1991 No. 450

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1991

Made . . . . . 8th October 1991

Coming into operation . . 1st November 1991

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation, commencement and interpretation.

PART II

MEMBERSHIP

2. Maximum number of directors.
3. Appointment of directors.
4. Qualifications for appointments.
5. Persons to be regarded as executive directors.
6. Joint directors.
7. Tenure of office of chairman and directors.
8. Tenure and suspension of tenure of office of executive directors.
9. Termination of tenure of office of chairman and non-executive directors.
10. Eligibility for re-appointment.
11. Disqualification for appointment of chairman and non-executive directors.
12. Cessation of disqualification.

PART III

CONSTITUTION AND PROCEEDINGS

13. Appointment of vice-chairman.
14. Powers of vice-chairman.
15. Appointment of committees and sub-committees.

16. Arrangements for the exercise of functions.
17. Committee for appointing chief officer as director.
18. Committee for appointing executive directors other than chief officer.
19. Meetings and proceedings.
20. Disability of directors in proceedings on account of pecuniary interest.

SCHEDULE

Rules as to meetings and proceedings of HSS Trusts.

The Department of Health and Social Services in exercise of the powers conferred on it by Article 10(6) of the Health and Personal Social Services (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1991 and shall come into operation on 1st November 1991.

(2) In these regulations—

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1991;

"appointing authority" in relation to a director means the Department, or the relevant committee as appropriate, which appointed him;

"director" in relation to an HSS Trust includes its chairman;

"executive director" and "non-executive director" have the meaning assigned to them in Article 10(4)(*a*) of the Order;

"health service body" means—

(*a*) a health authority, a Family Health Services Authority, a special health authority or an NHS trust respectively constituted under sections 8, 10 and 11 of the National Health Service Act 1977(**b**) and section 5 of the National Health Service and Community Care Act 1990(**c**);

(*b*) a Health Board, a Special Health Board, the Common Services Agency for the Scottish Health Service or an NHS trust

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(**a**) S.I. 1991/194 (N.I. 1) Definitions in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 apply. for the purposes of the Health and Personal Social Services (Northern Ireland) Order 1991 (Article 2(3) thereof) as they apply for the purposes of the former Order

(**b**) 1977 c. 49; sections 8 and 10 were amended by sections 1 and 2 of the National Health Service and Community Care Act 1990 (c. 19)

(**c**) 1990 c. 19

respectively constituted under sections 2, 10 and 12A of the National Health Service (Scotland) Act 1978(**a**);

(*c*) a State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984(**b**);

(*d*) the Dental Practice Board or Scottish Dental Practice Board;

(*e*) the Public Health Laboratory Service Board; and

(*f*) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970(**c**);

"health and social services body" means—

(*a*) a Health and Social Services Board;

(*b*) an HSS trust;

(*c*) the Agency; or

(*d*) a special agency;

"general dental practitioner" means a dental practitioner who is providing general dental services in accordance with arrangements under Article 61 of the Health and Personal Social Services (Northern Ireland) Order 1972;

"general medical practitioner" is a medical practitioner who is providing general medical services in accordance with arrangements under Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972;

"operational date" has the meaning assigned to it in paragraph 3(1)(*e*) of Schedule 3 to the Order;

"the relevant committee" means a committee of an HSS trust appointed under either regulation 17 or regulation 18 whichever is appropriate;

"trade union" has the meaning assigned to it in Article 2(2) of the Industrial Relations (Northern Ireland) (No. 1) Order 1976(**d**).

(3) In regulation 20—

"securities" means—

(*a*) shares or debentures, whether constituting a charge on the assets of the company or other body or not, or rights or interests in any shares or such debentures, or

(*b*) rights (whether actual or contingent) in respect of money lent to or deposited with any industrial and provident society or building society;

"shares" means shares in the share capital of a company or other body or the stock of a company or other body.

