

SCHEDULE **E+W**

Regulation 7(1)

ELIGIBILITY REQUIREMENTS

Eligibility requirements for members

General requirements **E+W**

1.—(1) This Schedule applies in relation to eligibility for appointment as a member of the committee.

(2) Subject to paragraphs (4), (5), (6) and (8), a person is not eligible for appointment as a member of the committee if that person—

- (a) has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) is the subject of a bankruptcy restrictions order or an interim order or has made a composition or arrangement with creditors;
- (c) has been dismissed, other than by reason of redundancy, from any paid employment with a health service body; ^{F1}...
- (d) has had his or her membership as chair, member or director of a health service body [^{F2}(other than a clinical commissioning group)] terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the health service body, or expiry of the period of office for which that person was appointed [^{F3}or
- (e) has been removed from office as the chair or a member of the governing body of a clinical commissioning group.]

(3) For the purposes of paragraph (2)(a) the date of conviction is deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

(4) For the purposes of paragraph (2)(c), a person is not to be treated as having been in paid employment by reason only of having held the position of member, associate member or director of a health service body [^{F4}(other than a clinical commissioning group), or of having held the position of chair or member of the governing body of a clinical commissioning group].

(5) Where a person is ineligible by reason of paragraph (2)(b)—

- (a) if the bankruptcy is annulled on the ground that the person ought not to have been [^{F5}made] bankrupt or on the ground that the person's debts have been paid in full, that person becomes eligible for appointment as a member on the date of the annulment;
- (b) if the person is discharged from bankruptcy, that person becomes eligible for appointment as a member on the date of the discharge;
- (c) if, having made a composition or arrangement with creditors, the person's debts are paid in full, that person becomes eligible for appointment as a member on the date upon which such debts are paid in full; and
- (d) having made a composition or arrangement with creditors, that person becomes eligible for appointment as a member on the expiry of five years from the date on which the terms of the deed of composition or arrangement were fulfilled.

(6) Subject to paragraph (7), where a person is ineligible by reason of paragraph (2)(c), that person may, after the expiry of two years from the date of dismissal, apply in writing to the Welsh Ministers to remove the ineligibility, and the Welsh Ministers may direct that the ineligibility ceases.

(7) Where the Welsh Ministers refuse an application to remove an ineligibility, no further application may be made by that person until the expiry of two years beginning with the date of the application and this paragraph applies to any subsequent application.

(8) Where a person is ineligible by reason of paragraph (2)(d), that person becomes eligible for appointment as a member on the expiry of two years from the date of termination of membership or such longer period as may have been specified by the body which terminated the membership, but the Welsh Ministers may, on application being made in writing to them by that person, reduce the period of ineligibility.

Textual Amendments

- F1** Word in Sch. para. 1(2)(c) omitted (1.4.2013) by virtue of [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 173(3)(a)(i)**
- F2** Words in Sch. para. 1(2)(d) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 173(3)(a)(ii)**
- F3** Sch. para. 1(2)(e) and word inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 173(3)(a)(iii)**
- F4** Words in Sch. para. 1(4) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 173(3)(b)**
- F5** Word in Sch. para. 1(5)(a) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), reg. 1, **Sch. 2 para. 15(a)**

Changes to legislation:

There are currently no known outstanding effects for the The Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012.