
STATUTORY INSTRUMENTS

1991 No. 809

The Health Boards (Membership and Procedure) (No.2) Regulations 1991

PART II

MEMBERSHIP

Term of office

2.—(1) Subject to the following provisions of these regulations, the term of office of the members of a Board shall be for such period not exceeding four years as the Secretary of State shall specify on making the appointment.

(2) At the expiration of his term of office a member shall, subject to regulations 5 and 6 be eligible for re-appointment.

University members

3. For the purposes of paragraph 2A of Schedule 1 to the Act the Health Boards in the case of which at least one of the persons appointed to be chairman or a member under paragraph 2 of that Schedule must hold a post in a university with a medical or dental school, are Lothian Health Board, Greater Glasgow Health Board and Tayside Health Board.

Remuneration of members

4. In addition to the chairman, the members to whom remuneration may be paid under paragraph 4 of Schedule 1 to the Act are members appointed for the purposes of paragraph 2A of that Schedule and any other members who are not also officers of the Board.

Resignation and removal of members

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

(2) If a member has not attended any meeting of the Board or of any committee or subcommittee of the Board throughout a period of six consecutive months, the Secretary of State shall, unless satisfied that his absence was due to illness or other reasonable cause, declare that his seat on the Board has become vacant and that person shall forthwith cease to be a member.

(3) Where a member who was appointed for the purposes of paragraph 2A of Schedule 1 to the Act ceases to hold the post in a university with a medical or dental school, which he held at the time of his appointment for those purposes, the Secretary of State may terminate his appointment as a member.

(4) A member of a Board being eithermdash;

- (a) a person who holds any paid appointment or office or other place of profit under a Board or under the Agency and who is dismissed, removed or resigns from such appointment, office, or other place of profit; or—
- (b) a person whose name is included in any list prepared under Part II of the Act, and whose name is withdrawn from the list on his own application,

shall, if the Secretary of State so directs, forthwith cease to be a member.

Disqualification

- 6.—(1) A person shall be disqualified for being a member of a Board, if—
- (a) he is chairman or a director of an NHS trust; or
 - (b) he holds any paid appointment or office with a trade union which represents the interests of members who are employed by a health service body; or
 - (c) he is a member of a fund-holding practice recognised under section 87A of the Act⁽¹⁾;
 - (d) he is a person who within the preceding five years has been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic 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
 - (e) he is a person who has held any paid appointment or office or other place of profit under a Board or under the Agency and has been dismissed from such appointment, office, or other place of profit otherwise than by reason of redundancy; or
 - (f) he is disqualified under section 29 of the Act⁽²⁾ for inclusion in any list prepared under Part II of the Act; or
 - (g) he is a person whose estate has been sequestrated in Scotland or who has been adjudged bankrupt elsewhere than in Scotland in relation to whose estate a judicial factor has been appointed or who has granted a trust deed for the benefit of his creditors:

Provided that—

- (i) the disqualification attaching to a person whose estate has been sequestrated shall cease if and when—
 - (a) the sequestration of his estate is recalled or reduced; or
 - (b) the sequestration is discharged;
- (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;
- (iii) the disqualification attaching to a person in relation to whose estate a Judicial factor has been appointed shall cease if and when—
 - (a) that appointment is recalled; or
 - (b) the judicial factor is discharged;
- (iv) the disqualification attaching to a person who has granted a trust deed shall cease if and when he pays his creditors in full or on the expiry of five years from the date of his granting the deed.

(1) Section 87A was inserted by the 1990 Act, section 34.

(2) Section 29 was amended by the Health and Social Security Act 1984 (c. 48), Schedule 8, Part I.

(2) The Secretary of State may direct that in relation to any individual person, Health Board or Special Health Board any disqualification so directed shall not apply in relation thereto.

(3) In this regulation “health service body” is any one of the persons and bodies specified in section 17A(2) of the Act⁽³⁾ and “trade union” has the meaning given in section 28(1) of the Trade Union and Labour Relations Act 1974⁽⁴⁾.

⁽³⁾ Section 17A was inserted by the 1990 Act, section 30.

⁽⁴⁾ 1974 c. 52.