
WELSH STATUTORY INSTRUMENTS

2006 No. 942 (W.91)

NATIONAL HEALTH SERVICE, WALES

**The Community Health Council (Establishment of
Carmarthenshire Community Health Council, Transfer
of Functions and Abolition of Llanelli/Dinefwr and
Carmarthen/Dinefwr Community Health Councils) Order 2006**

Made - - - - 28 March 2006

Coming into force - - 1 April 2006

The National Assembly for Wales in exercise of powers conferred by sections 16BB(4), 20A(2) and 126(4) and paragraph 2 of Schedule 7A to the National Health Service Act 1977(1) hereby makes the following Order.

Citation, commencement and interpretation

1.—(1) The title of this Order is the Community Health Council (Establishment of Carmarthenshire Community Health Council, Transfer of Functions and Abolition of Llanelli/Dinefwr and Carmarthen/Dinefwr Community Health Councils) Order 2006 and will come into force on 1 April 2006.

(2) In this Order:

“the Act” (“*y Ddeddf*”) means the National Health Service Act 1977;

“Chief Officer” (“*Prif Swyddog*”) has the meaning accorded in the Regulations;

“the Councils” (“*y Cynghorau*”) means Llanelli/Dinefwr Community Health Council and Carmarthen/Dinefwr Community Health Council;

“County or County Borough” (“*Sir neu Fwrdeistref Sirof*”) means a County or County Borough in Wales as set out in Parts I and II of Schedule 4 to the Local Government Act 1972(2);

(1) 1977 c. 49. Section 16BB(4) was inserted by section 6 of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the 2002 Act”) and amended by section 184 of and Schedule 11 to the Health and Social Care (Community Health and Standards) Act 2003. Section 20A was inserted by section 1 of the Health (Wales) Act 2003 (c. 4) (“the 2003 Act”). Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) and by section 6(3)(c) of the 2002 Act and by paragraph 37(6) of Schedule 4 to the Health Act 1999 (c. 8) and by section 1 of the 2003 Act. Schedule 7A was inserted by section 1 of the 2003 Act. The functions of the Secretary of State under section 126(4) of the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(2) 1972 c. 70. Parts I and II to Schedule 4 as substituted by the Local Government (Wales) Act 1994 section 1(2), Schedule 1, paragraph 1.

- “members” (“*aelodau*”) means members, as defined in the Regulations, of the Councils;
- “officers” (“*swyddogion*”) means the persons appointed by the National Assembly for Wales under regulation 14 of the Regulations to act as officers of the Councils.
- “the Regulations” (“*y Rheoliadau*”) means the Community Health Councils Regulations 2004(3); and
- “transfer date” (“*dyddiad trosglwyddo*”) means 1 April 2006.

Establishment of Carmarthenshire Community Health Council

2.—(1) There is established a Community Health Council which will be called Carmarthenshire Community Health Council or *Cyngor Iechyd Cymuned Sir Gaerfyrddin*.

(2) It is established for the County of Carmarthenshire as currently prescribed in the Local Government Act 1972(4)

(3) If the boundary of the County of Carmarthenshire as currently prescribed in the Local Government Act 1972 is varied, the boundary of Carmarthenshire Community Health Council will be varied accordingly.

(4) Paragraph (3) above does not apply if a new County or County Borough is created for the County of Carmarthenshire or part thereof, if the County of Carmarthenshire is abolished or if it is merged with one or more Counties or County Boroughs.

Functions of Carmarthenshire Community Health Council

3. The functions of Carmarthenshire Community Health Council are—

- (i) as set out in paragraph 1(a) to Schedule 7A to the Act;
- (ii) as set out from time to time by the National Assembly for Wales in regulations made pursuant to paragraph 2 of Schedule 7A of the Act; and
- (iii) shall include the functions of the Councils transferred to Carmarthenshire Community Health Council by article 4 below.

Transfer of Functions from the Councils to Carmarthenshire Community Health Council

4. On the transfer date, all of the functions of the Councils are transferred to Carmarthenshire Community Health Council.

Transfer of Members

5.—(1) The members of the Councils will transfer to Carmarthenshire Community Health Council on the transfer date and become members of that Council.

(2) The period of office as a member of Carmarthenshire Community Health Council of each of the members of the Councils will be the unexpired period of that member’s term of office as a member of those Councils.

