

SCHEDULE 5

Regulation 17(4).

AMENDMENT OF REGULATIONS RELATING TO MEMBERSHIP
AND PROCEDURE OF SPECIAL HEALTH AUTHORITIES

1. For regulation 9 of the Mental Health Act Commission Regulations 1983(1) (application of regulations relating to membership) there shall be substituted the following regulation—

“9. The provisions of regulation 10(1)(a) to (e), (2) and (3) (disqualification for appointment) and regulation 11 (cessation of disqualification) of the Health Authorities (Membership and Procedure) Regulations 1996 shall apply in relation to the Commission as if—

- (a) any reference in them to an Authority included a reference to the Commission;
- (b) any reference in them to the appointing authority were a reference to the Secretary of State.”.

2. For regulation 4 of the Health Education Authority Regulations 1987(2) (application of regulations relating to membership and procedure) there shall be substituted the following regulation—

“4. The provisions of regulation 8(5), (6) and (7) (termination of tenure of office), regulation 9 (eligibility for re-appointment), regulation 10(1)(a) to (h) and (l), (2) and (3) (disqualification for appointment), regulation 11 (cessation of disqualification), regulation 12 (appointment of vice-chairman), regulation 13 (powers of vice-chairman), regulation 14(1) and (2) (appointment of committees and sub-committees), regulation 15 (meetings and proceedings) and regulation 16 (disability on account of pecuniary interest) of and Schedule 3 to the Health Authorities (Membership and Procedure) Regulations 1996 shall apply in relation to the Authority as if—

- (a) any reference in them to an Authority included a reference to the Authority;
- (b) any reference in them to the appointing authority were a reference to the Secretary of State;
- (c) in regulation 10(1)—
 - (i) in sub-paragraph (f), the reference to paragraph (3) of regulation 8 were a reference to regulation 3(2) of these Regulations;
 - (ii) for sub-paragraph (g) there were substituted the following sub-paragraph—

“(g) he is a chairman or vice-chairman of another Special Health Authority or of a Health Authority.”;
- (d) any reference in regulation 14 or 15 to Authorities were a reference to Special Health Authorities.”.

3. In the Prescription Pricing Authority Regulations 1990(3)—

(a) in regulation 1(2) (interpretation) for the definition of “the Procedure Regulations” there shall be substituted the following definition—

““the Procedure Regulations” means the Health Authorities (Membership and Procedure Regulations 1996.”;

(b) in regulation 9(b) the words—

“, and

(1) S.I. 1983/894; regulation 9 was substituted by S.I. 1990/1331.

(2) S.I. 1987/7, amended by S.I. 1990/1331.

(3) S.I. 1990/1719.

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(ii) paragraph 1 of Schedule 1,”

shall be omitted;

(c) for the Schedule there shall be substituted the following Schedule—

“SCHEDULE		Regulation 9
(1) Provision of the Procedure Regulations	(2) Description	(3) Modification
Regulation 8(1)–(7)	Termination of tenure of office	As if in paragraph (4) the words “in the area for which an Authority acts” were omitted.
Regulation 9	Eligibility for re-appointment	
Regulation 10(1)(a)–(f), (h) and (1), (2) and (3)	Disqualification for appointment	As if in paragraph 1(f) the reference to regulation 8 were a reference to that regulation subject to the modification specified in this column in relation to that regulation.
Regulation 11	Cessation of Disqualification	
Regulation 15	Meetings and proceedings	
Regulation 16	Disability on account of pecuniary interest	
Schedule 3	Rules as to meetings and proceedings	As if in paragraph 6 for the words “one-third” there were substituted the words “one-half”; and as if sub-paragraph (b) were omitted.”

4. In regulation 5 of the Welsh Health Common Services Authority Regulations 1990(4) (application of regulations)—

(a) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;

(b) after paragraph (c) there shall be added the following paragraph—

“(d) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities.”.

5. In regulation 8 of the United Kingdom Transplant Support Service Authority Regulations 1991(5) (application of regulations relating to membership and procedure)—

(a) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;

(b) in paragraph (c) for the words “regulation 13(1)(c)” there shall be substituted the words “regulation 13(1)(e)”;

(c) after paragraph (c) there shall be inserted the following paragraph—

(4) S.I. 1990/2648.

(5) S.I. 1991/408, to which there are amendments not relevant to these Regulations.

