulations shall, so long as there is no chairman available to perform his duties, be taken to include references to the vice-chairman.

Appointment of committees and sub-committees

7.—(1) Subject to such directions as may be given by the appropriate authority, the Authority may, and if so directed by the appropriate authority, shall, appoint committees of the Authority consisting wholly or partly of members of the Authority or wholly of persons who are not members of the Authority.

(2) A committee appointed under this regulation may, subject to such directions as may be given by the appropriate authority or the Authority, appoint sub-committees consisting wholly or partly of members of the committee (whether or not they are members of the Authority) or wholly of persons who are not members of the Authority or the committee.

(3) Subject to such directions as may be given by the appropriate authority, regulations 3 and 4 apply to the appointment of members of committees and sub-committees appointed under this regulation as they apply to the appointment of members of the Authority.

Arrangements for the exercise of functions

8. Subject to such directions as may be given by the appropriate authority, the Authority may make arrangements for the exercise, on behalf of the Authority, of any of its functions by a committee or sub-committee appointed by virtue of regulation 7 or by an officer of the Authority, in each case subject to such restrictions and conditions as the Authority thinks fit.

Meetings and proceedings

9.—(1) The meetings and proceedings of the Authority shall be conducted in accordance with the rules set out in the Schedule to these Regulations and with standing orders made under paragraph (2).

(2) Subject to those rules, to regulation 10 (disability of chairman and members in proceedings on account of pecuniary interest) and to such directions as may be given by the appropriate authority, the Authority shall make, and may vary or revoke, standing orders for the regulation of its proceedings and business, including provision for the suspension of all or any of the standing orders.

(3) Subject to such directions as may be given by the appropriate authority, the Authority may make, vary and revoke standing orders relating to the quorum, proceedings and place of meeting of any committee or sub-committee of the Authority; but subject to such standing orders, the quorum, proceedings and place of meeting shall be such as the committee or sub-committee may determine.

Disability of chairman and members in proceedings on account of pecuniary interest

10.—(1) Subject to the following provisions of this regulation, if the chairman or a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at any meeting of the Authority to which the contract, proposed contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement, disclose his interest and shall not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it.

(2) The appropriate authority may, subject to such conditions as the appropriate authority may think fit to impose, remove any disability imposed by this regulation in any case in which it appears to the appropriate authority to be in the interests of the health service that the disability should be removed.

(3) The Authority may, by standing orders made under regulation 9(2), provide for the exclusion of the chairman or a member from a meeting of the Authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to the chairman or a member by virtue of paragraph 9 to Schedule 5 of the Act (pay and allowances) shall not be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), the chairman or member shall be treated for the purpose of this regulation as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

(a) he, or a nominee of his, is a director of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner of, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) the interest of one shall, if known to the other, be deemed for the purpose of this regulation to be also an interest of the other.

(6) Neither the chairman nor a member shall be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

(a) of his membership of a company or other body if he has no beneficial interest in any securities of that company or other body; or

(b) of an interest in any company, body or person with which he is connected as mentioned in paragraph (5) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence him in the consideration or discussion of, or voting on, any question with respect to that contract, proposed contract or other matter.

(7) Where the chairman or a member—

(a) has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body; and

(b) the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the lesser; and

(c) if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class,

this regulation shall not prohibit him from taking part in the consideration or discussion of the contract, proposed contract or other matter, or from voting on any question with respect to it but in such circumstances he shall nonetheless disclose his interest.

(8) This regulation applies to a committee or sub-committee as it applies to the Authority and applies to a member of any such committee or sub-committee (whether or not he is also a member of the Authority) as it applies to a member of the Authority.

(9) In this regulation—

"securities" means—

(a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in any share or such debenture; or

(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any industrial or provident society or building society;

"shares" means shares in the share capital of a company or other body or the stock of a company or other body.

Reports by the Authority

11. The Authority shall make such reports to the appropriate authority in such manner and at such time as the appropriate authority may direct, and shall furnish to the appropriate authority such information as the appropriate authority may from time to time require.

Public meeting

12. If, under regulation 11, the appropriate authority directs the Authority to make an annual report to the appropriate authority for any particular year or for each year, the Authority shall present the report at a public meeting held not later than 30 days after the date on which the report was made.

Signed by authority of the Secretary of State for Health

Jane Kennedy
Minister of State,
29th August 2005 Department of Health

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**)

D. Ellis-Thomas
28th June 2005 The Presiding Officer of the National Assembly

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(**a**) 1998 c.38.

SCHEDULE

Regulation 9(1)

RULES AS TO MEETINGS AND PROCEEDINGS OF THE AUTHORITY

1. The first meeting of the Authority shall be held on such day and at such place as may be fixed by the chairman, and he shall be responsible for convening the meeting.

2.—(1) The chairman may call a meeting of the Authority at any time.

(2) If a requisition for a meeting, signed by at least one third of the total number of members, is presented to the chairman, and the chairman either—

(a) refuses to call a meeting; or

(b) without so refusing, does not within 21 days after the requisition has been presented to him call a meeting,

those members may forthwith call a meeting.

(3) Before each meeting of the Authority, a notice of the meeting which —

(a) specifies the principal business proposed to be transacted at it; and

(b) is signed by the chairman or by an officer of the Authority authorised by the chairman to sign on his behalf,

shall be delivered to each member, or sent by post to his last known address, at least seven clear days before the day of the meeting.

(4) The proceedings of any meeting shall not be invalidated by a failure to deliver such notice to any member.

(5) In the case of a meeting called under sub-paragraph (2) above by members, the notice shall be signed by those members and no business other than that specified in the notice shall be transacted at the meeting.

3.—(1) At any meeting of the Authority the chairman or, in his absence, the vice-chairman (if there is one and he is present) shall preside.

(2) If the chairman and any vice-chairman are absent, such other non-officer member present as the other members present shall choose for the purpose shall preside.

4. Every question at a meeting shall be determined by a majority of votes of the members present and competent to vote on the question and, in the case of an equality of votes, the chairman or, in his absence, the person presiding at the meeting shall have a second or casting vote.

5.—(1) Subject to sub-paragraphs (2) and (3) below, no business shall be transacted at any meeting unless at least a third of the membership (the chairman being included for this purpose in the reckoning) is present.

(2) The chairman and at least two non-officer members shall be present at a meeting of the Authority at which the chief executive or any other officer member is appointed.

(3) The chairman, at least two non-officer members and the chief executive shall be present at a meeting of the Authority at which any other officer members are appointed.

6.—(1) The minutes of the proceedings of a meeting shall be drawn up and shall be signed at the next ensuing meeting by the person presiding at that next meeting.

(2) The names of the members present at a meeting shall be recorded in the minutes.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning the membership and procedure of NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) ("the Authority"), a Special Health Authority established under the National Health Service Act 1977 by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005.

In particular, these Regulations provide for the appointment and tenure of office of the chairman and members of the Authority (regulation 2), for disqualification for appointment (regulations 3 and 4) and for the termination of office (regulation 5). Also included is provision relating to the appointment of a vice-chairman (regulation 6), the appointment of, and exercise of functions by, committees and sub-committees (regulations 7 and 8), the conduct of proceedings (regulation 9 and the Schedule) and disability on account of a conflict of interest (regulation 10).

Provision is also made for requiring the Authority to furnish reports and certain other information to the Secretary of State and the National Assembly for Wales (regulation 11) and for requiring presentation of an annual report at a public meeting (regulation 12).

STATUTORY INSTRUMENTS

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