
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010 (“the principal Regulations”).

Regulation 3 amends definitions in the principal Regulations.

Regulations 4 and 5 make provision about co-opted members of Community Health Councils (“Councils”). Regulation 4 amends regulation 3 of the principal Regulations to remove reference to a new Council and to provide that the Welsh Ministers may, in response to advice from the Community Health Council Board (“CHC Board”), co-opt members to a Council. Members co-opted by the Welsh Ministers may vote in any meetings of a Council or its committees or joint committees. Regulation 5 amends regulation 5 of the principal Regulations to provide a maximum term of appointment for co-opted members of two years.

Regulation 6 amends regulation 6 of the principal Regulations to provide a local authority with the option of appointing persons to a Council who are not its members, provided that at least one appointment is from within its membership.

Regulation 7 amends regulation 9 of the principal Regulations to include standard of conduct as a factor which is considered in the selection and appointment of persons as members of Councils.

Regulation 8 inserts regulation 9A into the principal Regulations to require each member and co-opted member of a Council to give a written undertaking to observe a code which relates to their conduct as a member of a Council which is in force.

Regulation 9 amends regulation 10 of the principal Regulations to clarify that service as a co-opted member must be disregarded when calculating the maximum term of appointment of eight years.

Regulation 10 omits regulation 11 of the principal Regulations.

Regulation 11 amends regulation 13 of the principal Regulations to provide that the Welsh Ministers may only terminate or suspend a member’s term of office on the recommendation of the CHC Board. The CHC Board may only make such a recommendation if it has undertaken consultation in accordance with the amended regulation.

Regulation 12 amends regulation 15 of the principal Regulations to remove the provision in relation to continued Councils.

Regulation 13 omits regulation 16 of the principal Regulations.

Regulation 14 amends regulation 17 of the principal Regulations to reflect the amendment made to Schedule 2 to the principal Regulations.

Regulation 15 amends regulation 20 of the principal Regulations to provide that the executive committee of a Council must determine the constitution and standing orders of any committees appointed under the regulation. Regulation 15 also amends regulation 20 of the principal Regulations to remove references to new and continued Councils.

Regulation 16 amends regulation 21 of the principal Regulations to provide that where Councils are appointing a joint committee, the executive committees of all the appointing Councils must together determine the constitution and standing orders of the joint committee which may only be varied or revoked with the approval of those executive committees. Regulation 16 also amends regulation 21 of the principal Regulations to remove references to new and continued Councils.

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

Regulation 17 amends regulation 23 of the principal Regulations to provide that persons may be employed to act as officers of more than one Council.

Regulations 18, 19, 20 and 21 amend regulations 26, 27, 29 and 31 of the principal Regulations respectively to require Councils to have regard to standards set by the CHC Board.

Regulation 22 amends regulation 32 of the principal Regulations to provide that the CHC Board has the additional functions of setting standards to which Councils must have regard, managing the performance of Councils and the conduct of Council members, and advising the Welsh Ministers of inadequate performance of Councils and breaches of any code of conduct by members.

Regulation 23 amends regulation 34 of the principal Regulations in relation to the composition of the CHC Board and its members' terms of office to provide that the seven chairs of the individual Councils are members of the CHC Board with a maximum term of appointment of three years, the seven Council chairs elect one of their number as the vice-chair of the CHC Board, the "Director" of the CHC Board is renamed the "Chief Executive", and the Welsh Ministers appoint, from outside of the membership of the Councils and the CHC Board, the chair and two members of the CHC Board whose maximum terms of appointment are four years. The arrangements for the appointments by the Welsh Ministers must take into account the principles applicable to public appointments.

Regulation 24 amends regulation 35 of the principal Regulations to reflect the maximum terms of appointment of CHC Board members and to remove provision in relation to "continued Councils".

Regulation 25 amends regulation 36 of the principal Regulations to remove the requirement for the CHC Board to be consulted and approve the appointments of the CHC Board's Chief Executive and support staff.

Regulations 26 and 27 amend the principal Regulations to include provision for the Welsh Ministers to indemnify a Council or the CHC Board on terms which the Welsh Ministers may agree.

Regulations 28 and 29 amend Schedules 1 and 2 to the principal Regulations to reflect the abolition of the "continued Councils" and the establishment of Powys Community Health Council.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.