“(cc) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities;”.

6. In regulation 3 of the Health Promotion Authority for Wales Regulations 1991⁽⁶⁾ (application of regulations)—

- (a) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;
- (b) after paragraph (c) there shall be added the following paragraph—

“(d) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities.”.

7. In regulation 5 of the National Health Service Supplies Authority Regulations 1991⁽⁷⁾ (application of regulations relating to membership and procedure)—

- (a) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;
- (b) after paragraph (d) there shall be inserted the following paragraph—

“(dd) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities;”.

8. In paragraph (1) of regulation 6 of the National Blood Authority Regulations 1993⁽⁸⁾ (application of Regulations relating to membership and procedure)—

- (a) in sub-paragraph (c) the words “regulation 18 (arrangements for the exercise of functions),” shall be omitted;
- (b) for the words from “as if any” to the end of the paragraph there shall be substituted the following words—

“as if—

- (i) any reference therein to an Authority included a reference to the Authority;
- (ii) in regulation 13(1)(e) the reference to paragraph (3) of regulation 11 were a reference to regulation 4(2) of these Regulations;
- (iii) in regulation 17(1) the reference to health authorities included a reference to Special Health Authorities.”.

9. In regulation 5(1)(b) of the Dental Vocational Training Authority Regulations 1993⁽⁹⁾ (application of regulations relating to membership and procedure) at the end there shall be added the words “but as though the reference to paragraph (b) of regulation 4 were a reference to regulation 3(3) of these Regulations.”.

10. In the Microbiological Research Authority Regulations 1994⁽¹⁰⁾—

- (a) in regulation 1(2) (interpretation) there shall be added at the end the following definition—
““the 1996 Regulations” means the Health Authorities (Membership and Procedure) Regulations 1996.”;
- (b) in regulation 3 (tenure of office) for the words “the 1990 Regulations” there shall be substituted the words “the 1996 Regulations”;
- (c) in regulation 5 (eligibility for reappointment) for the words “the 1990 Regulations” there shall be substituted the words “the 1996 Regulations”;

(6) [S.I. 1991/1103.](#)
(7) [S.I. 1991/2002.](#)
(8) [S.I. 1993/586.](#)
(9) [S.I. 1993/2210.](#)
(10) [S.I. 1994/602.](#)

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- (d) for regulation 6 (application of Regulations relating to membership and procedure) there shall be substituted the following regulation—

“Application of Regulations relating to membership and procedure

6.—(1) Subject to paragraphs (2) to (6) of this regulation, the following provisions of the 1996 Regulations shall apply to the Authority:—

- (a) regulation 5 (termination of tenure of office, and suspension, of officer members);
- (b) regulation 8(3), (5), (6) and (7) (termination of non-officer member’s tenure of office), regulation 10(1)(a) to (f), (2) and (3) (disqualification for appointment) and regulation 11 (cessation of disqualification); and
- (c) regulation 12 (appointment of vice-chairman), regulation 13 (powers of vice-chairman), regulation 14 (appointment of committees and sub-committees), regulation 15 (meetings and proceedings), regulation 16 (disability on account of pecuniary interests), and Schedule 3 (rules as to meetings and proceedings);

and regulation 1(2) to (4) (interpretation) so far as it relates to those provisions.

(2) Regulations 5(1) and (2) of the 1996 Regulations shall not apply in the case of the chief officer.

(3) Regulation 10(1)(f) of the 1996 Regulations shall apply as if the reference to paragraph (4) of regulation 8 were a reference to regulation 4(2) of these Regulations.

(4) Regulations 14 and 15 of the 1996 Regulations shall apply as if any reference in those regulations to Authorities were a reference to Special Health Authorities.

(5) The provisions of the 1996 Regulations referred to in paragraph (1)(b) of this regulation shall not apply in relation to officer members.

(6) In the application to the Authority of any provisions of the 1996 Regulations specified in paragraph (1) of this regulation—

- (a) any reference in those provisions to an Authority shall be construed as a reference to the Authority;
- (b) the expressions “appointing authority”, “non-officer member” and “officer member” in those provisions shall have the same meanings as in these Regulations; and
- (c) the expression “appointed officer member” in those provisions shall mean an officer member who is appointed in accordance with regulation 2(2) of these Regulations.”.