

SCHEDULE

Regulation 10

DISQUALIFICATION

Criminal convictions

1.—(1) The person has within the period of 5 years immediately preceding the date of the proposed appointment been convicted, or at any time during their term of office is convicted—

- (a) in the United Kingdom of any criminal offence, or
- (b) outside the United Kingdom of an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence in that part;

and, in either case, the final outcome of the proceedings was a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of paying a fine.

(2) For the purposes of this paragraph, 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.

Commencement Information

I1 Sch. para. 1 in force at 30.12.2020, see [reg. 1\(2\)](#)

Bankruptcy

2.—(1) The person is subject to a bankruptcy restrictions order, an interim bankruptcy restrictions order or has a composition or an arrangement with creditors.

(2) Where a person is disqualified under sub-paragraph (1)—

- (a) if the bankruptcy is annulled on the ground that the person ought not to have been adjudged 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) if, having made a composition or arrangement with creditors, a period of 5 years has expired from the date on which the terms of the composition or arrangement were fulfilled, that person becomes eligible for appointment as a member.

Commencement Information

I2 Sch. para. 2 in force at 30.12.2020, see [reg. 1\(2\)](#)

Dismissal from health service body

3.—(1) The person has been dismissed as a member, otherwise than by reason of redundancy, or non-renewal of a fixed term contract, from paid employment with a health service body.

Changes to legislation: There are currently no known outstanding effects for the The Digital Health and Care Wales (Membership and Procedure) Regulations 2020. (See end of Document for details)

(2) A person who is disqualified under sub-paragraph (1) may, after the expiry of 2 years from the date of dismissal, apply in writing to the Welsh Ministers to have that disqualification removed.

(3) Where the Welsh Ministers have directed that a disqualification is to be removed under sub-paragraph (2), the person is no longer disqualified for the purpose of this Schedule.

(4) If the Welsh Ministers refuse a person's application under sub-paragraph (2), no further application may be made by the person before the expiry of the period of 2 years beginning with the date of the person's last application.

(5) For the purpose of this paragraph, a person is not to be treated as having been in paid employment by reason only of having been—

- (a) in the case of a health service body which is not an NHS trust or an NHS foundation trust (other than a clinical commissioning group), the chair, vice-chair or a non-officer member of the body,
- (b) in the case of an NHS trust, the chair, vice-chair or a non-executive director of the trust,
- (c) in the case of an NHS foundation trust, the chair, a governor or a non-executive director of the trust, or
- (d) in the case of a clinical commissioning group, the chair or a member of the governing body.

(6) In sub-paragraph (5)(a), "non-officer member" means a member of a health service body who is not employed by the body.

Commencement Information

I3 Sch. para. 3 in force at 30.12.2020, see [reg. 1\(2\)](#)

Termination of membership of health service body

4.—(1) The person has—

- (a) had his or her membership as chair, vice-chair, member or director of a health service body 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, or
- (b) been removed from office as the chair or a member of the governing body of a clinical commissioning group.

(2) If a person is disqualified under sub-paragraph (1) the disqualification ceases to have effect on the expiry of 2 years beginning on the date of the termination of the term of appointment or such longer period as may have been specified by the body that terminated the person's membership.

(3) The Welsh Ministers may reduce the period of disqualification mentioned in sub-paragraph (2) on the application of the disqualified person.

(4) When the period of disqualification under sub-paragraph (2) comes to an end, the person is no longer disqualified for the purpose of this Schedule.

Commencement Information

I4 Sch. para. 4 in force at 30.12.2020, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Digital Health and Care Wales (Membership and Procedure) Regulations 2020.