

2010 No.288 (W.37)

**NATIONAL HEALTH
SERVICE, WALES**

**The Community Health Councils
(Constitution, Membership and
Procedures) (Wales) Regulations
2010**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 182 of the National Health Service (Wales) Act 2006 (“the Act”) provides that Community Health Councils established for areas in Wales continue in existence. Section 182 also gives Welsh Ministers the power to vary the area in Wales for which a Community Health Council is established, abolish a Community Health Council or establish a new Community Health Council. Schedule 10 of the Act gives Welsh Ministers the power to make regulations about the constitution, membership, functions and procedures of Community Health Councils.

These Regulations supersede the Community Health Councils Regulations 2004 and the Community Health Councils (Amendment) Regulations 2005.

References in this Explanatory Note to regulation numbers and Schedules are to regulation numbers and Schedules in these Regulations unless otherwise specified.

Regulation 2 contains the list of defined terms used in these Regulations.

Regulation 3 deals with the composition of Councils. It prescribes who may appoint members of a Council and provides that the total number of members to be appointed to a Council is set out in Schedule 1. Regulation 3 also enables a Council to co-opt such members as appear to the Council to be necessary to perform its functions.

Regulation 4 deals with the term of appointment of Council members and includes provisions relating to the power of the Welsh Ministers to terminate the term of office of a member of a Council abolished under section 182(2)(c) of the Act or of a Council whose area or part of whose area is to be taken by a new Council established under section 182(2)(d) of the Act.

Regulation 5 provides for the term of appointment of co-opted members.

Regulation 6 deals with the appointment of Council members by local authorities. Each local authority whose area (or part of) is set out in column 2 of Schedule 2 must make three appointments to the Council set out in column 1 of that Schedule. Local authority appointees to Councils must be members of the local authority and, on ceasing to be a member of the appointing local authority must, within 2 months, cease to be a member of the Council.

Regulation 7 deals with the appointment of Council members by voluntary organisations. The voluntary organisations chosen must, between them, make a total of three appointments to the relevant Council set out in column 1 of Schedule 2 for each local authority area (or part of) set out in column 2 of that Schedule. Regulation 7 also provides that each voluntary organisation must appoint an equal number of members to the Council and provides at regulation 7(4) for the procedure to be followed where this is not possible. Council members appointed by a voluntary organisation must be a member of or connected to the voluntary organisation and if they cease to be a member of the voluntary organisation must, within a period of two months, also cease to be a member of the Council.

Regulation 8 deals with the appointment of Council members by Welsh Ministers. Welsh Ministers make six appointments to a Council for each local authority area (or part of) set out in column 2 of Schedule 2.

Regulation 9 provides that the bodies that appoint Council members must have appropriate arrangements in place for the selection and appointment of such members.

Regulation 10 deals with eligibility of members for reappointment. A person may serve a maximum of eight years as a member of a Council.

Regulation 11 provides for transitional arrangements for members who are already appointed to Councils that are continuing in existence and have not been abolished by the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010 namely Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council. The term of office of any

member of a Council that is continuing in existence is the remainder of that member's term of office even if that results in a member serving more than the eight year maximum prescribed in regulation 10 and/or the continuation of the member's or members' term or terms results in a continued Council having more members, on a temporary basis than provided for in regulations 6, 7 and 8. Regulation 11(2) makes it clear that regulations 6, 7, 8 and 10 do apply to continued Councils.

Regulation 12 sets out the grounds for disqualification for membership of a Council.

Regulation 13 provides for the termination of membership and suspension of members of Councils and applies to members appointed under regulation 3 or, in the case of continued Councils, members appointed under regulation 2 of the Community Health Councils Regulations 2004.

Regulation 14 provides that a member of a Council may resign on giving notice to the Welsh Ministers and provides for the date on which the resignation is to take effect.

Regulation 15 provides that the members of a Council must elect one of their members to be a chairperson and another of their number to be a vice chairperson. The regulation sets the maximum term for such an appointment and other conditions which must be satisfied before a person may be appointed to such posts.

Regulation 16 provides that regulations 17 to 19 inclusive only apply to Councils established by the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010.

Regulation 17 provides that the Councils established by the CHC (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010 must appoint committees to be known as local committees for each of the relevant local authority areas (or part of) specified in column 2 of Schedule 2. Regulation 17(1)(b) prescribes what functions the local committees must be given. Regulation 17(1)(c) prescribes who must be appointed as members of such committees.

Regulation 18 provides that a Council must appoint a committee to be known as the services planning committee to liaise with the relevant Local Health Board regarding health services within the district of a Council. Regulation 18 makes further provision about the membership and functions of such a committee.

Regulation 19 provides that a Council must appoint an executive committee to oversee the conduct and performance of all local committees in its district and

to ensure that the Council's statutory duties and core functions are delivered. Regulation 19 makes further provision about the functions and membership of such a committee.

Regulation 20 enables Councils to appoint committees that are additional to the committees that they are required to appoint under regulations 17 to 19 inclusive. These additional committees may be tasked to perform some, but not all, of a Council's functions.

Regulation 21 enables two or more Councils to appoint a joint committee of those Councils to exercise some, but not all, of the functions of each of the appointing Councils. Regulation 21 also provides how the standing orders of such joint committees are to be determined. For the avoidance of doubt new Councils and continued Councils may enter into joint committee arrangements with each other.

Regulation 22 provides that Schedule 3 has effect with respect to the meetings and proceedings of a Council.

Regulation 23 makes provisions relating to officer members of Councils. Welsh Ministers are under a duty to ensure that Councils have sufficient officers to enable them to perform their functions. Regulation 23(2) provides that Welsh Ministers may direct a Local Health Board or a Welsh NHS Trust to employ officer members of Councils and regulation 23(4) provides that the employing Welsh NHS Trust or Local Health Board must make the services of such persons available to the Councils for the period of their employment.

Regulation 24 deals with the premises and facilities of Councils. It provides that Welsh Ministers may, after consultation with a Council, provide a Council with such office and other accommodation as are necessary to enable a Council to perform its functions and will secure that arrangements are made for servicing such accommodation. Regulation 24(3) provides that Welsh Ministers may direct a Local Health Board to perform any or all of their functions under this regulation and may direct a Local Health Board to make available to Councils the services of such employees as the Welsh Ministers may direct.

Regulation 25 sets out the reporting obligations on Councils.

Regulation 26 makes provisions relating to the functions of Councils and the matters to which Councils must have regard when performing such functions.

Regulation 27 places a duty on specified NHS bodies to consult Councils. It places a duty on Local Health Boards whose area, or part thereof, corresponds with a district of a Council and Welsh NHS Trusts which

provide services to persons resident within a Council's district to involve a Council in (1) the planning and provision of health services for which they are responsible, (2) proposals for changes in the way those services are provided and (3) decisions that will affect the operation of services. Consultation by Local Health Boards and Welsh NHS Trusts must be in accordance with Guidance issued by the Welsh Ministers. Regulation 27 also places a duty on Primary Care Trusts, Strategic Health Authorities and English NHS Trusts which provide services to persons resident within the district of a Council to consult with a Council in the circumstances set out at regulation 27(2). Regulation 27 also sets out the circumstances in which no consultation is required, the ability of a Council to make comments in respect of proposals in relation to which it has been consulted and what a Council may do if it is of the opinion that the consultation has been inadequate.

