

SCHEDULES

SCHEDULE 2

LOCAL HEALTH BOARDS

PART 1

CONSTITUTION AND MEMBERSHIP

Status

- 1 Each Local Health Board is a body corporate.
- 2 (1) A Local Health Board must not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
(2) A Local Health Board's property must not be regarded as property of, or property held on behalf of, the Crown.

Membership

- 3 The members of a Local Health Board are—
 - (a) a chairman appointed by the Welsh Ministers,
 - (b) if the Welsh Ministers consider it appropriate, a vice-chairman appointed by them,
 - (c) officers of the Local Health Board, and
 - (d) a number of persons who are not officers of the Local Health Board.
- 4 (1) Regulations may make provision about—
 - (a) the appointment of the chairman, vice-chairman and other members of a Local Health Board (including any conditions to be fulfilled for appointment),
 - (b) the tenure of office of the chairman, vice-chairman and other members of a Local Health Board (including the circumstances in which they cease to hold office or may be removed or suspended from office),
 - (c) how many persons may be appointed as members of a Local Health Board and how many of those members may be officers (a minimum and maximum number may be specified for both purposes),
 - (d) the appointment and constitution of any committees of a Local Health Board (which may include or consist of persons who are not members of the Local Health Board),
 - (e) the appointment and tenure of office of the members of any committees of a Local Health Board,
 - (f) the procedure to be followed by a Local Health Board, and by any committee of the Board, in the exercise of its functions,

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- (g) the circumstances in which a person who is not an officer of the Local Health Board must be treated as if he were such an officer.
- (2) The power to make provision under paragraphs (c) and (f) of sub-paragraph (1) includes power to make regulations about the number of persons who may be appointed and the procedure to be followed during the preparatory period.
- (3) Any regulations under this paragraph may, in particular, make provision to deal with cases where the post of any officer of a Local Health Board is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.
- 5 Any reference in this Schedule to a committee of a Local Health Board includes a reference to sub-committees of, and joint committees and joint sub-committees including, the Local Health Board.
- 6 The validity of any proceedings of a Local Health Board, or of any of its committees, is not affected by any vacancy among the members or by any defect in the appointment of any member.

Staff

- 7 (1) A Local Health Board may employ such officers as it considers appropriate.
- (2) A Local Health Board may—
 - (a) pay its officers such remuneration and allowances, and
 - (b) employ them on such other terms and conditions,
 as it considers appropriate.
- (3) A Local Health Board must—
 - (a) in exercising its powers under sub-paragraph (2), and
 - (b) otherwise in connection with the employment of its officers,
 act in accordance with regulations, and any directions given by the Welsh Ministers.
- (4) Before making any regulations under sub-paragraph (3), the Welsh Ministers must consult such bodies as they may recognise as representing persons who, in their opinion, are likely to be affected by the regulations.
- 8 (1) The Welsh Ministers may direct a Local Health Board—
 - (a) to make the services of any of its officers available to another Local Health Board, or
 - (b) to employ any person who is or was employed by another Local Health Board and is specified in the direction.
- (2) Sub-paragraph (1) does not affect the generality of section 12.
- (3) Before they give a direction under sub-paragraph (1) the Welsh Ministers must—
 - (a) consult the person whose services will be made available or who will be employed,
 - (b) satisfy themselves that the Local Health Board has consulted that person, or
 - (c) consult any such body as the Welsh Ministers may recognise as representing that person.
- (4) Sub-paragraph (2) does not apply in relation to a direction under sub-paragraph (1)
 - (a) if the Welsh Ministers—

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- (a) consider it necessary to give the direction for the purpose of dealing temporarily with an emergency, and
 - (b) have previously consulted bodies recognised by the Welsh Ministers as representing the person whose services are to be made available about the giving of directions for that purpose.
- 9 In addition to making provision in relation to Strategic Health Authorities and Special Health Authorities, regulations under paragraph 7(8) of Schedule 2 to the National Health Service Act 2006 (c. 41) and under paragraph 3(8) of Schedule 6 to that Act may also provide—
 - (a) for the transfer of officers of one Local Health Board to another, and
 - (b) for arrangements under which the officers of a Local Health Board are placed at the disposal of another Local Health Board or a local authority.

Remuneration, pensions etc of members

- 10 (1) A Local Health Board may pay the chairman, the vice-chairman (if any) and any other members of the Board such remuneration and such travelling and other allowances as may be determined by the Welsh Ministers.
- (2) A Local Health Board may pay the chairman or any person who has been chairman of the Board such pension, allowance or gratuity as may be determined by the Welsh Ministers.
- (3) A Local Health Board may pay the members of any committee of a Board such travelling and other allowances as may be determined by the Welsh Ministers.
- (4) If, when a person ceases to be chairman of a Local Health Board, the Welsh Ministers determine that there are special circumstances which make it right that that person should receive compensation, the Board must pay to him a sum by way of compensation of such amount as the Welsh Ministers may determine.