(**a**) 1978 c. 29; section 2 was amended by paragraph 1 of Schedule 7 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) and by section 28 of the National Health Service and Community Care Act 1990, section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c. 53); section 12A was inserted by section 31 of the National Health Service and Community Care Act 1990

(**b**) 1984 c. 36

(**c**) 1970 c. 46

(**d**) S.I. 1976/1043 (N.I. 16)

PART II

MEMBERSHIP

Maximum number of directors

2. The maximum number of directors of an HSS trust shall be eleven.

Appointment of directors

3.—(1) All of the non-executive directors of an HSS trust shall be appointed by the Department.

(2) The executive directors of an HSS trust shall be appointed by the relevant committee.

Qualifications for appointments

4.—(1) The executive directors of an HSS trust shall include—

(*a*) the chief officer of the trust;

(*b*) the chief finance officer of the trust;

(*c*) except in the case of a trust mentioned in paragraph (2) a medical or dental practitioner and a registered nurse or registered midwife as defined in section 10(7) of the Nurses, Midwives and Health Visitors Act 1979(**a**).

(2) Paragraph (1)(*c*) shall not apply in the case of a trust—

(*a*) which does not provide services directly to patients or clients; or

(*b*) whose principal function is to provide ambulance or patient or client transport services.

Persons to be regarded as executive directors

5. A person who is not an employee of an HSS trust but—

(*a*) holds a post in a university with a medical or dental school, and also works for the trust; or

(*b*) is seconded from his employers to work for the trust,

is nevertheless, on appointment as a director, to be regarded as an executive rather than a non-executive director of the trust.

Joint directors

6. Where more than one person is appointed jointly to a post in an HSS trust which qualifies the holder for executive directorship or in relation to which an executive director is to be appointed, those persons shall become or be appointed an executive director jointly, and shall count for the purposes of regulation 2 as one person.

(a) 1979 c. 36

Tenure of office of chairman and directors

7.—(1) Subject to regulation 9, the chairman and non-executive directors of an HSS trust shall be appointed for such period not exceeding four years as the appointing authority may specify on making the appointment.

(2) Subject to regulation 8, the tenure of office of executive directors, other than the chief officer and chief finance officer, shall be for such period as the appointing authority may specify on making the appointment.

Tenure and suspension of tenure of office of executive directors

8.—(1) Subject to paragraphs (2) to (4), an executive director of an HSS trust shall hold office—

(*a*) if he is not the chief officer or the chief finance officer, for as long as he holds a post in the trust;

(*b*) if he is the chief officer or the chief finance officer, for as long as he holds that post in the trust.

(2) If the appointing authority is of the opinion that it is not in the interests of the HSS trust that an executive director of an HSS trust other than the chief officer or chief finance officer should continue to hold office as director the appointing authority shall forthwith terminate his tenure of office.

(3) If an executive director of an HSS trust is suspended from his post in the trust he shall be suspended from performing his functions as director for the period of his suspension.

(4) An executive director other than the chief officer or chief finance officer of an HSS trust may resign his office at any time during the period for which he was appointed by giving notice in writing to the relevant committee.

Termination of tenure of office of chairman and non-executive directors

9.—(1) The chairman or a non-executive director of an HSS trust may resign his office at any time during the period for which he was appointed by giving notice in writing to the appointing authority.

(2) Where during his period of directorship a non-executive director of a trust is appointed chairman of the trust, his tenure of office as non-executive director shall terminate when his appointment as chairman takes effect.

(3) If the Department is of the opinion that it is not in the interests of the health and personal social services that a person who is appointed as chairman or non-executive director of an HSS trust should continue to hold that office the Department may, forthwith terminate his tenure of office.

(4) If a chairman or non-executive director of an HSS trust has not attended a meeting of the trust for a period of six months, the Department shall forthwith terminate his tenure of office unless the Department is satisfied that—

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

(*b*) the chairman or non-executive director will be able to attend meetings of the trust within such period as the Department considers reasonable.