Regulation 28 deals with information to be provided by health service bodies to Councils.

Regulation 29 provides that members of a Council who are authorised in writing by that Council may, for the purposes of performing the Council's functions, at any reasonable time enter and inspect the premises owned or controlled by the persons/bodies listed in regulation 29(1). Regulation 29 also makes further provision in relation to the entry and inspection of premises by Council members.

Regulation 30 deals with meetings between Councils and Local Health Boards.

Regulation 31 provides that Councils provide, on behalf of Welsh Ministers, independent complaints advocacy services for persons aged 18 years and over.

Regulation 32 provides for the continuation of the CHC Board and specifies the functions of the Board.

Regulation 33 provides that the CHC Board must continue to make provision for the handling of complaints about the exercise of the functions of a Council or the CHC Board. The CHC Board must obtain the Welsh Ministers' approval before amending the procedure.

Regulation 34 prescribes the composition of the CHC Board and the term of office of the various types of Board member.

Regulation 35 makes provision in respect of the appointment term of members of the CHC Board and their eligibility for re-appointment. Regulation 35(4) also makes a transitional provision in relation to a member of a continued Council appointed to the CHC Board under regulation 24 of the Community Health Councils Regulations 2004.

Regulation 36 makes provisions relating to officer members of the CHC Board. Welsh Ministers are under a duty to ensure that the CHC Board has sufficient officers to enable it to perform its functions. Regulation 36(2) provides that Welsh Ministers may direct a Local Health Board or a Welsh NHS Trust to employ officer members of the CHC Board and regulation 36(4) provides that the employing Welsh NHS Trust or Local Health Board must make the services of such persons available to the CHC Board for the period of their employment.

Regulation 37 deals with the premises and facilities of the CHC Board. It provides that Welsh Ministers may, after consultation with the CHC Board, provide the Board with such office and other accommodation as are necessary to enable the Board to perform its functions and will secure that arrangements are made for servicing such accommodation. Regulation 37(3) provides that Welsh Ministers may direct a Local Health Board to perform any or all of their functions under this regulation and may direct a Local Health Board to make available to the Board the services of such employees as the Welsh Ministers may direct.

Regulation 38 deals with the proceedings of the CHC Board.

Regulation 39 prescribes the reporting obligations of the CHC Board.

Regulation 40 makes provisions in respect of the provision of finance to Councils and the CHC Board.

Regulation 41 provides that the Councils and the CHC Board must keep such accounts as the Welsh Ministers may require and that the Councils and the CHC Board must send Welsh Ministers copies of their annual accounts as soon as possible after the end of the financial year.

Regulation 42 revokes the Community Health Councils Regulations 2004 and the Community Health Councils (Amendment) Regulations 2005.

2010 No. 288 (W. 37)

**NATIONAL HEALTH
SERVICE, WALES**

**The Community Health Councils
(Constitution, Membership and
Procedures) (Wales) Regulations
2010**

Made 9 February 2010

Laid before the National Assembly for Wales

10 February 2010

Coming into force 1 April 2010

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 12, 19, 187 and 203(9) and (10) of, paragraph 7(3) of Schedule 2 to, paragraph 25(3) of Schedule 3 to, and paragraphs 2, 3 and 4 of Schedule 10 to, the National Health Service (Wales) Act 2006⁽¹⁾.

Part 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010 and they come into force on 1 April 2010.

(2) These Regulations apply in relation to Wales.

Interpretation

2. The following words and phrases have the following meanings—

(1) 2006 c.42.

“the Act” (“*y Ddeddf*”) means the National Health Service (Wales) Act 2006;

“the 2004 Regulations” (“*Rheoliadau 2004*”) means the Community Health Councils Regulations 2004⁽¹⁾

“appointing body” (“*corff sy’n penodi*”) means, in relation to the appointment of a Council member, the Welsh Ministers, a relevant local authority or a relevant voluntary organisation;

“Board member” (“*aelod o’r Bwrdd*”) means a member of the CHC Board;

“CHC Board” (“*Bwrdd CIC*”) means the Board of Community Health Councils established under regulation 23 of the 2004 Regulations which continues in existence under regulation 32;

“Chief Officer” (“*Prif Swyddog*”) means the person employed under regulation 23 to act as Chief Officer of a Council;

“committee” (“*pwyllgor*”) means a committee of a Council formed under regulations 17, 18,19,20 or 21;

“the Community Health Councils Establishment Order 2010” (“*Gorchymyn Sefydlu Cynghorau Iechyd Cymuned 2010*”) means the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010⁽²⁾;

“continued Council” (“*Cyngor sy’n parhau*”) means a Council continued in existence by article 10 of the Community Health Councils Establishment Order 2010;

“Council” (“*Cyngor*”) means a Community Health Council established by article 3 of the Community Health Councils Establishment Order 2010 and, except where expressly excluded by a provision in these Regulations, such as regulation 16, a Community Health Council continued in existence by article 10 of that Order;

“Director” (“*Cyfarwyddwr*”) means the person employed under regulation 36 to act as director of the CHC Board;

“district of a Council” (“*dosbarth Cyngor*”) means that geographical area of Wales for which a Council is established under article 4 of the Community Health Councils Establishment Order 2010 or for which a Council is continued by article 10 and Schedule 3 to that Order;

(1) S.I. 2004/905 (W.89) as amended by S.I. 2004/1771, S.I. 2005/603 (W.51) and S.I. 2006/562.

2) S.I. 2010/ 289 (W. 38).

“executive committee” (“*pwylgor gweithredol*”) means a committee of a new Council appointed under regulation 19;

“financial year” (“*blwyddyn ariannol*”) means the period of 12 months ending on 31 March in any year;

“former Council” (“*Cyngor blaenorol*”) means a Council which is abolished by article 9 of the Community Health Councils Establishment Order 2010;

“health services” (“*gwasanaethau iechyd*”) means services in connection with the prevention, diagnosis or treatment of illness provided by or for relevant health service bodies;

“health service body” (“*corff gwasanaeth iechyd*”) means a Strategic Health Authority, Local Health Board, NHS Trust or Primary Care Trust;

“local authority area” (“*ardal awdurdod lleol*”) means that geographical area of Wales for which a local authority has responsibility;

“local authority member” (“*aelod awdurdod lleol*”) means a member of a Council who is appointed by a relevant local authority;

“local committee” (“*pwylgor lleol*”) means a committee of a new Council established under regulation 17;

“local committee district” (“*dosbarth pwylgor lleol*”) means that local authority area or part thereof for which a local committee is appointed under regulation 17(1);

“member” (“*aelod*”) means, where the context so admits, a member of a Council;

“new Council” (“*Cyngor newydd*”) means, except in regulation 4(3), a Community Health Council established under article 3 of the Community Health Councils Establishment Order 2010;

