WELSH STATUTORY INSTRUMENTS

# 2009 No. 3097 (W.270)

# NATIONAL HEALTH SERVICE, WALES

## The Welsh Health Specialised Services Committee (Wales) Regulations 2009

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| *Made - - - -* | *25 November 2009* |
| *Laid before the National Assembly for Wales - -* | *26 November 2009* |
| *Coming into force - -* | *17 December 2009* |

The Welsh Ministers in exercise of the powers conferred on them by sections 11, 12(3), 13(2)(c) and (4)(c) and 203(9) and (10) of and paragraph 4 of Schedule 2 to the National Health Service (Wales) Act 2006 [F1] make the following Regulations:

**F1** 2006 c. 42.

## PART 1

Introduction

### Title and commencement

**1.** The title of these Regulations is the Welsh Health Specialised Services Committee (Wales) Regulations 2009 and they come into force on 17 December 2009.

### Interpretation

**2.** In these Regulations—

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

"associate member" ("*aelod cyswllt*") means a person who holds any office set out in regulation 3(3);

"chief executives" ("*prif weithredwyr*") means the chief executive of each Local Health Board;

"existing non-officer members of a Local Health Board" ("*aelodau presennol o Fwrdd Iechyd Lleol nad ydynt yn swyddogion*") means the non-officer members of a Local Health Board who have been appointed pursuant to the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 [F2];

"host Local Health Board" ("*Bwrdd Iechyd Lleol cynhaliol*") means **[**F3Cwm Taf Morgannwg University Local Health Board**]**;

"health service body" ("*corff gwasanaeth iechyd*") **[**F4means the National Health Service Commissioning Board, **[**F5the National Institute for Health and Care Excellence, **[**F6Health Education England, the Health Research Authority,**]** the Health and Social Care Information Centre,**]** a clinical commissioning group,**]** Special Health Authority, Strategic Health Authority, Local Health Board, NHS Trust, NHS Foundation Trust or Primary Care Trust;

"Local Health Board" ("*Bwrdd Iechyd Lleol*") means a Local Health Board established in accordance with section 11(2) of the Act F7;

"non-officer member" ("*aelod nad yw'n swyddog*") means a member of the joint committee who holds any office set out in regulation 3(1)(c);

"officer member" ("*swyddog-aelod*") means a member of the joint committee who holds any office set out in regulation 3(2); and

"the joint committee" ("*y cyd-bwyllgor*") means the Welsh Health Specialised Services Committee established pursuant to the Welsh Health Specialised Services Committee (Wales) Directions 2009 made on 1 October 2009.

**F2** S.I. 2009/779 (W.67).

**F3** Words in reg. 2 substituted (1.4.2019) by The Local Health Boards (Area Change) (Wales) (Miscellaneous Amendments) Order 2019 (S.I. 2019/349), arts. 1(1), **5**

**F4** Words in reg. 2 substituted (1.10.2012) by The NHS Commissioning Board Authority (Abolition and Transfer of Staff, Property and Liabilities) and the Health and Social Care Act 2012 (Consequential Amendments) Order 2012 (S.I. 2012/1641), art. 1(2)(b), **Sch. 3 para. 13(2)**

**F5** Words in reg. 2 inserted (1.4.2013) by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 132(1)**

**F6** Words in reg. 2 inserted (1.4.2015) by The Care Act 2014 (Health Education England and the Health Research Authority) (Consequential Amendments and Revocations) Order 2015 (S.I. 2015/137), art. 1, **Sch. 2 para. 8(2)**

**F7** Powys Teaching Local Health Board was established under the Local Health Boards (Establishment) (Wales) Order 2003 (S.I. 2003/148 (W.18)). Abertawe Bro Morgannwg University Local Health Board, Aneurin Bevan Local Health Board, Betsi Cadwaladr University Local Health Board, Cardiff and Vale University Local Health Board, Cwm Taf Local Health Board and Hywel Dda Local Health Board were established under the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/778 (W.66)).

