WELSH STATUTORY INSTRUMENTS

2007 No. 953 (W.84)

NATIONAL HEALTH SERVICE, WALES

The Local Health Boards (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2007

Made - - - -	*20 March 2007*
Coming into force - -	*1 April 2007*

The National Assembly for Wales, in exercise of the powers conferred by sections 13(2) and (3) of, and paragraphs 4(1) and (2) of Schedule 2 to the National Health Service (Wales) Act 2006(**1**) which are exercisable by the National Assembly in relation to Wales, makes the following Regulations:

Title, commencement and application

1. The title of these Regulations is the Local Health Boards (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2007; they apply in relation to Wales and come into force on 1 April 2007.

Amendment of the principal Regulations

2. The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003(**2**) ("the principal Regulations") are amended in accordance with regulations 3 to 15.

Amendment of the principal Regulations

3. In regulation 2 (Interpretation)

(a) delete the definition of "first members" ("*aelodau cyntaf*");

(b) in the definition of "health service body" ("corff gwasanaeth iechyd") after "NHS Trust" insert the words —
"", NHS Foundation Trust"";

(c) in the definition of "local authority member" ("*aelod awdurdod lleo*l") for "nominated" substitute —
"appointed";

(d) in the definition of "member" ("*aelod*") delete the following —
" , associate members and co-opted members";

(**1**) 2006 c. 42.
(**2**) S.I. 2003/149 (W.19).

(e) in the definition of "officer member" ("*aelod sy'n swyddog*")for the "regulation 3(3)" substitute the following —
"regulation 3(2)",

(f) in the definition of "non-officer member" ("*aelod nad yw'n swyddog*")

(i) for "does not hold any office" substitute the following —
"falls within a category"

(ii) at the end insert —

"."; and

(g) the definition of "shadow member" ("*aelod cysgodol*") is deleted.

4.—(1) Regulation 3 (membership of Local Health Boards) of the principal Regulations is amended in accordance with this regulation.

(2) For regulation 3(1) substitute the following —

"**3.**—(1) The members of the Board comprise

(a) a chair appointed by the Assembly;

(b) if the Assembly thinks fit, a vice chair appointed by the Assembly;

(c) officer members; and

(d) non-officer members.";

(3) In regulation 3(3)

(i) delete paragraphs (a) and (b);

(ii) in paragraph (c) delete "up to";

(iii) in paragraph (l) delete "and";

(iv) in paragraph (m) delete "." and insert ";and"; and

(v) after paragraph (m) insert

"(n) co-opted members.".

(4) Regulation 3(4) is deleted.

5. Regulation 4 (Appointment of Local Health Board members) of the principal Regulations is amended in accordance with this regulation.

(1) Paragraph (1) is deleted;

(2) In paragraph (3)

(i) after "vice chair" delete "and" and insert "appointed under paragraph (2),";

(ii) after "co-opted members" insert "and local authority members"; and

(iii) delete "subject to the approval of the Assembly".

(3) After paragraph (3) insert the following —

"(3A) All local authority members are to be appointed by the local authority for the Board's area.".

(4) In paragraph (4) —

(a) for "will" substitute the following —

"may"

(b) after "time concerning appointments" insert —

"and Schedule 1A".

(c) in paragraph (5) —

(i) substitute "paragraph (3)" with the following —

"paragraphs (3) and (3A)"; and

(ii) substitute "Schedule 1 to these Regulations" with the following —

"Schedule 1 or Schedule 1A (where they apply)";

(d) after paragraph (5) insert the following —

"(5A) The person or persons responsible for making any appointment under paragraphs (3) and (3A) must use all reasonable endeavours to appoint members to fill any vacancy in the membership of the Board.".

6. Regulation 5 (Transitional arrangements for the appointment of first members of a Local Health Board) is deleted.

7. In regulation 6 (Eligibility requirements for membership of a Local Health Board) —

(a) Delete the following —

"who applies to be a member of a Board"; and

(b) After "appointed as a member" insert —

"and must continue to fulfil the relevant requirements while that person holds office".

8. After regulation 7 (Period of appointment of co-opted members) the following regulation is inserted —

"**Tenure of office**

7A.—(1) Subject to these Regulations, a person holds and vacates office as a member of a Board in accordance with the terms of that person's appointment.

(2) Subject to regulations 7, 7B, 8 and 9, a person is appointed to hold office as a non-officer member for no longer than four years.

(3) Subject to paragraph (4) a person may on the expiration of his or her term of office be eligible for re-appointment.

(4) A person may not hold office as a non-officer member on a Board without the prior approval of the Assembly if that person has held office on that Board for a total period of ten years or more.

Tenure of office — Transitional arrangements

7B.—(1) This regulation applies where a person has been appointed before 1 April 2007.

(2) Subject to paragraph (4), where a person has been appointed to hold office for a specified term that person's term of office will be the remainder of that term but in any case will be no longer than four years from 1 April 2007.

(3) Subject to paragraph 4, where a person has been appointed to hold office but no term has been specified that person will hold office for no longer than four years from 1 April 2007.

(4) Where a local authority member has been appointed, the local authority may terminate that person's tenure of office on giving that person notice in writing."

9. In regulation 9 (Termination of appointment and suspension of non-officer members) of the principal Regulations after paragraph (2) insert the following —