“relevant Council” (“*Cyngor perthnasol*”) means, in relation to a local committee or local authority (or part thereof), the Council within whose district the local committee or local authority lies, and in relation to a voluntary organisation the Council to which a voluntary organisation has been invited to make appointments under regulation 7(1);

“relevant health service body” (“*corff gwasanaeth iechyd perthnasol*”) means, in relation to a Council, any health service body which makes decisions affecting persons resident in the district of a Council;

“relevant local authority” (“*awdurdod lleol perthnasol*”) means, in relation to a Council, any county council or county borough council whose area (or part thereof) lies within the district of the Council, and in relation to a local committee, the

local authority whose area corresponds with the district of that local committee;

“relevant local authority area” (*“ardal awdurdod lleol perthnasol”*) means, in relation to a Council, a local authority area (or part thereof) which lies within the district of a Council, and in relation to a local committee, the local authority area which corresponds with the district of a local committee;

“relevant local committee” (*“pwyllgor lleol perthnasol”*) means in relation to a new Council, any local committee whose district lies within the district of a new Council;

“relevant Local Health Board” (*“Bwrdd Iechyd Lleol perthnasol”*) means, in relation to a Council, any Local Health Board whose area (or part thereof) corresponds with the district of a Council;

“relevant NHS Trust” (*“Ymddiriedolaeth GIG berthnasol”*) means, in relation to a Council, any NHS Trust which provides services to persons resident within the district of a Council

“relevant Primary Care Trust” (*“Ymddiriedolaeth Gofal Sylfaenol berthnasol”*) means, in relation to a Council, any Primary Care Trust which provides services to persons resident within the district of a Council;

“relevant Strategic Health Authority” (*“Awdurdod Iechyd Strategol perthnasol”*) means, in relation to a Council, any Strategic Health Authority which provides services to persons resident within the district of a Council;

“relevant voluntary organisation” (*“sefydliad gwirfoddol perthnasol”*) means, in relation to a Council, any voluntary organisation which has been invited to appoint members to that Council under regulation 7(1);

“services planning committee” (*“pwyllgor cynllunio gwasanaethau”*) means a committee of a new Council appointed under regulation 18;

“voluntary organisations” (*“sefydliadau gwirfoddol”*) mean bodies (other than local authorities or other public bodies) whose activities are carried on otherwise than for profit;

“voluntary organisation member” (*“aelod sefydliad gwirfoddol”*) means a member appointed by a voluntary organisation; and

“Welsh NHS Trust” (*“Ymddiriedolaeth GIG yng Nghymru”*) means an NHS Trust all or most of whose hospitals, establishments and facilities are based in Wales.

Part II

Establishment and Membership of Councils

Composition of Councils

- 3.—(1) The members of a Council are appointed—
- (a) by local authorities in accordance with the provisions for each relevant local authority to make appointments set out in regulation 6,
 - (b) by voluntary organisations in accordance with the provisions for appointments to be made on the basis of relevant local authority areas set out in regulation 7, such voluntary organisations being determined in accordance with that same regulation; and
 - (c) by the Welsh Ministers in accordance with the provisions for appointments to be made on the basis of relevant local authority areas set out in regulation 8;

and the total number of members appointed to each Council by the appointing bodies under this regulation is set out in Schedule 1.

(2) In addition to the members appointed in accordance with paragraph (1), a Council may from time to time co-opt such members as appear to the Council to be necessary for the performance by that Council of its functions, and such members may be appointed to sit on any committee of a new Council constituted under regulations 17, 18 or 19 or of a Council under regulations 20 or 21.

(3) Co-opted members may not vote in any meetings or proceedings of a Council or its committees.

(4) The number of co-opted members must not be taken into account for the purposes of determining the total membership of a Council under paragraph (1).

Term of appointment of members

4.—(1) Subject to regulation 10 (eligibility of members for re-appointment), the term of office of any member appointed on or after 1 April 2010 or re-appointed after 1 April 2010 is between one and four years as specified by the appointing body on appointment.

(2) Where a Council is abolished under section 182 of the Act, the office of any member of the abolished Council ceases immediately on abolition of that Council.

(3) Where a new Council is established under section 182 of the Act for the district or part of a district of an existing Council, the Welsh Ministers may determine that the office of any member of the

existing Council must cease immediately before the establishment of the new Council.

Term of appointment of co-opted members

5. Co-opted members may not be appointed for a period exceeding one year and must not be re-appointed at the expiry of their term unless the Council decides that such re-appointment is necessary for the performance by the Council of its functions.

Appointment of members by local authorities

6.—(1) Each relevant local authority whose area (or part thereof) is set out in column 2 of Schedule 2 must make three appointments to the relevant Council set out in column 1 of that Schedule.

(2) A person appointed in accordance with this regulation must be a member of the local authority which appoints him or her.

(3) A member appointed by a local authority must, on ceasing to be a member of the appointing local authority, cease to be a member of the Council at the end of the period of two months beginning with the date on which he or she ceased to be a member of the appointing local authority.

Appointment of members by voluntary organisations

7.—(1) The Welsh Ministers may invite such voluntary organisations as they determine as having sufficient interest in the health service within the district of a Council, to take part in the appointment of persons to a Council under regulation 3(1)(b).

(2) The voluntary organisations chosen under paragraph (1) must between them make a total of three appointments to the relevant Council set out in column 1 of Schedule 2 for each relevant local authority area (or part thereof) set out in column 2 of that Schedule.

(3) Subject to paragraph (4), each voluntary organisation must appoint an equal number of members to the Council.

(4) Where the number of members to be appointed does not allow for an equal number of members to be appointed by each voluntary organisation, and further members are needed in order to fulfil the requirements of this regulation, those further members are appointed by such of the voluntary organisations as those organisations may be agreement determine, or, in default of agreement by such date as the Welsh Ministers may specify for the purpose, as the Welsh Ministers may determine.

(5) A member appointed in accordance with this regulation must be a member of or connected with the voluntary organisation which appoints him or her.

(6) A member appointed by a voluntary organisation must, on ceasing to be a member of or connected with the appointing voluntary organisation, cease to be a member of the Council at the end of the period of two months beginning with the date on which he or she ceased to be a member of or connected with the appointing voluntary organisation.

Appointment of members by the Welsh Ministers

8. The number of appointments made by the Welsh Ministers to the relevant Councils set out in column 1 of Schedule 2 for each relevant local authority area (or part thereof) set out in column 2 of that Schedule is six.

Procedures for appointment of members

9. The appointing bodies must ensure that appropriate arrangements are in place for the selection and appointment of persons as members and that those arrangements take into account—

- (a) the principles from time to time laid down by the Commissioner for Public Appointments.;
- (b) the requirement that the selection and appointment of members be open and transparent;
- (c) where applicable, the requirement of fair and open competition in the selection and appointment of members;
- (d) the need to ensure that the successful candidates meet the relevant selection criteria and such standards of competence as may be set out in guidance by the Welsh Ministers, and are not disqualified from membership under regulation 12.