Transfer of Chief Officer and Officers

6. The Chief Officer of Llanelli/Dinefwr Community Health Council and all other officers who provide services to the Councils and who are employed by Powys Local Health Board at the transfer date will, from the transfer date, provide services to Carmarthenshire Community Health Council.

(3) S.I. 2004/905 (W.89), as amended by S.I. 2005/603 (W.51).

(4) 1972 c. 70, Part I to Schedule 4, as substituted by the Local Government (Wales) Act 1994, section 1(2), Schedule 1, paragraph 1.

Accounts

7.—(1) Carmarthenshire Community Health Council must prepare statements of annual accounts for the period from the date of the last statement of annual accounts prepared by the Councils to the transfer date .

(2) Such accounts must be submitted to the National Assembly for Wales within 2 months of the transfer date.

Reports

8. Carmarthenshire Community Health Council must submit reports, in accordance with regulation 16(1) (a), (b) and (c) of the Regulations, for each of the Councils by 1 September 2006.

Provision for continuity in the exercise of functions

9. Anything done by or in relation to the Councils in the exercise of or in connection with a function which by virtue of this order becomes a function of Carmarthenshire Community Health Council shall so far as it is required for continuing its effect on and after the transfer date have effect as if done by or in relation to Carmarthenshire Community Health Council.

Abolition of the Councils

10. On the transfer date the Councils are abolished.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (5).

28 March 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

Section 20A of the National Health Service Act 1977 (“the Act”) gives the National Assembly for Wales the power to abolish Community Health Councils and to establish new Community Health Councils for Districts in Wales.

Schedule 7A to the Act makes further provision about Community Health Councils established under section 20A.

This Order establishes Carmarthenshire Community Health Council, transfers the functions of Carmarthen/Dinefwr Community Health Council and Llanelli/Dinefwr Community Health Council to Carmarthenshire Community Health Council and abolishes Carmarthen/Dinefwr Community Health Council and Llanelli/Dinefwr Community Health Council.

Article 2(1) of this Order establishes Carmarthenshire Community Health Council. Article 2(2) provides that it is established for the geographical area of the County of Carmarthenshire (which is comprised of the districts of Carmarthen, Llanelli and Dinefwr).

Article 2(3) provides that the boundary of Carmarthenshire Community Health Council will vary in accordance with any variations in the boundary of the County of Carmarthenshire, apart from any variations arising out of circumstances outlined in Article 2(4).

Article 3 prescribes the functions of Carmarthenshire Community Health Council.

Article 4 provides that on the transfer date (1 April 2006) all of the functions of Carmarthen/Dinefwr Community Health Council and Llanelli/Dinefwr Community Health Council will transfer to Carmarthenshire Community Health Council.

Article 5(1) provides that the members of Carmarthen/Dinefwr and Llanelli/Dinefwr Community Health Councils will, on 1 April 2006, transfer to Carmarthenshire Community Health Council and become members of that Council. Article 5(2) provides that the term of office of those members who have transferred from Carmarthen/Dinefwr and Llanelli/Dinefwr Community Health Councils will be the remainder of their current terms as at the transfer date.

Article 6 provides that the Chief Officer of Llanelli/Dinefwr Community Health Council and all other officers of Llanelli/Dinefwr and Carmarthen/Dinefwr Community Health Councils will from 1 April 2006 provide services to Carmarthenshire Community Health Council. The Chief Officer and other officers will remain employees of Powys Local Health Board.

Article 7 provides that Carmarthenshire Community Health Council will prepare the statement of annual accounts for Carmarthen/Dinefwr and Llanelli/Dinefwr Community Health Councils within 2 months of the transfer date.

Article 8 provides that Carmarthenshire Community Health Council must provide reports in accordance with regulation 16(1) of the Community Health Councils Regulations 2004 for Llanelli/Dinefwr and Carmarthen/Dinefwr Community Health Councils by 1 September 2006.

Article 9 provides for continuity in the exercise of functions.

Article 10 abolishes Llanelli/Dinefwr Community Health Council and Carmarthen/Dinefwr Community Health Council on the 1 April 2006.

A regulatory appraisal has been prepared and placed in the library of the National Assembly for Wales.

Document Generated: 2023-06-28

Status: *This is the original version (as it was originally made).*