WELSH STATUTORY INSTRUMENTS

2004 No. 551 (W.55)

HEALTH CARE AND ASSOCIATED PROFESSIONS, WALES

The Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004

Made - - - -	*2nd March 2004*
Coming into force - -	*5th March 2004*

The National Assembly for Wales, in exercise of powers conferred by sections 4(1), (3), (4) and (7), 5 and 8 of the Health (Wales) Act 2003(**1**), makes the following Order: —

Citation, commencement and interpretation

1.—(1) This order may be cited as the Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004 and comes into force on 5th March 2004.

(2) In this Order —

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

"establishment date" ("*dyddiad sefydlu*") means 1st March 2004

"operational date" ("*dyddiad gweithredol*") nmeans 1st April 2004

"HPW" ("*PIC*") means Health Professions Wales or Proffesiynau Iechyd Cymru established by article 2 of this Order.

Establishment of Health Professions Wales

2. There is hereby established, with effect from the establishment date, a body corporate which shall be know as Health Professions Wales or Proffesiynau Iechyd Cymru.

Purpose and functions of HPW

3.—(1) HPW is established for the purpose of undertaking functions in relation to health care professions and health care support workers.

(2) The functions of HPW shall be such as to enable it to—

(a) on behalf of the Assembly—

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

(i) promote and advise on the quality and provision of education, training and practice,

(ii) undertake the functions of a local supervising authority pursuant to article 42(1)(b) and article 43 of the Nursing and Midwifery Order 2001(**2**),

(iii) undertake functions under section 63 (except those relating to the making of subordinate legislation) of the Health Services and Public Health Act 1968(**3**);

(b) enter into arrangements with the Health Professions Council(**4**) for carrying out functions on behalf of that Council in relation to Wales;

(c) enter into arrangements with the Nursing and Midwifery Council(**5**) for carrying out functions on behalf of that Council in relation to Wales;

(d) enter into arrangements with any other body for carrying out functions on behalf of that body in relation to Wales; and

(e) carry out such arrangements.

(3) HPW shall undertake its functions with effect from the operational date

(4) Anything authorised or required to be done by HPW may be done by any member or member of staff of HPW who, or any committee or sub-committee of HPW which, is authorised for the purpose by HPW (whether generally or specially).

(5) HPW may charge such fees as it considers appropriate for any services which it provides in discharging any function.

(6) HPW may do anything which it considers necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(7) The validity of any proceedings of HPW shall not be affected by—

(a) any vacancy in the office of chair or other member,

(b) any defect in a person's appointment as chair or other member, or

(c) the composition for the time being of the membership of HPW.

Limited functions before operational date

4. Between its establishment date and its operational date HPW shall have the functions —

(a) of entering into contracts including contracts of employment; and

(b) of doing such other things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from its operational date.

Accounting date of HPW

5. The accounting date of HPW shall be 31st March.

Members of HPW

6.—(1) HPW shall consist of—

(**2**) S.I.2002/253; relevant amending instruments are S.I. 2002/881 and S.I. 2002/1125. Functions of local supervising authorities were transferred from health Authorities to the National Assembly for Wales by the Health Authorities (Transfer of Functions, Staff, property, Rights and Liabilities and Abolition) (Wales) Order 2003 S.I. 2003/813 (W.98).

(**3**) 1968 c. 46. Functions of the Minister of Health transferred to the Secretary of State for Health by the Secretary of State for Social Services Order 1968, S.I. 1968/1699 and the Transfer of Functions (Health and Social Security) Order 1988, S.I. 1988/1843.
Functions of the Secretary of State for Health, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, art 2, Sch 1.

(**4**) Established by S.I. 2002/254 as amended by S.I. 2003/1571 and S.I. 2003/1572.

(**5**) Established by S.I. 2002/253; relevant amending instruments are S.I. 2002/881 and S.I. 2002/1125.

(a) a chair (who shall be a member of HPW) appointed by the Assembly;

(b) other members appointed by the Assembly and the Assembly may, if it thinks fit, appoint one of the other members as vice-chair.

(2) The maximum number of members of HPW shall be 24.

(3) If no vice-chair has been appointed by the Assembly, then the members may appoint one of their number to be vice-chair for such period, not exceeding the remainder of that member's term as a member of HPW, as the members may specify.

(4) Where —

(a) a member is appointed either by the Assembly under article 6(1)(b) or the members under article 6(3) to be vice-chair, and

(b) the chair has died or has ceased to hold office, or is unable to perform the duties of the chair owing to illness, absence from United Kingdom or any other cause,

the vice-chair shall act as chair until a new chair is appointed or the existing chair resumes the duties of chair as the case may be, and references to the chair shall, so long as there is no chair able to perform the duties of chair, be taken to include references to the vice-chair.

(5) The members of HPW shall be—

(a) (i) persons from professions represented by the Welsh Therapies Advisory Committee, the Welsh Scientific Advisory Committee and the Welsh Nursing and Midwifery Committee(**6**);

(ii) professionals having such qualifications, interests or experience as would be valuable in the exercise of its functions; and

(iii) from persons representing health care support workers; and

(b) persons having such qualifications, interests or experience as will be valuable to HPW in the exercise of its functions but who are not members of, or are not on the registers of, the Nursing and Midwifery Council, the Health Professions Council, or other regulatory body relating to health care professions and health care support workers.

(6) The Assembly shall exercise its powers to appoint members of HPW to secure that at all times not less than 45% of the members are persons appointed in accordance with paragraph (5)(b) above.

(7) The chair and other members of HPW shall hold office and vacate office in accordance with the terms of their respective appointments.

(8) The terms of appointment of the chair, vice-chair and other members of HPW shall be such as the Assembly may determine but shall not exceed—

(i) in the case of the chair, a maximum term of five years,

(ii) in the case of the vice-chair, a maximum term of five years, and

(iii) in the case of other members, a maximum term of five years;

(i) Subject to paragraph (ii) below, previous service as chair or other member of HPW does not affect a person's eligibilty for appointment to as chair, vice-chair or other member.

(ii) A person who has been a member for ten consecutive years shall not be eligible for reappointment.

(10) A person holding office as chair, vice-chair or other member of HPW may resign that office by giving notice in writing to the person responsible for making the appointment.

(**6**) The Welsh Therapies Advisory Committee, the Welsh Scientific Advisory Committee and the Welsh Nursing and Midwifery Committee are recognised by the Assembly under paragraph 1(1) of Schedule 6 of the 1977 Act as being representative of a category or categories persons providing services forming part of the health service.