WELSH STATUTORY INSTRUMENTS

2004 No. 1742 (W.181)

PUBLIC HEALTH, WALES

The Wales Centre for Health (Constitution, Membership and Procedures) Regulations 2004

Made - - - -	*6 July 2004*
Coming into force - -	*31 July 2004*

The National Assembly for Wales, in exercise of the powers conferred upon it by paragraph 10 of Schedule 2 to and by section 8 of the Health (Wales) Act 2003(**1**) hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Wales Centre for Health (Constitution, Membership and Procedures) Regulations 2004 and come into force on 31 July 2004.

(2) In these Regulations—

"the Act" ("*y Ddeddf*") means the Health (Wales) Act 2003;

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales;

"the Centre" ("*y Ganolfan*") means the Wales Centre for Health or Canolfan Iechyd Cymru(**2**);

"co-opted member" ("*aelod cyfetholedig*") or "co-opted members" ("*aelodau cyfetholedig*") means a person or persons appointed by the Centre in accordance with regulation 2(4);

"chair" ("*cadeirydd*") means the person appointed by the Assembly pursuant to section 2(3) of the Act;

"health service body" ("*corff gwasanaeth iechyd*") means a Health Authority, Special Health Authority, Strategic Health Authority, Local Health Board, National Health Service Trust, or Primary Care Trust; and

"member" ("*aelod*") or "members" ("*aelodau*") means a person or persons appointed by the Assembly pursuant to section 2(2) of the Act and, except where the context requires, includes the chair.

(**1**) 2003 c. 4.

(**2**) The Wales Centre for Health will be established on the coming into force of sections 2 and 3 of and Schedule 2 to the Health (Wales) Act 2003 ("the Act"). Sections 2 and 3 of and paragraph 10 of Schedule 2 to the Act came into force for the purposes of making regulations only on 20 October 2003 in accordance with the Health (Wales) Act 2003 (Commencement No.1) Order 2003 S.I.2003/2660 (W.256) (C.102).

PART 1

Membership

Membership of the Centre

2.—(1) The Centre will consist of no more than 12 members appointed by the Assembly.

(2) In appointing members, the Assembly will have regard to the desirability of appointing persons who have experience in, and have shown capacity in, some matter relevant to the functions of the Centre.

(3) The Assembly will appoint the chair (who will be a member of the Centre) and may, if it thinks fit, appoint one of the other members as deputy chair.

(4) Subject to paragraph (5), the Centre may from time to time appoint such co-opted members as appear to it to be necessary or expedient for the performance by the Centre of its functions.

(5) The number of co-opted members must not exceed the number of members unless the Centre has obtained the written permission of the Assembly to exceed this number.

Tenure of office of chair and other members

3.—(1) The terms of office of the chair, deputy chair and other members of the Centre will be such as the Assembly specifies upon the making of the appointment but normally will not exceed a maximum term of five years.

(2) The term of office for a co-opted member will be such as the Centre specifies upon making the appointment but normally will not exceed a period of two years.

Termination of tenure of office

4.—(1) A member may resign office at any time during the period for which he or she was appointed by giving notice in writing to the Assembly.

(2) A co-opted member may resign office at any time during the period for which he or she was appointed by giving notice in writing to the Centre.

(3) The date on which a resignation by notice pursuant to paragraphs (1) or (2) will take effect will be—

(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 Assembly or the Centre.

(4) In the case of a member who is the chair or deputy chair, the resignation referred to in paragraph (1) must state whether or not it is given in respect of the member's appointment as chair or deputy chair only and the Assembly may permit that person to continue as a member for the unexpired period of the original term of appointment as chair or deputy chair.

(5) If the Assembly is of the opinion that a person whom it has appointed as the chair, deputy chair or other member of the Centre is unfit or otherwise unable to carry out the functions of that office, the Assembly may forthwith terminate that person's tenure of office by giving him or her notice in writing to that effect.

(6) If the Assembly is satisfied that a member has been absent from 3 consecutive meetings of the Centre, the Assembly may forthwith terminate that member's tenure of office unless it is satisfied that—

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

(b) the member will be able to attend meeting of the Centre within such period as the Assembly considers reasonable.

(7) Where a person has been appointed by the Assembly to be a member of the Centre—

(a) if it comes to the notice of the Assembly that the person has become disqualified for appointment under regulation 5, it must forthwith notify that person of such disqualification by giving him or her notice in writing to that effect; or

(b) if it comes to the notice of the Assembly that at the time of appointment a person was so disqualified, it must declare that the person was not duly appointed and notify him or her in writing to that effect,

and upon receipt of any such notification, that person's tenure of office, if any, will be terminated and he or she will cease to be a member.

(8) Paragraphs (5) to (7) apply to co-opted members as if each reference to a member were a reference to a co-opted member and each reference to the Assembly were a reference to the Centre.

Disqualification for appointment

5. Subject to regulation 6, a person will be disqualified for appointment as a member or a co-opted member if that person—

(a) has, within the preceding five years, been convicted in the United Kingdom of an offence or convicted elsewhere of an offence which, if committed in any part of the United Kingdom would constitute a criminal offence in that part, and in either case has been sentenced to a period of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, and which has not been quashed on appeal;

(b) has been adjudged bankrupt or has made a composition or arrangement with creditors;

(c) has been dismissed, (without being reinstated) by reason of misconduct from any paid employment where that dismissal has not been the subject of a finding of unfair or wrongful dismissal by a tribunal or a court;

(d) has had his or her membership as chair, deputy chair, director or member of a health service body terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the organisation, or expiry of the period of office for which that person was appointed;

(e) has been disqualified from being a member of a local authority under sections 17(2)(b) or 18(7) of the Audit Commission Act 1998(**3**) (members of local authorities who are responsible for incurring or authorising unlawful expenditure or whose wilful misconduct has caused a loss or deficiency);

(f) has been removed—

(i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which that person was responsible or to which he or she was privy, or which by his or her conduct that person contributed to or facilitated, or

(ii) under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(**4**) (powers of the Court of Session to deal with management of charities) from being concerned in the management or control of any body.

(**3**) 1998 c. 18.
(**4**) 1990 c. 40.