# PART 2

## Membership of the joint committee

### Membership of the joint committee

**3.**—(1) The members of the joint committee consist of the chief executives together with—

(a) a chair;

(b) a vice-chair appointed by the joint committee from existing non-officer members of a Local Health Board;

(c) two non-officer members appointed by the joint committee from existing non-officer members of a Local Health Board; and

(d) officer members employed by the host Local Health Board.

(2) The officer members consist of—

(a) a director of specialised and tertiary services;

(b) a medical director of specialised and tertiary services;

(c) a finance director of specialised and tertiary services; and

(d) a nurse director of specialised and tertiary services.

(3) In addition there will be three associate members who will be the Chief Executives of Velindre National Health Service Trust, the Welsh Ambulance Services National Health Service Trust and the Public Health Wales National Health Service Trust.

**Appointment of the chair, vice-chair, non-officer members and officer members**

**4.**—(1) The chair is appointed by the Welsh Ministers.

(2) The vice-chair and non-officer members are appointed by the joint committee.

(3) The officer members are appointed by the joint committee.

(4) Appointments made in accordance with paragraph (1) must be in accordance with the provisions in Schedule 1 to these Regulations.

(5) Where the joint committee appoints the vice-chair and non-officer members in accordance with paragraph (2) and the officer members in accordance with paragraph (3) the appointments must be subject to standing orders relating to the joint committee.

(6) Where a chair is appointed in accordance with paragraph (1) regard must be had to the need to encourage diversity in the range of persons who may be appointed.

**Eligibility requirements for members of the joint committee**

**5.**—(1) Any person must fulfil the requirements for eligibility in Part 1 of Schedule 2 to these Regulations before that person may be appointed as a chair of the joint committee and must continue to fulfil the requirements while that person holds office.

(2) Subject to paragraph (3) any person must fulfil the requirements for eligibility in Part 1 of Schedule 2 to these Regulations before that person may be appointed as an officer member of the joint committee and must continue to fulfil the requirements while that person holds office.

(3) In addition to fulfilling the requirements for eligibility in Part 1 of Schedule 2 to these Regulations, an officer member who is a medical director of specialised and tertiary services or a nurse director of specialised and tertiary services of the joint committee must also fulfil the relevant requirements for eligibility in Part 2 of Schedule 2 to these Regulations.

(4) Any person appointed pursuant to regulation 4(2) to be a vice-chair or non-officer member or who is an associate member or chief executive of the joint committee may only hold office on the joint committee provided that person continues to hold office as appropriate as an existing non-officer member of a Local Health Board or as a Chief Executive of a NHS Trust in Wales or Local Health Board.

**Tenure of office of chair**

**6.**—(1) This regulation applies to any person who is appointed as chair of the joint committee.

(2) Subject to these Regulations, a chair holds and vacates office in accordance with the terms of that person's appointment.

(3) A chair may be appointed for a period of no longer than four years.

(4) Subject to paragraph (5) a chair may on the expiration of his or her term of office be re-appointed in accordance with regulation 4(1).

(5) A person may not hold office as a chair for the joint committee for a total period of more than eight years.

**Modifications etc. (not altering text)**

**C1** Reg. 6(5) excluded (temp.) (5.7.2020) by The National Health Service (Temporary Disapplication of Tenure of Office) (Wales) (Coronavirus) Regulations 2020 (S.I. 2020/585), regs. 1(2), **4** (with regs. 1(3), 8)

### Tenure of office of vice-chair and non-officer members

**7.**—(1) This regulation applies to any person who is appointed as vice-chair or as a non-officer member of the joint committee.

(2) A vice-chair and non-officer member may be appointed for a period of no longer than two years.

(3) Subject to regulation 5(4) and paragraph (4) a vice-chair or non-officer member may on the expiration of his or her term of office on the joint committee be re-appointed in accordance with regulation 4(2).