Eligibility of members for reappointment

10.—(1) Subject to paragraphs (2) and (3), a member may, on the expiration of his or her term of office, be eligible for reappointment.

(2) A person may serve a maximum of eight years as a member of a Council.

(3) When calculating the eight year period referred to in paragraph (2), all periods of service as a member of any Council must be aggregated, including, but not limited to, service in a former Council, a Council that has had its district altered, a Council that has taken over the whole or part of the district of another Council, and in a Council that has been abolished.

Term of office – transitional arrangements for members already appointed to continued Councils

11.—(1) The term of office of any member of a continued Council is the remainder of that member's current term of office even if—

- (a) that results in a member of a continued Council serving more than the eight year maximum referred to in regulation 10(2); and/or
 - (b) the continuation of a member's term or members' terms of office results in a continued Council having, on a temporary basis, more members than provided for in regulations 6, 7 and 8.
- (2) For the avoidance of doubt—
- (a) the provisions of regulation 10 will apply to members of continued Councils when their current term of office expires; and
 - (b) the provisions of regulations 6, 7 and 8 apply to continued Councils.

Disqualification for membership

12.—(1) A person is disqualified for appointment as a member, and from being a member, if that person—

- (a) is a chair, director or a member of a relevant health service body;
- (b) is employed by a relevant health service body;
- (c) provides, or is employed by a person or body not being a voluntary organisation providing, services under the Act in accordance with a contract made between that person or body and a relevant Local Health Board or relevant NHS Trust;
- (d) is a member of another Council; or
- (e) is a
 - (i) medical practitioner;
 - (ii) dental practitioner;
 - (iii) registered pharmacist;
 - (iv) registered optometrist or registered dispensing optician within the meaning of the Opticians Act 1989;
 - (v) registered nurse or registered midwife;

providing services as such within the district of the Council; save that the provisions of sub-paragraph (a) do not apply to any person who is an associate member of a Local Health Board in accordance with the provisions of the Local Health Boards (Constitution,

Membership and Procedures) (Wales) Regulations 2009(1);

- (f) has within the preceding five years been convicted in the United Kingdom, any of the Channel Islands or the Isle of Man of any offence and has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (g) is the subject of a bankruptcy restrictions order or an interim order or has made a composition or arrangement with creditors;
- (h) was dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body.

(2) For the purposes of paragraph (1)(f) the date of conviction is deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

(3) Where a person is disqualified by reason of paragraph (1)(g)—

- (a) if the bankruptcy is annulled on the ground that the person ought not to have been adjudged bankrupt or on the ground that the person's debts have been paid in full, that person becomes eligible for appointment as a member on the date of the annulment;
- (b) if the person is discharged from bankruptcy, that person becomes eligible for appointment as a member on the date of the discharge;
- (c) if, having made a composition or arrangement with creditors, the person's debts are paid in full, that person becomes eligible for appointment as a member on the date upon which such debts are paid in full; and
- (d) if, having made a composition or arrangement with creditors, that person becomes eligible for appointment as a member on the expiry of five years from the date on which the terms of the deed of composition or arrangement were fulfilled.

(4) Subject to paragraphs (3) and (5), where a person is disqualified under paragraph (1)(h) that person may, after the expiry of not less than two years commencing with the date of the dismissal, apply in writing to the Welsh Ministers for the removal of the

(1) S.I. 2009/779 (W.67).

disqualification, and the Welsh Ministers may determine that the disqualification cease.

(5) Where the Welsh Ministers refuse an application to remove a disqualification, no further application may be made by that person until the expiry of two years beginning with the date of the application, and this paragraph applies to any subsequent application.

Termination of membership and suspension of members

13.—(1) This regulation applies to any person who is appointed as a member of a Council under regulation 3 or whose appointment as a member, in the case of members of continued Councils, was made under regulation 2 of the 2004 Regulations.

(2) If the Welsh Ministers determine that—

- (a) it is not in the interests of the health service in the district of a Council; or
- (b) it is not conducive to the good management of a Council,

for a person to continue to hold office, the Welsh Ministers may, subject to paragraph (7), remove that person from that office.

(3) If it comes to the notice of the Welsh Ministers that a person appointed has become ineligible for appointment under regulation 12, the Welsh Ministers may remove that person from that office.

(4) If a person appointed has failed to attend a meeting of the Council, or a meeting of a committee of a Council where a person is required to sit on that committee, for a period of three months or more, the Welsh Ministers may remove that person from that office unless satisfied that—

- (a) the absence was due to a reasonable cause; and
- (b) the person is able to attend such meetings within such period as the Welsh Ministers consider reasonable.

(5) Before making a decision to remove a person from office under any of the paragraphs above, the Welsh Ministers may suspend the tenure of office of that person for such period as they consider reasonable.

(6) A person whose appointment is suspended under paragraph (5) must not perform the functions of any member of the Council.

(7) The Welsh Ministers may not terminate or suspend a member's term of office under this regulation without having consulted the Council, the CHC Board, and, where the Welsh Ministers did not appoint the member, the relevant appointing body.

(8) A person who ceases to be a member by virtue of the operation of paragraphs (2) or (4) is disqualified from reappointment as a member for a period of two years.

Resignation of membership

14.—(1) A member may resign at any time during the period for which he or she is appointed on giving notice in writing to the Welsh Ministers, who may, if they did not appoint the member, notify the relevant appointing body as well as the CHC Board as soon as possible after receiving the written notice of resignation.

(2) The date on which a resignation by notice given pursuant to paragraph (1) is to take effect, is—

- (a) where a date is specified in the notice as being that on which the resignation is to take effect, that date; and
- (b) in any other case, the date on which the notice is received by the Welsh Ministers.

Part III

Proceedings of Councils

Election of chair and vice-chair

15.—(1) Subject to paragraphs (3), (4), (5) and (8), the members of a Council must elect—

- (a) one of their number to be chair; and
- (b) one of their number, other than the chair, to be vice-chair,

for a maximum period of two years, not being in any case a longer period than the remainder of the period of the elected member's term of office as a member; and the Chief Officer must notify the Welsh Ministers and the CHC Board immediately in writing of the names of the persons so elected.

(2) When calculating the two year period referred to in paragraph (1), all periods of service as a chair or vice chair of a Council from the 1 April 2010 must be aggregated.

(3) A member may not be appointed as a chair or vice chair of a Council if he or she is also the chair or vice chair of a local committee under regulation 17(1)(d).

(4) A member may not be appointed as a chair of a Council unless he or she is eligible for appointment or

re-appointment to the CHC Board under regulations 34 and 35 respectively.

(5) A member may not be appointed as chair of a Council for a longer period than he or she is eligible to remain on the CHC Board.

(6) A chair or vice-chair may at any time resign that office by giving notice in writing to the Chief Officer, who must notify the Welsh Ministers and the CHC Board immediately in writing.

(7) Where the chair or vice chair has resigned, the members must elect another chair or vice chair in accordance with paragraph (1).

