



Community Health Councils (Access to Information) Act 1988

1988 CHAPTER 24

An Act to provide for access by the public to meetings of, and to certain documents and information relating to, Community Health Councils and committees of those Councils and for related purposes. [29th July 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Access to meetings and documents of Community Health Councils.

^{F1}(1) Section 100A to 100D of the ^{M1}Local Government Act 1972 (access to meetings and documents of certain authorities) shall apply to a Community Health Council [^{F1}continued in existence by or established under section 20A] of the ^{M2}National Health Service Act 1977 as they apply to a principal council within the meaning of Part VA of the said Act of 1972, but subject to the following modifications, namely—

- (a) the reference in section 100A(6)(c) to premises not belonging to a principal council shall be construed as a reference to premises not under the control of the Community Health Council;
- (b) the proper officer for the purposes of sections 100B, 100C and 100D shall be a person appointed for the purpose by the Community Health Council; and
- (c) the references in sections 100C(1) and 100D(2) to the periods of six and four years shall be construed as references to the periods of three years and two years respectively.

(2) Those sections of the said Act of 1972 shall apply also in relation to a community health committee as they apply to a principal council within the meaning of part VA of that Act but subject to subsection (1)(c) above and to the following further modifications, namely—

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- (a) section 100A(6)(a) shall be taken to have been complied with if the notice is given by posting it at the time there mentioned at the offices of every constituent Council and, if the meeting of the committee is to be held at premises other than the offices of such a Council, at those premises;
 - (b) for the purposes of section 100A(6)(c), premises under the control of a constituent Council shall be treated as belonging to the committee;
 - (c) for the purposes of sections 100B(1), 100C(1) and 100D(1), offices of any constituent Council shall be treated as offices of the committee; and
 - (d) the proper officer, for the purposes of sections 100B, 100C and 100D, shall be a person appointed for the purpose by the constituent Council.
- (3) In this section “community health committee” means a committee appointed by a Community Health Council or a joint committee appointed by two or more such Councils and “constituent Council”, in relation to such a committee, means the Council or Councils by whom the committee was appointed.
- (4) In section 100H of the said Act of 1972 (supplemental provisions and offences)—
- (a) any reference to any provision of Part VA of that Act or to any right conferred by that Part includes a reference to any such provision as it applies by virtue of this section or, as the case may be, to any right conferred by that Part as it so applies;
 - (b) in subsection (2)(b) as it so applies the reference to supplying a copy shall be construed as supplying a copy before the end of the period of three days beginning with the day on which the copy is requested;
 - (c) in subsection (3) as it so applies the reference to a principal council shall be construed as a reference to a Community Health Council; and
 - (d) subsection (5) shall apply to any meeting of a Community Health Council or a community health committee.
- (5) The power conferred on the Secretary of State by section 100I(2) of that Act to vary Schedule 12A to that Act (exempt information) shall include power to vary that Schedule as it applies by virtue of this section.
- (6) In that Schedule, as it so applies—
- (a) Part I shall have effect with the insertion at the end of paragraph 1 (information concerning employees of the authority) of the words “or any [^{F2}Health Authority [^{F3}or Primary Care Trust] within whose area] the authority exercises functions [^{F4}or any National Health Service trust which is established under Part I of the National Health Service and Community Care Act 1990 and carries on any of its activities from premises in the area of the authority]” and with the insertion after paragraph 6 of the following paragraphs—

“6A. Information relating to the physical or mental health of any particular person.

6B. Information relating to—

- (a) any particular person who is or was formerly included in a list of persons undertaking to provide services under Part II of the National Health Service Act 1977 or is an applicant for inclusion in such a list; or

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- [^{F5}(aa) any particular person who is or was formerly included in, or is an applicant for inclusion in, a list under section 28X of that Act; or]
- [^{F5}(ab) any particular person who is or was formerly providing services under a contract under section 28K or section 28Q of that Act; or]
 - (b) any particular employee of [^{F6}a person mentioned in paragraphs (a) to (ab) above].”;
- (b) paragraph 1 of Part II shall have effect with the insertion after the words “paragraphs 1 to 5” of the words “or 6B”; and
- (c) any reference to “the authority” shall be construed as a reference to the Community Health Council, and to a community health committee (and accordingly paragraph 1(2) of Part III shall not apply).

