WELSH STATUTORY INSTRUMENTS

2005 No. 603 (W.51)

NATIONAL HEALTH SERVICE, WALES

Community Health Councils (Amendment) Regulations 2005

Made - - - -	*8 March 2005*
Coming into force - -	*1 April 2005*

The National Assembly for Wales in exercise of powers conferred by sections 16BB(4), 17 and 126(4) and paragraphs 2, 3 and 4 of Schedule 7A to the National Health Service Act 1977(**1**) hereby makes the following Regulations:

Citation, commencement and interpretation.

1.—(1) These Regulations may be cited as the Community Health Councils (Amendment) Regulations 2005 and will come into force on 1 April 2005.

(2) In these Regulations "the Principal Regulations" ("*y Prif Reoliadau*") means the Community Health Councils Regulations 2004(**2**).

Amendment of regulation 1(2) of the Principal Regulations

2.—(1) In regulation 1(2) of the Principal Regulations, the following definition is inserted at the appropriate point in alphabetical order

> ""Board member" ("*aelod o'r Bwrdd*") means a member of the Board of Community Health Councils in Wales established pursuant to regulation 23 of these Regulations".

(2) The following words are omitted from the definition of "member" ("*aelod*"): "or a member of the CHC Board as the case may be".

Revocation and re-enactment with changes of regulation 3 of the Principal Regulations

3. Regulation 3 of the Principal Regulations is revoked and replaced by the following:

(**1**) 1977 c. 49. Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) and by paragraph 37(6) of the Health Act 1999 (c. 8) and by section 1 of the Health (Wales) Act 2003 (c. 4) ("the 2003 Act"). Section 16BB(4) was inserted by section 6 of the National Health Service Reform and Health Care Professions Act 2002 (c. 17). Schedule 7A was inserted by section 1 of the 2003 Act. The functions of the Secretary of State under sections 17 and 126(4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. 1999/672.

(**2**) S.I. 2004/905 (W.89).

"**Term of office of members**

3.—(1) Subject to regulation 8 (eligibility of members for re-appointment), the term of office of any member appointed or re-appointed on or after 1 April 2005 is between one and five years as specified by the appointing body on appointment.

(2) Where a new Council is to be established under section 20A(2)(b) of the Act for the district or part of a district of an existing Council, the Assembly may determine that the office of any member of the existing Council will cease immediately before the establishment of the new Council.

(3) Where a Council is abolished under section 20A(2)(b) of the Act, the Assembly may determine that the office of any member of the abolished Council will cease immediately."

Addition of regulation 3A to the Principal Regulations

4. Following regulation 3 of the Principal Regulations, there is inserted the following new regulation 3A:

"**Term of office of members — transitional arrangements for members already appointed by the appointing body as at 31 March 2005**

3A. The term of office of any member already appointed by the appointing body as at 31 March 2005 will be the remainder of that member's current term of office."

Amendment of regulation 8 of the Principal Regulations.

5.—(1) The words "paragraph (2) and to regulation 9" in regulation 8(1) of the Principal Regulations are removed and the words "paragraphs (2) and (3)" inserted in their place.

(2) Regulation 8(2) of the Principal Regulations is revoked and replaced with the following:

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

(3) Following the new regulation 8(2) there is inserted

"(3) When calculating the ten year period referred to in paragraph (2) above, all periods of service as a member in any Council will be aggregated, including, but not limited to, service in a Council that has had its district altered and in a Council that has been abolished."

Addition of regulation 8A to the Principal Regulations.

6. Following regulation 8 of the Principal Regulations the following is inserted:

"**Eligibility of members for re-appointment — transitional provisions**

8A.—(1) Those members who were appointed prior to 1 April 2005 may, in accordance with regulation 3A, serve out the remainder of their current term of office, notwithstanding that this may result in them serving more than the ten year maximum prescribed in regulation 8 above.

(2) Once those members referred to in paragraph (1) above have served their current term of office they will, for the avoidance of doubt, be subject to the provisions of regulation 8."

Amendment of regulation 12 of the Principal Regulations

7. Following the words "wholly of members" in the second line of regulation 12(3) of the Principal Regulations there are inserted the following words, "and, if required, officers".