(8) In the case of continued Councils, the chair and vice chair elected under regulation 11 of the 2004 Regulations may serve out the remainder of their elected period even if that would result in a period of service of more than two years.

Application of regulations 17 to 19

16. Regulations 17 to 19 only apply to new Councils as defined in regulation 2. As such, references in regulations 17 to 19 to Council and relevant Council are to be construed accordingly.

Appointment of committees to be known as Local Committees

17.—(1) The Councils listed at numbers 1 to 6 in column 1 of Schedule 2 must—

- (a) appoint committees to be known as “local committees” of the Council for each of the relevant local authority areas, or parts thereof, specified in column 2 of that Schedule;
- (b) give the local committees responsibility for—
 - (i) monitoring and keeping under review the planning and provision of NHS services in their district;
 - (ii) working in collaboration with the other local committees of the relevant Council in order to meet the need for equitable service provision throughout the relevant Council’s district; and
 - (iii) engaging in such activities throughout the relevant Council’s district and carrying out such functions of the Council as the Council or the executive committee may delegate or determine, subject to such restrictions and conditions as the Council or executive committee think fit;

- (c) appoint as members of each local committee those members who are appointed under regulation 6 by the relevant local authority, and under regulations 7 and 8 in relation to the relevant local authority area;
- (d) subject to paragraph (2), ensure that the members of each local committee elect one of their number to be a chair, and one of their number, other than the chair, to be a vice chair for a period of up to two years, but not being in any case longer than the remainder of that member's term as member of the relevant Council.

(2) A member may not be appointed as a chair or vice chair of a local committee if he or she is also the chair or vice chair of the relevant Council under regulation 15(1).

(3) The executive committee of the relevant Council must determine the constitution and standing orders of the local committees, which may be varied or revoked only on the approval of the executive committee.

Appointment of committees to be known as services planning committees

18.—(1) A Council—

- (a) must appoint a services planning committee to liaise with the relevant Local Health Board regarding the planning and development of, or proposals for changes to, the delivery of health services within the Council's district;
- (b) may give the services planning committee responsibility for carrying out such other functions of the Council as the Council may determine, subject to such restrictions and conditions as the Council thinks fits;
- (c) must ensure that the membership of the services planning committee is not less than six and includes:
 - (i) the director or directors who have responsibility for the planning of services for the relevant Local Health Board;
 - (ii) at least one member from each of the local committees in its district; and
 - (iii) at least one member of the executive committee appointed under regulation 19.

(2) Subject to paragraph (1)(c), appointments to a services planning committee may include persons who are not members of a Council.

(3) The executive committee of the relevant Council must determine the constitution and standing orders of the services planning committee, which may be varied

or revoked only on the approval of the executive committee.

Appointment of committees to be known as executive committees

19.—(1) A Council—

- (a) must appoint an executive committee to oversee the conduct and performance of all relevant local committees and to ensure the effective delivery of the Council's statutory duties and core functions throughout the district of the Council;
- (b) must give the executive committee responsibility for taking or delegating to another committee formed under these Regulations all final decisions on the exercise of the Council's functions, including but not limited to—
 - (i) responding to all consultations on health services within the district of a Council;
 - (ii) issuing statements or releases to the press and other media;
 - (iii) appointing committees and joint committees of the Council under regulations 20 and 21;
 - (iv) delegating functions on behalf of the Council to any committee of the Council;
 - (v) dealing with matters arising from the exercise of the Council's advocacy functions under regulation 31;
 - (vi) approving all changes to the standing orders of a Council;
 - (vii) preparing and approving reports of the Council which are required by regulation 25;
 - (viii) preparing and approving accounts of the Council which are required by regulation 41; and
 - (ix) any other matter relating to the operation of the health service within the district of the Council;
- (c) may give the executive committee responsibility for carrying out such other functions of the Council as the Council may determine, subject to such restrictions and conditions as the Council thinks fits; and
- (d) must ensure that the membership of the executive committee consists of—
 - (i) the Council chair and vice chair;

(ii) the chair and vice chair of each relevant local committee; and

(iii) the Chief Officer of the Council.

(2) The first constitution and standing orders of the executive committee is determined by the Welsh Ministers, and may be varied or revoked only if approved by the Welsh Ministers.

Appointment of other committees by a Council

20.—(1) Without prejudice to regulations 17, 18, 19 and 21, a Council may appoint one or more other committees of the Council to exercise subject to such restrictions and conditions as the Council thinks fit, some, but not all, of the Council's functions.

(2) Appointment of members of committees under this regulation is at the discretion of the appointing Council and such appointments may consist partly of persons who are not members of a Council.

(3) In the case of new Councils the executive committee must determine the constitution and standing orders of committees appointed under this regulation, which may be varied or revoked only on the approval of the executive committee.

(4) In the case of continued Councils, the members must determine the constitution and standing orders of committees appointed under this regulation, which may be varied or revoked only if a majority of members approve such variation or revocation. In this regulation, majority of members means a majority of members who are entitled to vote.

Appointment of joint committees by a Council

21.—(1) Without prejudice to regulations 17, 18, 19 and 20, a Council may, together with one or more other Councils, appoint a joint committee of those Councils, to exercise, subject to such restrictions and conditions as may be agreed between those Councils, some, but not all, of the functions of each of those Councils.

(2) Where one or more new Councils are appointing a joint committee the executive committee or, if more than one new Council is involved, executive committees of all such appointing Councils must together determine the constitution and standing orders of the joint committees which are appointed under this regulation, which may be varied or revoked only on the approval of those executive committees.

(3) Where one or more of the continued Councils are appointing a joint committee, the appointing Council or Councils must determine the constitution and standing orders of the joint committees which are appointed under this regulation, which may be varied or revoked only if a majority of the members of such a Council or Councils approve a variation or revocation.

In this regulation majority of members means a majority of members who are entitled to vote.

Proceedings of Councils

22. The provisions of Schedule 3 to these Regulations have effect with respect to the meetings and proceedings of a Council.

Officers

23.—(1) The Welsh Ministers will ensure that Councils have the number of officers that Welsh Ministers consider sufficient to enable Councils to perform their functions.

(2) Welsh Ministers may direct a Welsh NHS Trust or a Local Health Board to—

- (a) employ a person acceptable to a Council to act as its Chief Officer;
- (b) consult with a Council and subject to acceptance by the Council of any individual officer identified, employ persons to act as such other officers for the Council as the Welsh NHS Trust or Local Health Board so directed considers necessary.

(3) In the case of new Councils, persons employed under this regulation may include a person to be known as a Deputy Chief Officer of a local committee established under regulation 17.

(4) The services of the persons employed in accordance with paragraphs (1), (2) and (3) must be made available to the Council by that Local Health Board or Welsh NHS Trust for the period of their employment.

Premises and other facilities

24.—(1) The Welsh Ministers may, after consultation with a Council—

- (a) provide a Council with such office and other accommodation as the Welsh Ministers consider necessary to enable a Council to perform its functions; and
- (b) secure that arrangements are made for such administration, maintenance, cleaning and other services as may, in the Welsh Minister's opinion, be necessary for such accommodation.

