

2011 No. 2200

NATIONAL HEALTH SERVICE, ENGLAND

**The Health Authorities (Membership and Procedure)
Amendment Regulations 2011**

<i>Made</i>	- - - -	<i>5th September 2011</i>
<i>Laid before Parliament</i>		<i>9th September 2011</i>
<i>Coming into force</i>	- -	<i>3rd October 2011</i>

The Secretary of State for Health makes the following Regulations, in exercise of the powers conferred by sections 272(7) and (8) of, and paragraphs 3(b) and 9 of Schedule 2 to, the National Health Service Act 2006(a).

Citation and commencement

1. These Regulations may be cited as the Health Authorities (Membership and Procedure) Amendment Regulations 2011 and shall come into force on 3rd October 2011.

Amendments of the Health Authorities (Membership and Procedure) Regulations 1996

2.—(1) The Health Authorities (Membership and Procedure) Regulations 1996(b) are amended as follows.

(2) In regulation 2 (membership of Authorities), in paragraph (1), for “seven” substitute “eight”.

(3) In regulation 8C (suspension of chairman: appointment of vice-chairman)—

(a) for paragraphs (2) and (3) substitute—

“(2) If one or two vice-chairmen have been appointed under regulation 12(1) (appointment of vice-chairman), that or those appointments shall cease to have effect.

(3) The Secretary of State may—

(a) re-appoint any non-officer member who was previously appointed as a vice-chairman under regulation 12(1), prior to that appointment ceasing to have effect under paragraph (2); or

(b) appoint any other non-officer member to be a vice-chairman,
and may appoint either one or two non-officer members as vice-chairmen.”;

(b) in paragraphs (5) and (8) before “vice-chairman”, in each place it appears, insert “a”; and

(c) in paragraph (9) before “vice chairman” where it appears in sub-paragraph (b) and at the end of the paragraph, insert “a”.

(a) 2006 c. 41. By virtue of section 271 of the National Health Service Act 2006, the powers of the Secretary of State under that Act, as exercised in making these regulations, are exercisable only in relation to England.

(b) S.I. 1996/707. Relevant amendments are made by S.I. 2000/696, S.I. 2002/556, S.I. 2004/865, S.I. 2004/696, S.I. 2006/1393, S.I. 2006/1722 and S.I. 2010/2538.

- (4) In regulation 10 (disqualification for appointment)—
- (a) omit sub-paragraphs (g)(i) and (ii) of paragraph (1);
 - (b) omit sub-paragraph (k) of paragraph (1); and
 - (c) at the end of paragraph (1) insert—
 - “(1A) A person shall be disqualified for appointment as an officer member of an Authority if the person is a member of a Special Health Authority or holds any other paid appointment or office with a Special Health Authority.”; and
 - (d) omit paragraph (5).

(5) In regulation 12 (appointment of vice-chairman), for paragraph (1), substitute the following—

“(1) Subject to paragraph (2), the chairman and members of an Authority may appoint one or two of their number, who are not officer members of the Authority, to be vice-chairmen, for such period, not exceeding the remainder of their respective terms as a member of the Authority, as they may specify on appointing them.”.

(6) For regulation 13 (powers of vice-chairman), substitute the following—

“13 Powers of vice-chairman

- (1) This regulation applies where—
 - (a) the chairman of a Strategic Health Authority is suspended under regulation 8A and one or two members of the Strategic Health Authority are appointed to be vice-chairmen under regulation 8C; or
 - (b) one or two members of an Authority are appointed to be vice-chairmen under regulation 12, and the chairman of the Authority—
 - (i) has died or ceased to hold office; or
 - (ii) is unable to perform the chairman’s duties owing to illness, absence from England and Wales or any other cause.
- (2) Where this regulation applies—
 - (a) the vice-chairman referred to in paragraph (3) shall act as chairman until a new chairman is appointed or the existing chairman resumes the chairman’s duties, as the case may be; and
 - (b) the references to the chairman in Schedule 3 shall, so long as there is no chairman able to perform the chairman’s duties, be taken to include reference to the vice-chairman referred to in paragraph (3).
- (3) The vice-chairman for the purposes of paragraph (2) shall be—
 - (a) where—
 - (i) sub-paragraphs (a) or (b)(i) of paragraph (1) apply; and
 - (ii) there is more than one vice-chairman,
 the vice-chairman chosen by the Secretary of State for the purposes of paragraph (2);
 - (b) where—
 - (i) sub-paragraph (b)(ii) of paragraph (1) applies; and
 - (ii) there is more than one vice-chairman,
 the vice-chairman chosen by the members of the Authority for the purposes of paragraph (2); and
 - (c) where there is one vice-chairman, that vice-chairman.”.

(7) Omit Schedule 2.

(8) In Schedule 3 (Rules as to Meetings and Proceedings of Authorities)—

- (a) for paragraph 3(2) substitute—

- “(2) If the chairman is absent from the meeting, the following person shall preside—
- (a) if there is one vice-chairman, that vice-chairman if present;
 - (b) if there are two vice-chairmen, but only one is present, the vice-chairman who is present; or
 - (c) if there are two vice-chairmen and both are present, the vice-chairman chosen by the members present to preside at that meeting.”; and
- (b) in paragraph 3(3) for “vice-chairman” substitute “any vice-chairmen”.

Signed by authority of the Secretary of State for Health.

Simon Burns
Minister of State,
Department of Health

5th September 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Authorities (Membership and Procedure) Regulations 1996.

Regulation 2 increases the maximum number of non-officer members who may be appointed to a Strategic Health Authority (an Authority) from seven to eight. It provides the power for two vice-chairmen to be appointed to an Authority by the chair and members, or by the Secretary of State where the chair has been suspended by the Secretary of State, and provides for which of the two vice-chairs (if two are appointed) is to exercise the chair’s functions in certain circumstances (including functions relating to presiding in meetings).

It also amends the disqualification provisions for appointment as a chair or member of an Authority, in order to allow a chair or member of an Authority to be a chair or member of another Authority, and to allow a chair or member of a Special Health Authority to be a chair or non-officer member of an Authority.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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