^{F7}(7)

Textual Amendments

- F1** Words in s. 1(1) substituted (20.10.2003 for W., 1.12.2003 for E.) by [Health \(Wales\) Act 2003 \(c. 4\), s. 10\(2\), Sch. 3 para. 5](#); [S.I. 2003/2660, art. 2\(1\)\(ii\)\(2\)](#); [S.I. 2003/3064, art. 2\(1\)\(i\)\(2\)](#)
- F2** Words in s. 1(6)(a) substituted (1.4.1996) by [1995 c. 17, ss. 2\(1\)\(3\), 8\(1\), Sch. 1 Pt. III para. 116](#) (with [Sch. 2 paras. 6, 16](#))
- F3** Words in s. 1(6)(a) inserted (8.2.2000) by [S.I. 2000/90, art. 3\(1\), Sch. 1 para. 21](#) (with [art. 2\(5\)](#))
- F4** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 66\(1\), Sch. 9 para. 33](#)
- F5** Words in s. 1(6) inserted (1.4.2004 for E. and W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), s. 199\(1\)\(4\), Sch. 11 para. 51\(a\)](#); [S.I. 2004/288, art. 5\(2\)\(t\)](#) (with [art. 7\(1\)](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480, art. 4\(2\)\(x\)](#) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); [S.I. 2004/288, art. 5\(2\)\(t\)](#) (with [art. 7\(1\)](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480, art. 4\(2\)\(x\)](#) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- F6** Words in s. 1(6) substituted (1.4.2004 for E. and W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), s. 199\(1\)\(4\), Sch. 11 para. 51\(b\)](#); [S.I. 2004/288, art. 5\(2\)\(t\)](#) (with [art. 7\(1\)](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480, art. 4\(2\)\(x\)](#) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#)); [S.I. 2004/288, art. 5\(2\)\(t\)](#) (with [art. 7\(1\)](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480, art. 4\(2\)\(x\)](#) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- F7** S. 1(7) repealed (1.4.1996) by [1995 c. 17, ss. 2\(3\), 5\(1\), Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

Modifications etc. (not altering text)

- C1** S. 1(6) modified (E.) (1.4.2004) by [The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 \(S.I. 2004/865\)](#), [arts. 1\(1\), 109\(2\)\(b\)](#)
- C2** S. 1(6)(a) extended (*temp.* from 1.10.2002) by [S.I. 2002/2469, reg. 17](#)

Marginal Citations

- M1** [1972 c. 70](#).
- M2** [1977 c. 49](#).

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2 Access to information relating to members of Community Health Councils etc.

- (1) A Community Health Council shall maintain a register containing the name and address of every member of the Council and of every committee appointed by the Council whether alone or jointly with another Council and stating in the case of each member of the Council—
- (a) the name and address of the body which appointed him;
 - (b) whether or not he is a member of that body; and
 - (c) in the case of a member appointed by a voluntary organisation (within the meaning of the ^{M3}National Health Service Act 1977), that he has been so appointed.
- (2) A written summary of the rights—
- (a) to attend meetings of a Community Health Council and community health committee, and
 - (b) to inspect and copy, and be furnished with, documents relating to such a Council or committee,
- which are for the time being conferred by virtue of section 1 above shall be kept at the offices of each such Council.
- (3) The register maintained by a Council under subsection (1) above and the summary kept by it under subsection (2) above shall be open to inspection by the public at all reasonable hours and without payment at the offices of the Council; and any person may, on payment of such reasonable fee as the Council may determine—
- (a) make copies of or extracts from any such register or summary kept by it; and
 - (b) require the Council to supply him before the end of the period of three days beginning with the day on which the request is made with a photographic copy of or of extracts from any such register or summary.

Marginal Citations

M3 1977 c. 49.

3 Short title, commencement and extent.

- (1) This Act may be cited as the Community Health Councils (Access to Information) Act 1988.
- (2) This Act shall come into force on 1st April 1989.
- (3) Nothing in this Act applies in relation to any meeting held before that date.
- (4) This Act extends to England and Wales only.

Status:

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