



# National Health Service (Wales) Act 2006

## 2006 CHAPTER 42

### PART 12

#### PUBLIC INVOLVEMENT AND SCRUTINY

### CHAPTER 3

#### OVERVIEW AND SCRUTINY COMMITTEES

#### **184 Functions of overview and scrutiny committees**

- (1) This section applies to any local authority, except that it applies to the council of a district only where the district is comprised in an area for which there is no county council.
- (2) Regulations may, in relation to an overview and scrutiny committee of an authority to which this section applies, make provision—
  - (a) as to matters relating to the health service in the authority's area which the committee may review and scrutinise,
  - (b) as to matters relating to the health service in the authority's area on which the committee may make reports and recommendations to local NHS bodies, the Welsh Ministers or the Independent Regulator of NHS Foundation Trusts,
  - (c) as to matters on which local NHS bodies must consult the committee in accordance with the regulations (including provision as to circumstances in which the Welsh Ministers or the Independent Regulator of NHS Foundation Trusts may require consultation on those matters in accordance with the regulations),
  - (d) as to information which local NHS bodies must provide to the committee,
  - (e) as to information which may not be disclosed by a local NHS body to the committee,
  - (f) requiring any officer of a local NHS body to attend before the committee to answer questions.

*Status: Point in time view as at 01/04/2009.*

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- (3) For the purposes of subsection (2), “local NHS body”, in relation to an overview and scrutiny committee, means an NHS body other than a Special Health Authority which is prescribed for those purposes in relation to the committee.
- (4) “The health service” includes services provided in pursuance of arrangements under regulations under section 33 in relation to the exercise of health-related functions of a local authority.

## 185 Joint overview and scrutiny committees etc

- (1) In this section, “relevant functions”—
- (a) in relation to a local authority operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22) (“the 2000 Act”), are functions which are, or, but for regulations under this section, would be, exercisable under section 21(2)(f) of that Act by an overview and scrutiny committee of that authority, and
  - (b) in relation to a local authority operating alternative arrangements under that Part, are any corresponding functions which are, or, but for regulations under this section, would be, exercisable by a committee of the authority falling within paragraph (b) of section 32(1) of that Act,
- and references to an overview and scrutiny committee include references to a committee falling within that paragraph.
- (2) Regulations may make provision under which—
- (a) two or more local authorities may appoint a joint committee of those authorities (a “joint overview and scrutiny committee”) and arrange for relevant functions in relation to any (or all) of those authorities to be exercisable by the committee,
  - (b) a local authority may arrange for relevant functions in relation to that authority to be exercisable by an overview and scrutiny committee of another local authority,
  - (c) a county council for any area may arrange for one or more of the members of an overview and scrutiny committee of the council for a district comprised in that area to be appointed as—
    - (i) a member of an overview and scrutiny committee of the county council or another local authority, for the purposes of relevant functions of the committee in relation to the county council, or
    - (ii) a member of an overview and scrutiny committee of the county council, for the purposes of relevant functions of the committee in relation to another local authority.
- (3) The regulations may in particular—
- (a) provide for arrangements to be made only in specified circumstances, or subject to specified conditions or limitations,
  - (b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—
    - (i) section 21(4) and (6) to [F1(17)] of the 2000 Act, or
    - [F2(ia) section 21A(1)(a) or (b) or (2) of that Act,]
    - (ii) section 186 of, and Schedule 11 to, this Act, and Schedule 17 to the National Health Service Act 2006 (c. 41),

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with or without modifications.

- (4) The regulations may require, or enable the Welsh Ministers to direct, a local authority—
  - (a) to make arrangements of any description within subsection (2), and
  - (b) to comply with such requirements in connection with the arrangements as may be specified in the regulations or as the Welsh Ministers may direct.
- (5) In section 184(2) and (3), references to an overview and scrutiny committee include references to a joint overview and scrutiny committee.
- (6) In subsection (2)(c), references to an overview and scrutiny committee of a county council include references to a joint overview and scrutiny committee of the council and another local authority.
- (7) Section 21(4) of the 2000 Act does not apply to the discharge of functions by virtue of arrangements under regulations under subsection (2).
- (8) Section 21(10) of the 2000 Act does not apply to persons who are members of an overview and scrutiny committee by virtue of arrangements under regulations under subsection (2)(c).
- (9) “Local authority” does not include the Common Council of the City of London.

#### Textual Amendments

- F1** Word in s. 185(3)(b)(i) substituted (1.4.2009) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), **ss. 127(4)(a), 245(5)**; S.I. 2008/3110, **art. 4(g)**
- F2** S. 185(3)(b)(ia) inserted (1.4.2009) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), **ss. 127(4)(b), 245(5)**; S.I. 2008/3110, **art. 4(g)**

## 186 Overview and scrutiny committees: exempt information

- (1) This section applies in relation to any item of business at a meeting of an overview and scrutiny committee which is an item relating to functions of the committee under section 21(2)(f) of the Local Government Act 2000 (c. 22).
- (2) In relation to any such item, information is exempt information for the purposes of section 100A(4) of the Local Government Act 1972 (c. 70) (exclusion of public from meetings to prevent disclosure of exempt information) if it falls within any of the descriptions of information specified in Schedule 11, or in Schedule 17 to the National Health Service Act 2006.
- (3) The Welsh Ministers may by order vary Schedule 11—
  - (a) by adding any description or other provision in connection with a relevant body or services provided by, or under arrangements made by, a relevant body, or
  - (b) by deleting or varying any description or other provision specified or contained in that Schedule.
- (4) The Welsh Ministers may exercise the power conferred by subsection (3) by amending any Part of Schedule 11, with or without amendment of any other Part.

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- (5) In this section and Schedule 11 “relevant body” means a body in respect of which overview and scrutiny committees exercise functions under regulations under section 184.

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