(4) A person may not hold office as a vice-chair or non-officer member of the joint committee for a total period of more than four years.

**Modifications etc. (not altering text)**

**C2** Reg. 7(4) excluded (temp.) (5.7.2020) by The National Health Service (Temporary Disapplication of Tenure of Office) (Wales) (Coronavirus) Regulations 2020 (S.I. 2020/585), regs. 1(2), **4** (with regs. 1(3), 8)

### Termination of appointment of chair

**8.**—(1) The Welsh Ministers may immediately remove a chair from office if they determine that —

(a) it is not in the interests of the health service in Wales; or

(b) it is not conducive to the good management of the joint committee,

for that chair to continue to hold office.

(2) If it comes to the notice of the Welsh Ministers that a chair appointed has become ineligible under Part 1 of Schedule 2 to these Regulations, the Welsh Ministers may remove that chair from office.

(3) A chair appointed must immediately notify the joint committee if that chair becomes ineligible under Part 1 of Schedule 2 to these Regulations.

(4) If a chair appointed has failed to attend any meeting of the joint committee for a period of six months or more, the Welsh Ministers may remove that chair from office unless they are satisfied that –

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

(b) the chair will be able to attend such meetings within such period as the Welsh Ministers consider reasonable.

(5) A chair may at any time resign his or her office by notice in writing to the Welsh Ministers and each Local Health Board but subject to the terms of that chair's appointment.

**Suspension of chair**

**9.**—(1) Before making a decision to remove a chair from office under regulation 8, the Welsh Ministers may suspend the tenure of office of that chair for such period as they consider reasonable.

(2) Where a chair is suspended in accordance with paragraph (1), the Welsh Ministers must immediately notify that chair and each Local Health Board in writing, stating the reasons for his or her suspension.

(3) A chair whose tenure of office is suspended under paragraph (1) may not perform the functions of chair.

**Termination of appointment of officer members**

**10.**—(1) The chair, vice-chair, non-officer members and chief executives may immediately remove an officer member from office —

(a) if they are of the opinion that it is not in the interests of the joint committee that a person who is an officer member should continue to hold office as a member; or

(b) having been notified by officer members in accordance with paragraph (2), they are of the opinion that it is not in the interests of the joint committee that a person who is an officer member should continue to hold office.

(2) If all of the officer members (other than an officer member who is the subject of a notification under this paragraph) are of the opinion that a person who is an officer member should not continue to hold office as a member, they may notify the joint committee.

(3) Where the chair, vice-chair, non-officer members and chief executives remove a person from office in accordance with paragraph (1) or, having been notified by the officer members in accordance with paragraph (2), determine that a person should not continue to hold office, they must immediately notify each Local Health Board and the Welsh Ministers in writing, stating the reasons for their decision.

(4) Where a person has been appointed to be an officer member, if it comes to the notice of the chair, vice-chair, any of the non-officer members or chief executives that the person—

(a) has become ineligible for appointment under Part 1 and where applicable Part 2 of Schedule 2 to these Regulations; or

(b) was at the time of their appointment ineligible for appointment under Part 1 and where applicable Part 2 of Schedule 2 to these Regulations,

he or she must immediately notify the joint committee and the chair must immediately notify that officer member, each Local Health Board and the Welsh Ministers in writing of such ineligibility.

(5) An officer member must immediately notify the joint committee if that member becomes ineligible under Part 1 and where applicable Part 2 of Schedule 2 to these Regulations.

(6) Where notice has been given in accordance with paragraph (4), the chair, vice-chair, non-officer members and chief executives must remove that person from office and that person ceases to act as an officer member.

(7) If it appears to the chair, vice-chair, non-officer members and chief executives that an officer member has failed to comply with regulation 17 of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (disability of members on account of pecuniary interest) they may remove that person from office and that person ceases to act as an officer member.