
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 20 of the National Health Service Act 1977 imposed a duty on the Secretary of State, now exercisable by the National Assembly for Wales in respect of Wales, to establish Community Health Councils. Section 1 of the Health (Wales) Act 2003 provides for the repeal of section 20 of, and Schedule 7 to, the 1977 Act and also inserts a new section 20A and Schedule 7A into the 1977 Act. Section 20A provides for the retention of Community Health Councils in Wales; Schedule 7A enables the National Assembly for Wales to make regulations in connection with Community Health Councils.

These Regulations supersede the Community Health Councils Regulations 1996. They make provision in respect of:—

the composition and membership of Councils (including provision for the appointment of members to existing Councils and Councils established or reconfigured under section 20A of the 2003) (regulations 2 to 10). The 1996 Regulations currently provide for one half of the membership of Community Health Councils to be drawn from local authorities, one third from voluntary organisations and the remainder appointed by the National Assembly for Wales. These Regulations provide that, by April 2006, the membership of Community Health Councils will be one quarter appointed by local authorities, one quarter appointed by voluntary organisations and the remainder by the National Assembly for Wales. Regulation 7 provides for procedures for appointments;

proceedings (regulations 11 to 16);

staff and premises (regulations 14 and 15);

finance (regulations 29 and 30; and

functions (regulations 17 to 22) which include a requirement for health service bodies (i.e. Local Health Boards, NHS Trusts, Primary Care Trusts and Strategic Health Authorities), local authorities and providers of family health services (e.g. G.P.s., pharmacists, dentists and opticians) as well as others who own or control premises where such services are provided to allow authorised members of Community Health Councils to inspect premises owned or controlled by them. Whilst reasonable notice of inspection will generally be required, where a Council is of the view that it is in the interest of the health service or the welfare or safety of patients, notice need not be given (regulation 20). Regulation 22 requires Councils to undertake, on behalf of the National Assembly for Wales, independent advocacy services as required under section 19A of the 1977 Act.

Regulation 23 provides for the establishment of a new statutory body to be known as the Board of Community Health Councils in Wales to advise and assist Community Health Councils in the performance of their functions. The Board will also represent the collective views of Community Health Councils to the National Assembly for Wales and monitor the performance of Community Health Councils with a view to developing and ensuring consistency of standards by all Councils. These Regulations make provision for the composition (regulation 24), staff and premises (regulations 25 and 26), proceedings of the Board (regulation 27) and finance (regulations 29 and 30).

These Regulations revoke, in their application to Wales, the Community Health Councils Regulations 1996, the Community Health Councils Amendment (Wales) Regulations 2000 and the National Health Service (Association of Community Health Councils) Regulations 1977.