1991 No. 70

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Social Services Councils Regulations (Northern Ireland) 1991

Made . . . . . *7th March 1991*
Coming into operation . . *1st April 1991*

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SCHEDULE

Meetings and proceedings of Councils.

The Department of Health and Social Services in exercise of the powers conferred on it by paragraphs 2 and 3 of Schedule 1 to, 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 Councils Regulations (Northern Ireland) 1991 and shall come into operation on 1st April 1991.

(2) In these regulations—

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

"Board" means a Health and Social Services Board established under Article 16 of the principal Order;

"Council" means a Health and Social Services Council established under Article 4 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**);

(**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, by virtue of Article 2(3) of the Health and Personal Social Services (Northern Ireland) Order 1991, to the exercise of certain powers conferred under that 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

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

(*b*) the Agency;

(*c*) a special agency; or

(*d*) an HSS trust;

"HSS trust" means a Health and Social Services trust established under Article 10 of the Order;

"member" means a member of a Council and includes its chairman;

"relevant Board" means the Board for the area of a Council;

"relevant district council" means a district council within the area of a Council;

"relevant HSS trust" means, in relation to a Council, any HSS trust established in relation to a hospital, establishment or facility situated or to be situated (whether wholly or partly) within the area of a Council;

"the Secretary" means the person appointed under regulation 12 to act as Secretary to the Council;

"trade union" has the meaning assigned to it in Article 2(2) of the Industrial Relations (Northern Ireland) Order 1976(**d**).

PART II

MEMBERSHIP OF COUNCILS

Size and composition of Councils

2.—(1) The number of members and, subject to the following provisions of this regulation, the numerical proportion as between members falling to be nominated by different bodies, shall be such as may be determined on the

(**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)

establishment of a Council by the Department; and, subject to those provisions, the Department may vary the total membership and composition of a Council.

(2) The Department shall secure as respects each Council that at least four tenths of the members are appointed in accordance with regulation 4 following consultation with relevant district councils.

(3) The Department shall secure that at least three tenths of the members are appointed in accordance with regulation 5.

(4) Any member other than a member appointed in accordance with regulation 4 or 5 shall be appointed by the Department after such consultation with such persons as appear to the Department to have an interest in the provision of the health and personal social services as the Department may consider appropriate.

Term of office of members

3.—(1) Subject to the following provisions of this regulation and to regulations 7 and 8, the term of office of members shall be four years expiring on the relevant date in any year.

(2) Of the members first appointed on the establishment of a Council—

(*a*) those chosen in accordance with paragraph (3) shall be appointed for a period expiring on the relevant date in the first complete odd year; and

(*b*) the remainder shall be appointed for a period expiring on the relevant date in the next odd year after the first complete odd year.

(3) Those members whose period of appointment shall expire in accordance with paragraph (2)(*a*) shall be:

(*a*) the members appointed to represent the relevant district councils;

(*b*) one half (as near as may be) of the members appointed to represent voluntary organisations; and

(*c*) one half (as near as may be) of the other members.

(4) Where, for any reason, a person ceases to be a member before the expiration of the period for which he was appointed, the term of office of any member appointed in his place shall be the remainder of such period.

(5) In this regulation—

"odd year" means 1991 or a year beginning two years or a multiple of two years after the beginning of 1991;

"first complete odd year" means the next odd year after the year in which a Council was established; and

"relevant date" means 31st May.

Appointment of district council representatives

4.—(1) The Department shall invite each relevant district council to submit nominations by such date as the Department may specify, and the Department shall appoint one such person to be a member, and, subject to regulation 2(2), the Department may appoint further members drawn from the nominations or otherwise, after such consultation as the Department may consider appropriate.

(2) A member appointed to represent a district council may be, but need not be, a member of that district council but, if he is a member of that district council he shall cease to be a member two months after ceasing to be a member of that district council unless either—

(*a*) that district council within those two months gives notice in writing to the Secretary and to the Department that the person appointed as a member is to continue as such; or

(*b*) the person so appointed ceased to be a member of that district council by reason of retirement and has been re-elected a member of that district council not later than the day of his retirement.

Appointment of members representative of voluntary organisations

5. The Department shall invite voluntary organisations which have an interest in the health and personal social services in the area of a Council, to nominate persons for appointment as members representing voluntary organisations by such date as the Department may specify, and, subject to regulation 2(3), the Department may appoint such members after such consultation as the Department may consider appropriate.

Eligibility of members for re-appointment

6.—(1) Subject to paragraph (2) and to regulation 7, a member shall, on the expiration of his term of office, be eligible for re-appointment.

(2) A person who has been a member for completed terms of office of eight or more consecutive years shall not be eligible for re-appointment if he has been a member at any time within two years immediately preceding the date of re-appointment.

Disqualification for membership

7.—(1) A person shall be disqualified for appointment as a member and for being a member if—

(*a*) he is a chairman or a member of any Board, the Agency or a special agency; or

(*b*) he is a chairman or director of an HSS trust; or

(*c*) he holds any paid employment with a health and social services body; or

(*d*) he has been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body or a health and social services body; or

(*e*) his name is included in a list prepared under Part VI of the principal Order; or

(*f*) he holds any paid appointment or office with a trade union which represents the interests of members who are employed by a health and social services body.

(2) For the purposes of paragraph (1)(*d*) a person shall not be treated as having been in paid employment by reason only of his chairmanship or membership of a health and social services body.