

SCHEDULES

SCHEDULE 6

Section 41(2)

CHAI: SUPPLEMENTARY

Status

- 1 (1) The CHAI is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The CHAI's property is not to be regarded as property of, or property held on behalf of, the Crown.

General powers and duties

- 2 (1) The CHAI may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
 - (a) co-operating with other public authorities in the United Kingdom,
 - (b) acquiring and disposing of land and other property,
 - (c) entering into contracts, and
 - (d) providing training.
- (3) It is the duty of the CHAI to carry out its functions effectively, efficiently and economically.

Chairman and other members

- 3 (1) The CHAI is to consist of—
 - (a) a person appointed as chairman by the relevant Special Health Authority,
 - (b) a member appointed by the relevant Special Health Authority who appears to that Authority to be suited to make the interests of Wales his special care, and
 - (c) other members appointed by the relevant Special Health Authority.
- (2) In paragraphs (a) and (c) of sub-paragraph (1), “relevant Special Health Authority” means the Special Health Authority which is directed by the Secretary of State to exercise the function of appointment under that paragraph.
- (3) In paragraph (b) of sub-paragraph (1), “relevant Special Health Authority” means the Special Health Authority which is directed by the Assembly to exercise the function of appointment under that paragraph.
- (4) The Secretary of State may in the prescribed manner remove from office any person appointed under sub-paragraph (1)(a) or (c) if (and only if) he is satisfied that one of the conditions specified in sub-paragraph (6) is satisfied in relation to that person.

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- (5) The Assembly may in the prescribed manner remove from office the person appointed under sub-paragraph (1)(b) if (and only if) the Assembly is satisfied that one of the conditions specified in sub-paragraph (6) is satisfied in relation to that person.
- (6) The conditions referred to in sub-paragraphs (4) and (5) in relation to a person are that—
 - (a) he is unable or unfit to carry out the duties of his office;
 - (b) he is failing to carry out the duties of his office;
 - (c) he is disqualified from holding office (or was disqualified at the time of his appointment).
- (7) The Secretary of State may by regulations make provision as to—
 - (a) the appointment of the chairman and other members (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment), and
 - (b) subject to this paragraph, the tenure of office of the chairman and other members (including the circumstances in which they cease to hold office, are disqualified from holding office or may be suspended from office).
- (8) Regulations under sub-paragraph (7)(b) relating to the suspension of a person from office may only provide for suspension where it appears to the Secretary of State (or, in the case of a person appointed under sub-paragraph (1)(b), the Assembly) that one of the conditions referred to in sub-paragraph (6) is or may be satisfied in relation to that person.
- (9) The Secretary of State may direct the Special Health Authority referred to in sub-paragraph (2) to exercise so much of any function of his under sub-paragraph (4) or under regulations under sub-paragraph (7) as may be specified in the direction.
- (10) The Assembly may direct the Special Health Authority referred to in sub-paragraph (3) to exercise so much of any function of the Assembly under sub-paragraph (5) or under regulations under sub-paragraph (7) as may be specified in the direction.
- (11) The Special Health Authority referred to in sub-paragraph (2) must consult the Assembly before exercising the function of appointment under sub-paragraph (1) (a) or (c); and the Special Health Authority referred to in sub-paragraph (3) must consult the Secretary of State before exercising the function of appointment under sub-paragraph (1)(b).
- (12) The Secretary of State must consult the Assembly before exercising any of his functions under sub-paragraph (4) or (7).
- (13) The Assembly must consult the Secretary of State before exercising any of its functions under sub-paragraph (5) or (7).
- (14) Where directions are given under this paragraph to a Special Health Authority, the 1977 Act has effect as if—
 - (a) the directions were directions under section 16D of that Act for the exercise of functions relating to the health service and, accordingly,
 - (b) the functions were exercisable by the Special Health Authority under that section.

- (15) Subsections (4) and (5) of section 187 apply in relation to directions under this paragraph as they apply in relation to directions under subsection (2) of that section.

Remuneration of chairman and other members

- 4 (1) The CHAI may pay to its chairman, or to any other member, such remuneration and allowances as the Secretary of State may determine.
- (2) If the Secretary of State so determines, the CHAI must pay or make provision for the payment of such pension, allowance or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the chairman or other member of the CHAI.
- (3) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of the CHAI to receive compensation, the CHAI must pay to him, or make provision for the payment to him of, such compensation as the Secretary of State may determine.
- (4) The Secretary of State must consult the Assembly before exercising any of his functions under this paragraph.

Employees

- 5 (1) The CHAI must appoint a chief executive (to be known as the “Chief Inspector of Healthcare”), who is to be an employee of the CHAI.
- (2) The CHAI may appoint such other employees as it considers appropriate.
- (3) Employees of the CHAI are to be appointed on such terms and conditions as it may determine.
- (4) Without prejudice to its other powers, the CHAI may pay, or make provision for the payment of—
- (a) pensions, allowances or gratuities, or
 - (b) compensation for loss of employment or reduction of remuneration,
- to or in respect of its employees.

Procedure

- 6 (1) The CHAI may—
- (a) appoint such committees and sub-committees (which may consist of or include persons who are not members of the CHAI) as it thinks fit;
 - (b) pay such remuneration and allowances to members of its committees and sub-committee as it thinks fit.
- (2) The CHAI may in all other respects regulate its own procedure.
- (3) The validity of the proceedings of the CHAI is not affected by any defect in the appointment of a member or any vacancy in membership.

Discharge of functions

- 7 (1) The CHAI may arrange for—
- (a) any of its committees, sub-committees, members or employees, or

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(b) any other person,
to exercise any of its functions on its behalf.

- (2) If the CHAI arranges for the discharge of any function as mentioned in subparagraph (1)(b), the arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Assistance

- 8 (1) The CHAI may arrange for such persons as it thinks fit to assist it in the discharge of any of its functions in relation to a particular case or class of case.
- (2) Such arrangements may include provision with respect to the payment of remuneration and allowances to, or amounts in respect of, such persons.

Payments and loans

- 9 (1) The Secretary of State may make payments out of money provided by Parliament to the CHAI of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) The Assembly may make payments to the CHAI of such amounts, at such times and on such conditions (if any) as it considers appropriate.
- (3) The Secretary of State may, with the approval of the Treasury, make loans out of money provided by Parliament to the CHAI on such terms (including terms as to repayment and interest) as he may determine.
- (4) The Assembly may make loans to the CHAI on such terms (including terms as to repayment and interest) as it may determine.
- (5) Except as provided by this paragraph, the CHAI has no power to borrow money.

Accounts

- 10 (1) The CHAI must keep its accounts in such form as the Secretary of State may determine.
- (2) The CHAI must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) The CHAI must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts and of his report before Parliament.

Seal and evidence

- 11 The application of the seal of the CHAI must be authenticated by the signature—
- (a) of any member of the CHAI, or
- (b) of any other person who has been authorised by the CHAI (whether generally or specifically) for that purpose.

- 12 A document purporting to be duly executed under the seal of the CHAI or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so signed or executed.