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WELSH STATUTORY INSTRUMENTS

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**2003 No. 149**

**The Local Health Boards (Constitution, Membership  
and Procedures) (Wales) Regulations 2003**

**PART II**

**Proceedings and administrative arrangements of Boards**

**Appointment of vice-chair**

**10.**—(1) If no vice-chair has been appointed by the Assembly, then subject to paragraph (2), the chair and non-officer members of a Board may appoint one of their number, who is not an officer member of the Board, to be vice-chair for such period, not exceeding the remainder of his term as a member of the Board, as they may specify.

(2) Any member so appointed may at any time resign from the office of vice-chair by giving notice in writing to the chair.

(3) The date on which a resignation by notice given pursuant to paragraph (2) shall take effect shall be —

- (a) where a date is specified in the notice as being that on which the resignation is to take effect, that date; and
- (b) In any other case, the date on which the notice is received by the chair.

**Powers of vice-chair**

**11.** Where —

- (a) a member of a Board is appointed to be vice-chair either by the Assembly or under regulation 10, and
- (b) the chair of the Board has died or has ceased to hold office, or is unable to perform the duties of chair owing to illness, absence from England and Wales 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 in Schedule 3 shall, so long as there is no chair able to perform the duties of chair, be taken to include references to the vice-chair.

**Appointment of committees and sub-committees**

**12.** Subject to such directions as may be given by the Assembly, a Board may and, if directed by the Assembly, shall —

- (a) appoint committees of the Board, or
- (b) together with one or more Boards or NHS Trusts or the local authority for the Board's area, appoint joint committees or sub-committees,

consisting wholly or partly of the members of the Board or other health service bodies or of persons who are not members of the Board or other health service bodies.

### **Meetings and proceedings**

13.—(1) The meetings and proceedings of a Board shall be conducted in accordance with the rules set out in Schedule 3 and with Standing Orders made under paragraph (2).

(2) Subject to those rules, to regulation 16 and to such directions as may be given by the Assembly a Board shall make, and may vary or revoke, Standing Orders for the regulation of its proceedings and business; and such Standing Orders may contain provision for their own suspension.

(3) Subject to such directions as may be given by the Assembly, a Board may —

- (a) on its own, or
- (b) in the case of a committee or sub-committee of the Board, by such committee or sub-committee, or
- (c) in the case of a committee or sub-committee established jointly with other Boards, NHS Trusts or the local authority for the Board's area, jointly with such other Boards, NHS Trusts or local authority,

make, vary and revoke Standing Orders relating to the quorum, proceedings and place of meeting of a committee or sub-committee but, subject to any such Standing Orders, the quorum, proceedings and place of meeting shall be such as the committee or sub-committee may determine.

### **Associate and co-opted members**

14. Associate members and co-opted members may not vote in any meetings or proceedings of a Board.

### **Disability of members on account of pecuniary interest**

15.—(1) Subject to the following provisions of this regulation, if a member of a Board has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it.

(2) The Assembly may, subject to such conditions as it may consider fit to impose, remove any disability imposed by this regulation in any case in which it appears to the Assembly to be in the interests of the health service to do so.

(3) A Board may, by Standing Orders made under regulation 13(2), provide for the exclusion of any member from a meeting of the Board while any contract, proposed contract or other matter in which that member has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to a member by virtue of paragraph 12 of Schedule 4 to the 1977 Act shall not be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), a member shall be treated for the purposes of this regulation as having an indirect pecuniary interest in a contract, proposed contract or other matter if such member, or any nominee of such member —

- (a) is a director or other officer of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration; or
- (b) is a person with whom the contract was made or is proposed to be made, or who has a direct pecuniary interest in the matter under consideration, or is a partner of, or is in the employment of, such a person;

and in the case of persons who are married to each other or who are living together as spouses (whether of different sexes or not), the interest of one such person shall, if known to the other, be deemed for the purpose of this regulation to be also an interest of the other.

(6) A member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only —

- (a) of such member's membership of a company or other body if such member has no beneficial interest in any securities of that company or body; or
- (b) of an interest in any company, body or person with which such member is connected as mentioned in paragraph (5) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of or in voting on, any question with respect to that contract, proposed contract or matter.

(7) Where a member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and —

- (a) the total nominal value of those securities does not exceed £5,000 or one hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and
- (b) if the share capital is of more than one class, the total nominal value of shares of any one class in which that member has a beneficial interest does not exceed one hundredth of the total issued share capital of that class,

this regulation shall not prohibit that member from taking part in the consideration or discussion of the contract, proposed contract or other matter or from voting on any question with respect to it.

(8) Paragraph (7) does not affect a member's duty to disclose an interest under paragraph (1).

(9) This regulation applies in relation to a committee or sub-committee and to a joint committee or sub-committee as it applies in relation to a Board, and applies to a member of any such committee, sub-committee or joint committee or sub-committee (whether or not such person is also a member of a Board) as it applies to a member of a Board.

(10) In this regulation —

“public body” (“*corff cyhoeddus*”) includes any body established for the purpose of carrying on, under national ownership, any industry or part of any industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907(1);

“securities” (“*gwarannau*”) means —

- (a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in any share or debentures; or
- (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any industrial or provident society or building society;

“shares” (“*cyfranddaliadau*”) means shares in the share capital of a company or other body or the stock of a company or other body.

### **Arrangements by Boards for the exercise of their functions**

**16.**—(1) Subject to any directions given by the Assembly, any function exercisable by a Board may by arrangement with that Board, and subject to such restrictions and conditions as the Board may think fit, be exercised —

- (a) by another Board;

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(1) 1907 c. 136.

- (b) by a Special Health Authority;
  - (c) jointly with any one or more of the following —
    - (i) local authorities;
    - (ii) NHS trusts;
    - (iii) Strategic Health Authorities in England;
    - (iv) Primary Care Trusts in England; or
  - (d) on behalf of the Board by a committee, sub-committee or officer of the Board.
- (2) Subject to any directions given by the Assembly, any function which is exercisable by a Board jointly with one or more of the bodies listed in paragraph (1)(c) may by arrangement with such body or bodies be exercised on their joint behalf by a joint committee or sub-committee.