1993 No. 115

NURSES, MIDWIVES AND HEALTH VISITORS

The National Board for Nursing, Midwifery and Health Visiting for Northern Ireland (Constitution and Administration) Order (Northern Ireland) 1993

Made	*10th March 1993*
Coming into operation . .	*1st April 1993*

The Department of Health and Social Services, in exercise of the powers conferred upon it by sections 5(2)(*b*) and (*d*), (6)(*b*), and (7) to (10) and section 6(1)(*da*) of the Nurses, Midwives and Health Visitors Act 1979(**a**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland (Constitution and Administration) Order (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

Interpretation

2. In this Order:

"the Act" means the Nurses, Midwives and Health Visitors Act 1979;

"the 1992 Act" means the Nurses, Midwives and Health Visitors Act 1992;

"the Board" means the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland established by section 5(1) of the Act;

"non-executive member" means a person appointed to the Board in any category specified in Article 5(1) and includes the chairman and deputy chairman;

"executive member" means the chief executive officer, the principal professional officer or the principal administrative officer, appointed to the offices specified under Article 3(1) for the purposes of section 5(2)(*c*) and (*d*), as the case may be.

(a) 1979 c. 36; section 5(2) to (10) was substituted by section 4 of the Nurses, Midwives and Health Visitors Act 1992 (c. 16) ("the 1992 Act"). Section 5(2) to (7) was adopted in relation to Northern Ireland by section 16 and paragraph 9(4) of Schedule 2 to the 1992 Act. Section 6 was amended by section 5 and paragraph 4 of Schedule 2 to the 1992 Act

Officers of the Board

3.—(1) The Board shall, in addition to appointing a person to act as the chief executive officer of the Board pursuant to section 5(6)(*a*) of the Act, appoint a person to act as—

(*a*) the principal professional officer; and

(*b*) the principal administrative officer

of the Board under such conditions of service as the Department may, with the consent of the Department of Finance and Personnel, approve.

(2) A person appointed to act as the chief executive officer or the principal professional officer shall be a registered nurse, practising midwife or health visitor.

(3) No person who is a non-executive member of the Board shall be appointed as a paid officer of the Board.

(4) Where, for any period, the chief executive officer, the principal professional officer or the principal administrative officer of the Board, as the case may be, is suspended from his duties for any reason, the Board shall, for the duration of that period, and subject to the requirements mentioned in paragraphs (1), (2) and (3), appoint an officer of the Board to act in his place as the chief executive officer, the principal professional officer or the principal administrative officer, as the case may be.

Constitution of the Board

4. The persons for the time being appointed to the three offices referred to in Article 3(1) shall be members of the Board.

5.—(1) In addition to the chairman and the persons referred to in Article 4, the Board shall consist of six other members appointed by the Department in accordance with the provisions of the Act and this Order.

(2) When appointing each of those members the Department shall specify the qualification by virtue of which the appointment is made.

6. From among the ten members of the Board there shall be at least:—

(*a*) one registered nurse,

(*b*) one practising midwife,

(*c*) one registered health visitor, and

(*d*) one who has qualifications and experience in education in the field of nursing, midwifery or health visiting.

Tenure of office of members

7.—(1) The term of office of a non-executive member appointed by the Department shall be, subject to Article 10, for such period, not exceeding 4 years, as the Department shall specify on appointing him.

(2) Subject to paragraph (3), an executive member shall hold office for so long as he remains the chief executive officer, the principal professional officer or the principal administrative officer, as the case may be, of the Board.

(3) Where for any period, a person mentioned in paragraph (2) ceases to hold a qualification required by virtue of Article 3(2) or is suspended from his duties as chief executive officer, principal professional officer or principal administrative officer, as the case may be, of the Board—

(*a*) he shall also be suspended for that period from performing his functions as a member; and

(*b*) any person appointed to act in his place as the chief executive officer, the principal professional officer or the principal administrative officer, as the case may be, shall also be appointed to perform his functions as a member of the Board for that period.

Appointment of deputy chairman

8.—(1) The members may appoint one of their number, other than the chairman or an executive member, to be deputy chairman.

(2) The term of office of the deputy chairman shall be the unexpired portion of his term of office as a member, or such shorter period as is specified on his appointment.

(3) The deputy chairman shall perform the duties of the chairman where the chairman has died or ceased to hold office, or is unable to perform his duties for any other reason.

(4) The deputy chairman may at any time resign the office of deputy chairman by giving notice in writing to the chairman, whereupon the members may appoint another of their number as deputy chairman in accordance with the provisions of paragraph (1).

(5) Where the deputy chairman ceases to be a member of the Board, he shall also cease to be deputy chairman.

Termination of tenure of office

9.—(1) This Article applies to the non-executive members of the Board.

(2) A member may resign his office at any time by giving notice in writing to the Department.

(3) Where a member has not attended a meeting of the Board for a period of six months, the Department shall forthwith terminate his appointment unless it is satisfied that—

(*a*) the absence was due to a reasonable cause, and

(*b*) the member will be able to attend meetings of the Board within such a period as the Department considers reasonable.

(4) The Department may terminate the appointment of a member of the Board if he ceases to hold any qualifications by virtue of which he was appointed.

(5) Where the Department is of the opinion that it is not in the interest of the Board that a member should continue to hold office, it may terminate his tenure of office.

(6) Where a member becomes disqualified under the provisions of the Schedule, the Department shall forthwith notify him in writing of such

disqualification and upon receipt of any such notification his tenure of office shall be terminated and he shall cease to act in any capacity as a member.

(7) Where it comes to the notice of the Department that at the time of a member's appointment he was disqualified under the provisions of the Schedule, the Department shall forthwith declare that he was not duly appointed and shall notify him accordingly and upon receipt of any such notification his tenure of office shall be terminated and the member shall cease to act in any capacity as a member.

Vacant office

10.—(1) Where a non-executive member ceases to be a member of the Board before the end of the period for which he was appointed, the Department shall appoint a person to fill the vacancy left by the former member for the remainder of the period for which he was appointed.

(2) In making an appointment under paragraph (1), the Department shall have regard to the qualification by virtue of which the former member was appointed.

Eligibility for re-appointment

11. Subject to Article 9(6) and (7) and the Schedule, a member of the Board appointed by the Department shall, on the expiration of his term of office, be eligible for re-appointment.

Meetings and procedure

12.—(1) Subject to paragraphs (2) to (7) the Board shall, by means of Standing Orders, regulate its own procedure and that of its committees and may make, vary and revoke such Standing Orders as it may determine.

(2) The Board may act notwithstanding any vacancy among its members.

(3) No defect in the appointment of any member shall invalidate any proceedings of the Board.

(4) The quorum at any meeting of the Board shall consist of 4 members of whom at least two shall be non-executive members, at least one shall be an executive member and at least one shall be a registered nurse, midwife or health visitor.

(5) At any meeting of the Board the chairman, if present shall preside.

(6) If the chairman and deputy chairman are absent, such member (who is not an executive member) as the members present shall choose shall preside.

(7) All acts of, and all matters coming before, the Board shall be done and decided upon by a majority of the members present and voting at the meeting of the Board and, in the case of an equal number of votes, the chairman, the deputy chairman or the presiding member, as the case may be, shall have a second or casting vote.

Committees

13.—(1) The Board may appoint, for the purposes of transacting particular business of the Board, such committees of the Board as it may determine.