WELSH STATUTORY INSTRUMENTS

2010 No. 289 (W.38)

NATIONAL HEALTH SERVICE, WALES

The Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010

Made - - - -	*9 February 2010*
Laid before the National Assembly for Wales - -	*10 February 2010*
Coming into force - -	*1 April 2010*

The Welsh Ministers, in exercise of the powers conferred on them by sections 182(2), (3) and 203(9) and (10)(a) of, and Schedule 10 to, the National Health Service (Wales) Act 2006(**1**) make the following Order:

Title and commencement

1.—(1) The title of this Order is The Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010.

(2) This Order comes into force on 1 April 2010.

Interpretation

2. In this Order—

"abolition date" ("*y dyddiad diddymu*") means 1 April 2010;

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

"Community Health Council area" ("*ardal Cyngor Iechyd Cymuned*") means the area of Wales for which a Community Health Council under article 3 of this Order is established;

"the continued Councils" ("*y Cynghorau sy'n parhau*") means Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council;

"establishment date" ("*y dyddiad sefydlu*") means 1 April 2010;

"former Council" ("*cyn Gyngor*") means a Council which is abolished under article 9 of this Order;

(**1**) 2006 c. 42.

"Local Health Board area" ("*ardal Bwrdd Iechyd Lleol*") means the area of Wales for which a Local Health Board under article 4 of the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009(**2**) is established;

"new Councils" ("*y Cynghorau newydd*") means the Councils established under article 3 of this Order;

"Powys Teaching Local Health Board area" ("*ardal Bwrdd Iechyd Lleol Addysgu Powys*") means the area for which Powys Teaching Local Health Board is established in the Schedule to the Local Health Boards (Establishment) (Wales) Order 2003, as amended(**3**);

"the Regulations" ("*y Rheoliadau*") means the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010(**4**); and

"transfer date" ("*y dyddiad trosglwyddo*") means 1 April 2010.

Establishment of Community Health Councils

3. There are established, with effect from the establishment date, the six Community Health Councils listed in column 1 of Schedule 1 to this Order which have the names assigned to them in that Schedule.

Community Health Council areas

4.—(1) Each Community Health Council area consists of the Local Health Board area assigned to it in column 2 of Schedule 1 to this Order.

(2) If the Local Health Board area assigned to a Community Health Council under paragraph (1) is varied, the Community Health Council area is to be varied accordingly.

(3) Paragraph (2) does not apply to the creation of a new Local Health Board area, abolition of an existing Local Health Board area or a merger of two or more Local Health Board areas.

Functions of the new Councils

5. The functions of the new Councils are—

(i) as set out in paragraph 1(a) of Schedule 10 to the Act;

(ii) as set out from time to time by the Welsh Ministers in regulations made pursuant to paragraph 2 of Schedule 10 to the Act; and

(iii) will include the functions of the former Councils transferred to the new Councils by article 6.

Transfer of functions, rights and liabilities to the new Councils

6.—(1) This article applies to any functions or rights which were exercisable by or liabilities which were enforceable against former Councils on or before the transfer date.

(2) The new Councils have the benefit of any function exercisable by or any right enforceable by those former Councils which operated on or before the transfer date within the Community Health Council area or part thereof of a new Council.

(3) A new Council must take responsibility for any liability enforceable against those former Councils which operated on or before the transfer date within the Community Health Council area or part thereof of a new Council.

(**2**) S.I 2009/778 (W. 66)
(**3**) S.I. 2003/148 (W.18) as amended by S.I. 2009/778 (W.66).
(**4**) S.I. 2010/288 (W.37).

Furnishing of Reports and Accounts of former Councils

7.—(1) This article applies to the furnishing of reports and accounts on behalf of former Councils for the period 1 April 2009 to 31 March 2010.

(2) A new Council must take such action as may be necessary to ensure that the reports and accounts for the period 1 April 2009 to 31 March 2010 of those former Councils which operated on or before the 31 March 2010 within the Community Health Council area or part thereof of the new Council, are furnished in accordance with regulations 25 and 41 of the Regulations.

Provision for continuity in the exercise of functions

8. Anything done by or in relation to the former Councils in the exercise of or in connection with a function which by virtue of article 6 of this Order becomes a function of a new Council will so far as it is required for continuing its effect on and after the transfer date have effect as if done by or in relation to the new Council.

Abolitions

9. The seventeen Community Health Councils listed in Schedule 2 to this Order which continued in existence or were established under section 182 of the Act are abolished with effect from the abolition date.

Continuation in existence of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council

10.—(1) Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council continue in existence.

(2) The combined area of these continued Councils is the Powys Teaching Local Health Board area.

(3) If the Powys Teaching Local Health Board area is varied the combined area of these two councils is to be varied accordingly.

(4) Subject to paragraph (5), in the circumstance referred to in paragraph (3), the Welsh Ministers may, by order, vary the area for which either or both the continued Councils are established.

(5) Paragraph (3) does not apply to the creation of a new Local Health Board area, the abolition of Powys Teaching Local Health Board area or a merger of Powys Local Health Board area and one or more Local Health Board areas.

(6) Subject to the provisions contained within this article, Schedule 3 to this Order confirms the areas for which the continued Councils are established and in respect of which they continue to exercise their functions.

Functions of the continued Councils

11. The functions of the continued Councils are—

(i) as set out in paragraph 1(a) of Schedule 10 to the Act; and

(ii) as set out from time to time by the Welsh Ministers in regulations made pursuant to paragraph 2 of Schedule 10 to the Act.