(2) To enable a Council to perform its functions the Welsh Ministers may make available to a Council such facilities (including use of any premises and the use of any vehicle, plant or apparatus) provided by

them for any service under the Act as the Welsh Ministers consider are necessary.

(3) The Welsh Ministers may direct a Local Health Board or Boards to exercise any or all of their functions under this regulation and/or may require the Local Health Board or Boards to make available to the Council the services of such of its employees as the Welsh Ministers may direct.

Reports

25.—(1) A Council must by 1 September each year make a report in writing to the Welsh Ministers regarding the performance of its functions during the period of twelve months ending on 31 March in that year and such other matters as the Welsh Ministers may require.

(2) Any report must include, but is not limited to—

- (a) details of the performance of functions under regulations 26 and 31; and
- (b) details of the how the Council has engaged with the local population and community groups within its district, and how the Council properly reflected the views it obtained as a result of such engagement.

(3) A Council must—

- (a) furnish copies of the report to each relevant health service body and relevant local authority and to such voluntary organisations as it deems fit, or as required by the Welsh Ministers within the district of the Council; and
- (b) take such measures as the Council considers to be appropriate to secure that the contents of the report are made known to the public in its district.

Part IV

Performance of Functions

26.—(1) It is the duty of each Council to scrutinise the operation of the health service in its district, to make recommendations for the improvement of that service and to advise relevant Local Health Boards and relevant NHS Trusts upon such matters relating to the operation of the health service within its district as the Council thinks fit.

(2) In carrying out its functions each Council must have regard to the need—

- (a) for systematic, continuous engagement with the local population and community groups within its district, in order to appropriately

represent the public's view on the operation of the National Health Service within that district;

- (b) to consider any proposed new service or service change within the context of such current priorities, resources and governance structures as are notified to it by the Welsh Ministers; and
- (c) for constant evaluation of existing health services in its district.

Consultation of Councils by relevant health service bodies

27.—(1) It is the duty of each relevant Local Health Board and NHS Trust in Wales (in this regulation referred to as “relevant Welsh NHS body”) in respect of health services for which it is responsible, to involve a Council in—

- (a) the planning of the provision of those services;
- (b) the development and consideration of proposals for changes in the way those services are provided; and
- (c) decisions to be made by that body affecting the operation of those services,

and it is incumbent upon each relevant Welsh NHS body to consult a Council at the inception and throughout any such planning, development, consideration or decision-making process in accordance with any guidance which may be issued by the Welsh Ministers.

(2) It is the duty of each relevant Strategic Health Authority, Primary Care Trust and NHS Trust in England (in this regulation referred to as “a relevant English NHS body”) in respect of health services for which it is responsible, to consult with a Council when—

- (a) planning the provision of those services;
- (b) developing and considering proposals for changes in the way those services are provided; and
- (c) making decisions affecting the operation of those services;

and it is incumbent upon each relevant English NHS body to consult a Council at the inception and throughout any such planning, development, consideration or decision-making process.

(3) Where a relevant Welsh or English NHS body has under consideration any proposal for a substantial development of the health service in the district of a Council, or for a substantial variation in the provision of such a service, it must consult that Council at the

inception and throughout any such consideration or variation process.

(4) Paragraphs (1), (2) and (3) do not apply in respect of proposals to establish a Local Health Board, an NHS Trust or a relevant English NHS body nor to proposals to vary or revoke a Local Health Board Order, an NHS Trust Establishment Order or an Order establishing an English NHS body.

(5) Paragraphs (1), (2) and (3) do not apply to any proposals on which the relevant Welsh or English health service body is satisfied that, in the interests of the health service or because of a risk to safety or welfare of patients or staff, a decision has to be taken without allowing for consultation; but in such case, the relevant Local Health Board, Strategic Health Authority, Primary Care Trust and NHS Trust must notify the Council immediately of the decision taken and the reason why no consultation has taken place.

(6) A Council which has been consulted by a relevant Welsh or English NHS body pursuant to paragraphs (1), (2) and (3) may make comments on the proposal consulted on by such date as may be specified by the relevant health service body.

(7) In any case where a Council is not satisfied that—

- (a) consultation on any proposal referred to in paragraphs (1), (2) and (3) has been adequate in relation to content or time allowed; or
- (b) consultation on any proposal referred to in paragraphs (1),(2) and (3) has been adequate with regard to a Council being consulted at the inception of any such proposal; or
- (c) consultation on any proposal referred to in paragraphs (1), (2) and (3) has been adequate in relation to the frequency with which a Council is consulted throughout the proposal and decision-making process; or
- (d) where paragraph (5) applies, the reason given by the relevant health service body is adequate,

it may report to the Welsh Ministers in writing and the Welsh Ministers may require the relevant Welsh NHS body, and request the relevant English NHS body to carry out such consultation, or further consultation, with a Council as they consider appropriate.

(8) Where further consultation has been required under paragraph (7), the relevant Welsh NHS body must, having regard to the outcome of such consultation, reconsider any decision it has taken in relation to the proposal in question.

(9) In any case where a Council considers that a proposal submitted under paragraphs (1) and (3) by a relevant Local Health Board would not be in the

interests of the health service in its district, it may report to the Welsh Ministers in writing and the Welsh Ministers may make a final decision on the proposal and require the relevant Local Health Board to take such action, or desist from taking such action, as the Welsh Ministers may direct.

Information to be furnished by relevant health service bodies

28.—(1) Subject to paragraph (2), each relevant Local Health Board, Strategic Health Authority, Primary Care Trust and NHS Trust must provide a Council with such information about the planning and operation of health services for which it is responsible and which fall within the district of a Council as the Council may reasonably require in order to discharge its functions.

(2) Nothing in paragraph (1) requires the provision by a relevant Local Health Board, Strategic Health Authority, Primary Care Trust and NHS Trust of confidential information relating to—

- (a) the diagnosis or treatment of any patient; or
- (b) personnel matters affecting any officer employed by the Local Health Board, Strategic Health Authority, Primary Care Trust and NHS Trust; or any other information the disclosure of which is prohibited by law.

(3) In the event of a Local Health Board, Strategic Health Authority, Primary Care Trust and NHS Trust refusing to disclose to a Council information to which paragraph (2) does not apply, the Council may appeal to the Welsh Ministers and a decision of the Welsh Ministers as to whether the information is reasonably required by the Council in order to discharge its functions is final for the purposes of this regulation.

Entry and inspection of premises

29.—(1) Subject to the following paragraphs of this regulation, members of a Council who are authorised in writing by that Council may, for the purposes of carrying out any of the functions of the Council, at any reasonable time enter and inspect premises owned or controlled by—

- (a) Local Health Boards;
- (b) Strategic Health Authorities;
- (c) NHS Trusts;
- (d) local authorities;
- (e) Primary Care Trusts;
- (f) persons providing primary medical services, primary dental services or pharmaceutical

services under the Act or the National Health Service Act 2006(1);

- (g) persons providing general ophthalmic services under the Act;
- (h) persons providing piloted services within the meaning of section 92 of the Act or section 134 of the National Health Service Act 2006;
- (i) persons providing Local Pharmaceutical Services within the meaning of paragraph 1 of Schedule 7 to the Act or paragraph 1 of Schedule 12 to the National Health Service Act 2006; or
- (j) persons who own or control premises where services as mentioned in (f), (g), (h) or (i) are provided.

