STATUTORY INSTRUMENTS

1971 No. 1403 (S.169)

NATIONAL HEALTH SERVICE, SCOTLAND

The Scottish Hospital Trust (Administration) Regulations 1971

Made - - - -	*23rd August* 1971
Laid before Parliament	*31st August* 1971
Coming into Operation	*1st September* 1971

In exercise of the powers conferred on me by section 8(2) of the Hospital Endowments (Scotland) Act 1971**(a)**, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

General

1. These regulations may be cited as the Scottish Hospital Trust (Administration) Regulations 1971 and shall come into operation on 1st September 1971.

2. In these regulations:—

"the Act" means the Hospital Endowments (Scotland) Act 1971;

"the Trust" means the Scottish Hospital Trust constituted by and in accordance with section 1(1) of and the Schedule to the Act;

"the appointed day" and "relevant endowment" have the same meanings respectively as in the Act.

3. The Interpretation Act 1889**(b)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

PART II

Term of office of members of the Trust, filling of vacancies, etc.

4.—(1) The first chairman of the Trust shall hold office until the first day of September 1977.

(2) Of the members of the Trust, other than the chairman, one-third, or as near as may be, shall retire on the first day of September 1973, one-third, or as near as may be, on the first day of September 1975, and the remainder on the first day of September 1977.

(a) 1971 c. 8. **(b)** 1889 c. 63.

(3) Subject to the provisions of this regulation the term of office of the members of the Trust shall be six years:

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

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

(2) If the Secretary of State is satisfied that a member of the Trust—

(*a*) has, without reasonable cause, not attended a meeting of the Trust or of any committee of the Trust throughout a period of twelve consecutive months;

(*b*) has become incapacitated by physical or mental illness; or

(*c*) has granted a trust deed for behoof of his creditors or has had his estates sequestrated in Scotland or has been adjudged bankrupt elsewhere than in Scotland,

the Secretary of State may declare that such member has ceased to be a member of the Trust.

6. If a vacancy occurs in the membership of the Trust (other than by retiral in rotation in accordance with Regulation 4(2) of these Regulations), the Secretary of State may, if he sees fit, fill the vacancy, and any person so appointed shall hold office for the remainder of the term of office of the person in whose place he is appointed.

PART III

Appointments, etc. of officers of the Trust

7.—(1) The Trust shall appoint a secretary whose duties may also include those of investment adviser. The secretary may be a body corporate.

(2) The Trust may in addition appoint such other officers and servants as it may from time to time consider necessary for the efficient administration of the Trust.

(3) The Trust out of the funds under its charge—

(*a*) shall pay to the secretary and to any other officers and servants of the Trust remuneration at such rates as it thinks fit and shall apply to such secretary and to the other officers and servants such conditions of service as it thinks fit; and

(*b*) may make such contributions as it thinks fit in respect of superannuation of the secretary and of any other officers and servants of the Trust.

PART IV

Procedure

8. The Trust shall hold such meetings as are required for the discharge of their functions under the Act:

Provided that the Trust shall hold a meeting after the close of each financial year for the purpose of adopting the accounts of the Trust in respect of that year and preparing an annual report of its proceedings in accordance with the provisions of section 1(5) of the Act.

9.—(1) At any meeting of the Trust a majority of the members thereof for the time being shall form a quorum.

(2) Any meeting of the Trust may be adjourned to any other day, hour and place.

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

(2) If the chairman is absent from any meeting, the members present at the meeting shall elect from among themselves a person to act as chairman for that meeting.

(3) All acts of, and all questions coming or arising before, the Trust shall be done and decided by a majority of the members of the Trust present and voting at a meeting of the Trust and, in the event of an equality of votes, the person presiding at the meeting shall give a casting vote.

11.—(1) Minute books shall be kept by the secretary containing a record of the proceedings of the Trust and of any committee of the Trust.

(2) All minutes of the Trust and of any committee of the Trust shall be submitted to the next ensuing meeting of the Trust for approval and shall be signed by the person presiding at that meeting.

12. The Trust may make such standing orders as it considers necessary or expedient for the regulation of its business and may vary and revoke the same.

13.—(1) The Trust may appoint committees of its own number for the exercise of such functions as the Trust think fit and may appoint conveners of such committees.

(2) The Trust shall fix the number of members of such a committee which shall form a quorum.

PART V

Payment of expenses

14. The Trust may, out of the funds under its charge, make to the members thereof payments at rates determined by the Secretary of State in respect of loss of earnings which they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily incurred by them for the purpose of enabling them to perform duties as members of the Trust.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
23rd August 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations made under section 8 of the Hospital Endowments (Scotland) Act 1971 make provision in respect of the term of office of members of the Scottish Hospital Trust constituted under the Act and in respect of the appointment of officers of the Trust and of the procedure of the Trust.

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