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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1469**

**The Digital Health and Care Wales  
(Membership and Procedure) Regulations 2020**

**PART 4**

Eligibility, disqualification, suspension and removal

**Non-officer members – eligibility**

**9.**—(1) A person is not eligible to be a non-officer member if that person is, or has been within the 12 months prior to appointment, in the paid employment of—

- (a) a Local Health Board,
- (b) an NHS trust established under section 18 of the Act, or
- (c) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Act.

(2) For the purposes of paragraph (1), a person is not to be treated as having been in paid employment by reason of having held the position of chair, vice-chair or non-officer member of a Local Health Board; a chair, vice-chair or non-executive director of an NHS trust; or a chair, vice-chair or non-officer member of a Special Health Authority.

(3) A person ceases to be eligible to be a non-officer member if following that person's appointment as a non-officer member they take up paid employment with any of the bodies listed in paragraph (1) other than in the circumstances specified in paragraph 9(2).

**Non-officer members and associate members appointed by the Welsh Ministers or by DHCW acting with the Welsh Ministers' consent – disqualification**

**10.**—(1) This regulation applies to any person appointed as—

- (a) a non-officer member;
- (b) an associate member by the Welsh Ministers or by DHCW in accordance with regulation 3(6)(a).

(2) A person is disqualified from being appointed, or from continuing to hold office as a member, where that person falls within one or more paragraphs of the Schedule.

(3) If a person has been appointed as a member and becomes disqualified under this regulation, the person must notify DHCW and the Welsh Ministers in writing of the disqualification.

**Non-officer members and associate members appointed by the Welsh Ministers or by DHCW acting with the Welsh Ministers' consent – removal from office**

**11.**—(1) This regulation applies to any person appointed as—

- (a) a non-officer member;

- (b) an associate member by the Welsh Ministers or by DHCW in accordance with regulation 3(6)(a).
- (2) The Welsh Ministers, or DHCW if it has made the appointment, may by written notice to the member remove that person from office if satisfied—
  - (a) that it is not in the interests of DHCW or of the health service for that person to continue to hold office,
  - (b) that the person is unfit to be a member of DHCW or is unwilling or unable to exercise the functions of a member of DHCW,
  - (c) that person ceases to be eligible to be a non-officer member under regulation 9(3), or
  - (d) that the person is disqualified under regulation 10 from holding office or was disqualified at the time of their appointment.

**Non-officer members and associate members appointed by the Welsh Ministers or by DHCW with the Welsh Ministers’ consent – suspension from office**

- 12.—(1) The Welsh Ministers, or DHCW if it has made the appointment, may suspend a person from office while considering whether to remove that person from office under regulation 11.
- (2) The Welsh Ministers, or DHCW if it has made the appointment, must give notice of the decision to suspend a person in accordance with the terms of appointment.
- (3) A person whose appointment is suspended under paragraph (1) may not perform the functions of any member during the period of suspension.

**Officer member – removal and suspension from office**

- 13.—(1) This regulation applies to any person appointed as an officer member.
- (2) The non-officer members may by written notice to the member remove that person from office if satisfied that it is not in the interests of DHCW or of the health service for that person to continue to hold office.
- (3) The non-officer members may by written notice to the member suspend that person from office if it appears to them that there may be grounds to exercise the power in paragraph (2).
- (4) A person whose appointment is suspended under paragraph (3) may not perform the functions of any member during the period of suspension.

**Trade union associate member – removal and suspension from office**

- 14.—(1) This regulation applies to an associate member appointed by the non-officer members in accordance with regulation 3(6)(b).
- (2) The non-officer members may by written notice remove that person from office if satisfied that the person is unfit to be a member of DHCW or is unwilling or unable to exercise the functions of a member of DHCW.
- (3) The non-officer members may by written notice to the person suspend that person from office if it appears to the non-officer members that there may be grounds to exercise the power in paragraph (2).
- (4) An associate member ceases to hold office if the member ceases to be an eligible candidate for appointment as an associate member under regulation 4(4).
- (5) A person whose appointment is suspended under paragraph (1) may not perform the functions of any member during the period of suspension.