(2) Each member authorised by a Council under paragraph (1) must be furnished with written evidence of their authority and on applying for entry to any premises referred to in paragraph (1) for the purposes specified in that paragraph must, if so requested by the owner or occupier of those premises or a person acting on either of their behalf, produce that evidence.

(3) A member authorised by a Council under paragraph (1) may not, save where a Council is of the opinion that it is expedient in the interests of the health service or because of a risk to the safety or welfare of patients or staff, demand admission to any premises referred to in that paragraph as of right unless the person or body which owns or controls the premises has been given reasonable notice of the intended entry.

(4) A member authorised by a Council under paragraph (1) may not enter any premises or part of premises used as residential accommodation—

- (a) for persons employed by any of the bodies referred to in paragraphs (1)(a) to (e); or
- (b) by persons referred to in paragraphs (1)(f) to (j),

without first having obtained the consent of those persons.

(5) In exercising rights of entry and inspection under this regulation, a Council must have regard to the need to safeguard patients' safety, privacy and dignity, and to any guidance issued by the Welsh Ministers and must, when it is practicable to do so, co-operate with any other body exercising similar rights pursuant to any enactment.

(1) 2006 c.41.

Meetings between Councils and relevant Local Health Boards

30. Each relevant Local Health Board must arrange, not less than once every three calendar months, a meeting between members of the relevant Local Health Board, being not less than one-third of its members, and the members of the Council to discuss such matters as may be agreed between the Council and the Local Health Board.

Independent complaints advocacy

31. Councils must provide on behalf of the Welsh Ministers for those persons aged 18 years of age and older the independent advocacy services required to be provided under section 187 of the Act.

Part V

The CHC Board

Functions

32.—(1) The CHC Board established under regulation 23 of the 2004 Regulations continues in existence from the 1 April 2010.

(2) With effect from the 1 April 2010 the CHC Board has the functions of—

- (a) advising Councils with respect to the performance of their functions;
- (b) assisting Councils in the performance of their functions;
- (c) representing the collective views and interests of Councils to the Welsh Ministers;
- (d) monitoring the performance of Councils with a view to developing and ensuring consistency of standards by all Councils;
- (e) monitoring the conduct of members appointed under regulation 3 with a view to ensuring appropriate standards of conduct;
- (f) monitoring the conduct and performance of officers employed under regulation 23 with a view to ensuring appropriate standards of conduct; and
- (g) operating a complaints procedure in accordance with regulation 33.

Complaints Procedure

33.—(1) The CHC Board must continue from the 1 April 2010 to make provision about the handling and consideration of complaints made about the exercise of any of the functions of a Council or the CHC Board.

(2) Should the CHC Board decide to amend the complaints procedure devised in accordance with paragraph (1), the CHC Board must first obtain the Welsh Ministers' approval of the new procedure before any changes or amendments are implemented.

Composition of the CHC Board

34.—(1) With effect from the 1 April 2010 the CHC Board is comprised of 12 Board members of whom—

- (a) eight are comprised of the persons appointed as chair of each of the eight Councils;
- (b) one is appointed by the officers employed under regulation 23 acting jointly;
- (c) one is appointed to act as chair by all members acting jointly in a postal ballot;
- (d) one is appointed to act as vice chair by all the members acting jointly in a postal ballot; and
- (e) one is the Director of the CHC Board.

(2) In the event that any matter on which the CHC Board is voting results in a hung vote, the chair of the CHC Board, appointed in accordance with paragraph (1)(c), has the casting vote.

(3) Only an officer employed under regulation 23 is eligible for appointment under paragraph (1)(b).

(4) Appropriate arrangements must be in place for the selection and appointment (including the term of the appointment) by the members of persons as chair and vice chair under paragraph (1)(c) and (d) and those arrangements must take into account—

- (a) the principles from time to time laid down by the Commissioner for Public Appointments;
- (b) the requirements that the selection and appointment of members be open and transparent;
- (c) where applicable, the requirement of fair and open competition in the selection and appointment of the successful candidates.

(5) The term of office of a Board member appointed under paragraph (1)(a) of this regulation is up to two years, as specified on appointment, not being in any case a longer period than the remainder of the Board member's term of appointment as chair of a Council under regulation 15.

(6) The term of office of a Board member appointed under paragraph (1)(b) of this regulation is up to two years, as specified on appointment, not being in any case a longer period than the remainder the Board member's term of employment as an officer of a Council under regulation 23.

(7) The term of office of a Board member appointed under paragraphs (1)(c) and (d) of this regulation is up to two years.

(8) The term of office of the Director is the duration of his or her term of employment as Director.

Eligibility of Board Members for re-appointment to the CHC Board

35.—(1) A Board member appointed under paragraphs (1)(a) to (d) of regulation 34 may serve a maximum period of two years.

(2) When calculating the two year period referred to in paragraph (1) all periods of service as a Board member must be aggregated, which includes all periods of service before the 1 April 2010 and all periods of service resulting from any appointment under paragraphs (1)(a) to (d) of regulation 34.

(3) A Board member who holds his or her position on the CHC Board by virtue of being employed as Director of the CHC Board is not subject to a maximum period of service on the CHC Board. His or her period of service on the Board lasts for as long as he or she is employed as Director.

(4) A member of a continued Council who was appointed to the CHC Board under regulation 24 of the 2004 Regulations, may serve the remainder of his or her appointed term even if that results in such a member serving more than two years. However, for the avoidance of doubt, the provisions of paragraphs (1) and (2) of this regulation will apply to such members should they seek re-appointment.

Support Staff

36.—(1) The Welsh Ministers will ensure that the CHC Board has the number of officers that Welsh Ministers consider sufficient to enable the CHC Board to perform its functions.

(2) Welsh Ministers may direct a Welsh NHS Trust or Local Health Board to—

- (a) employ a person acceptable to the CHC Board to act as its Director; and
- (b) consult with the CHC Board and, subject to acceptance by the CHC Board of any individual officer identified, employ such persons to act as officers for the CHC Board as the Welsh NHS Trust or Local Health Board so directed considers necessary.

(3) The employment of a person to act as an officer of the CHC Board is to be in a manner and for a period acceptable to the CHC Board.

(4) The services of persons employed in accordance with paragraphs (1) and (2) must be made available to the CHC Board by the employing Local Health Board or Welsh NHS Trust for the period of their employment.

Premises and other facilities

37.—(1) The Welsh Ministers may, from the 1 April 2010 and after consultation with the CHC Board—

- (a) continue to provide the CHC Board with such office and other accommodation as the Welsh Ministers consider necessary to enable the CHC Board to perform its functions; and
- (b) continue to secure that arrangements are made for such administration, maintenance, cleaning and other services as may, in their opinion, be necessary for such accommodation.

(2) To enable the CHC Board to perform its functions the Welsh Ministers may make available to the CHC Board such facilities (including use of any premises and the use of any vehicle, plant or apparatus) provided by them for any service under the Act as the Welsh Ministers consider are necessary.

(3) The Welsh Ministers may direct a Local Health Board or Boards to exercise any or all of their functions under this regulation and/or may require a Local Health Board or Boards to make available to the CHC Board the services of such of its employees as Welsh Ministers may direct.

Proceedings

38.—(1) After the 1 April 2010 the constitution and standing orders of the CHC Board is determined by the Welsh Ministers, and may be varied or revoked only if approved by the Welsh Ministers.

(2) The CHC Board may appoint committees and sub-committees which may consist of persons who are not members of the CHC Board.

(3) A representative of the Welsh Ministers and a representative of the Local Health Board or Welsh NHS Trust directed in accordance with regulation 36(2) are entitled to attend and take part in any deliberations (but not in decisions) at meetings of the CHC Board.

Reports

39. The CHC Board must, by 1 September 2010 and by 1 September in each subsequent year make a report in writing to the Welsh Ministers regarding the performance of its functions during the period of twelve months ending on 31 March in that year and such other matters as the Welsh Ministers may require.

Part VI

Finance and Accounts

Finance

40.—(1) The Welsh Ministers may pay to the CHC Board and the Councils such sums as the Welsh Ministers consider necessary to enable the CHC Board and the Councils to carry out its and their functions respectively under these Regulations and such sums may be paid at such times and subject to such conditions as the Welsh Ministers may from time to time determine.

(2) The CHC Board must submit to the Welsh Ministers in such form and by such date as the Welsh Ministers may require, such estimates as the Welsh Ministers may require of the expenditure which the CHC Board expects to incur during such financial years as the Welsh Ministers may specify.

(3) Each Council must submit to the CHC Board in such form and by such dates as the CHC Board may specify such estimates as the CHC Board may require of the expenditure each Council expects to incur during such financial years as the CHC Board may specify.

(4) The CHC Board must confirm the amounts of the estimates submitted under paragraph (3) with or without modification, or subject to such conditions as the CHC Board thinks fit, and may at any time vary such confirmation or conditions and recommend such sums to the Welsh Ministers for payment under paragraph (1).

(5) The CHC Board and Councils must not incur expenditure in excess of the amounts approved by the Welsh Ministers under this regulation.

Accounts

41.—(1) The CHC Board and the Councils must prepare and keep such accounts in respect of each financial year as the Welsh Ministers may require and such accounts must give a true and fair view of any income and expenditure and cash flows of the CHC Board and the Councils.

(2) The CHC Board and the Councils must send a copy of their respective annual accounts for each financial year to the Welsh Ministers as soon as possible after the end of the financial year.

Part VII

Revocations

Revocations

42. The Community Health Councils Regulations 2004⁽¹⁾ and the Community Health Councils (Amendment) Regulations 2005⁽²⁾ are hereby revoked, save that regulation 32 continues in existence the CHC Board established under regulation 23 of the 2004 Regulations to the extent that regulation 23 of those regulations establishes the CHC Board.

Edwina Hart

Minister for Health and Social Services, one of the Welsh Ministers

9 February 2010

(1) S.I. 2004/905 (W. 89)
(2) S.I. 2005/603 (W. 51)

SCHEDULE 1

Regulation 3

Total number of members to be appointed to membership of a Council by the appointing bodies under regulation 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	
<i>Name of Community Health Council</i>	<i>Total number of members to be appointed by relevant local authorities</i>	<i>Total number of members to be appointed by voluntary organisations</i>	<i>Total number of members to be appointed by the Welsh Ministers</i>	
1	Aneurin Bevan Community Health Council	15	15	30
2	Abertawe Bro Morgannwg Community Health Council	9	9	18
3	Betsi Cadwaladr Community Health Council	18	18	36

4	Cardiff and Vale of Glamorgan Community Health Council	6	6	12
5	Cwm Taf Community Health Council	6	6	12
6	Hywel Dda Community Health Council	9	9	18
7	Brecknock and Radnor Community Health Council	3	3	6
8	Montgomeryshire Community Health Council	3	3	6

SCHEDULE 2

Regulations 3, 6, 7, 8, and 17

Community Health Councils and Local Authority Areas or parts thereof for which appointments are made and, in respect of new Councils, local committees established

<i>Column 1</i>	<i>Column 2</i>
<i>Name of Community Health Council</i>	<i>Local Authority Areas or parts thereof for which appointments are made and, in respect of new Councils, local committees established</i>
1	Aneurin Bevan Community Health Council
2	Abertawe Bro Morgannwg Community Health Council
3	Betsi Cadwaladr Community Health Council
4	Cardiff and Vale of Glamorgan Community Health Council
5	Cwm Taf Community Health Council
6	Hywel Dda Community Health Council
7	Brecknock and Radnor Community Health Council
8	Montgomeryshire Community Health Council

	Llangedwyn
--	------------

SCHEDULE 3

Regulation 22

Meetings and Proceedings of Councils

1. The first meeting of a Council must be held on such day and at such place as may be fixed by the Welsh Ministers who are responsible for convening the meeting.

2. A meeting of the Council must take place at least once in every period of three months and meetings must be open to the public.

3. After the first meeting, the chair may call a meeting of the Council at any time.

4. If a requisition for a meeting, signed by at least one-third of the total number of members, is presented to the chair, and the chair either—

- (a) refuses to call a meeting; or
- (b) without so refusing, does not within ten days after the requisition has been presented to him call a meeting,

those members may forthwith call a meeting.

5. Before each meeting of a Council, a notice of the meeting which—

- (a) specifies the business proposed to be transacted at it; and
- (b) is signed by the Chief Officer or by an officer of the Council authorised by the Chief Officer to sign on his behalf,

must be delivered to each member of the Council, or sent by post to his or her usual place of residence or business, at least seven clear days before the day of the meeting.

6. Want of service of the notice on any member does not affect the validity of a meeting.

7. In the case of a meeting called by members in default of the chair, the notice must be signed by those members and no business may be transacted at the meeting other than that specified in the notice.

8. At any meeting of a Council the chair, if present, must preside—

- (a) if the chair is absent from the meeting the vice-chair, if present, must preside;

(b) If the chair and vice-chair are absent, such member as the members present choose must preside.

9. Every question at a meeting must be determined by a majority of the votes of the members present and voting on the question and, in the case of any equality of votes, the person presiding has a second and casting vote.

10. No business may be transacted at a meeting unless at least one-third of members (excluding vacancies and co-opted members) are present.

11. The minutes of the proceedings of a meeting must be drawn up and submitted for agreement at the next meeting of the Council, where they must be signed by the person presiding at it.

12. The names of members and chairs present at a meeting must be recorded in the minutes of the meeting.

13. In paragraph 3 of this Schedule “chair” includes a vice-chair acting as chair.

