
WELSH STATUTORY INSTRUMENTS

2001 No. 2136 (W.149)

SOCIAL CARE, WALES

**The Care Council for Wales (Appointment,
Membership and Procedure) Regulations 2001**

Made - - - - 5th June 2001

Coming into force in accordance with regulation (1)

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon it by section 118 (4) to (7) of, and paragraph 6 of Schedule 1 to, the Care Standards Act 2000 (1):

Citation, commencement and interpretation

- (a) 1. (1) (a) These Regulations may be cited as the Care Council for Wales (Appointment, Membership and Procedure) Regulations 2001 and, subject to sub-paragraphs (b) — (d), shall come into force on 1st July
- (b) Regulation 5(1)(c) shall come into force on the day an Order of the Secretary of State under section 4(4) of the Rehabilitation of Offenders Act 1974 (Effect of rehabilitation)(2) that is of application to a member, or applicant for membership, of the Council comes into force (3).
- (c) Regulation 5(1)(d)(i) shall come into force on the first of the following days:
 - (i) the day on which regulations of the Secretary of State under section 103(2)(b) of the Act (Temporary provision for access to lists) that prescribe a member, or applicant for membership, of the Council as a relevant individual for the purposes of section 103(1) of the Act come into force(4);

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- (1) 2000 c. 14. The power under paragraph 6 of Schedule 1 to the Act is exercisable by the Secretary of State in relation to an authority. An authority includes the Care Council for Wales but in relation to the Care Council for Wales a reference to the Secretary of State is to be read as a reference to the Assembly: see paragraph 1 of Schedule 1 to the Act. Section 118(5) to (7) apply to any power of the Assembly to make regulations under the Act: see section 118(4) of the Act.
 - (2) 1974 c. 53.
 - (3) An Order may, under section 4(4)(a) of the 1974 Act (referred to as “the Act” in the rest of this footnote), exclude or modify the application of section 4(2) of the Act, and, under section 4(4)(b), provide for exceptions from the provisions of section 4(3) of the Act. Section 4(2) of the Act provides, amongst other things, that questions put to a person about his or her previous convictions are not to be treated as relating to spent convictions. Section 4(3) of the Act provides that, amongst other things, a person may not be placed under an obligation to disclose a spent conviction or be prejudiced in relation to any office by reason of spent convictions. See section 1(1) of the Act (Rehabilitated persons and spent convictions) for the meaning of “spent conviction”.
 - (4) Section 103(2) of the Act provides that an individual of a prescribed description is to be a “relevant individual” for the purposes of section 103(1) (“prescribed” means “prescribed by regulations”: see s.121(1) of the Act; regulations under section 103 are

- (ii) the day on which regulations of the Secretary of State under section 113(3B)(d) of the Police Act 1997 (Criminal record certificates)(5) that prescribe a member, or applicant for membership, of the Council as falling within a position for the purposes of section 113(3A) of the 1997 Act come into force(6).
- (d) Regulation 5(1)(d)(ii) shall come into force on the first of the following days:
 - (i) the day on which regulations of the Secretary of State under section 91(2)(c) of the Act (Access to list before the commencement of section 90) that prescribe a member, or applicant for membership, of the Council as a relevant individual for the purposes of section 91 of the Act come into force(7);
 - (ii) the day on which regulations of the Secretary of State under section 113(3D)(b) of the Police Act 1997 that prescribe a member, or applicant for membership, of the Council as falling within a position for the purposes of section 113(3C) of the 1997 Act come into force(8).
- (2) In these Regulations—
 - “the Act” (“y Ddeddf”) means the Care Standards Act 2000;
 - “agency” (“asiantaeth”) has the same meaning as in the Act;
 - “any Council” (“unrhyw Gyngor”) means any one of the following: the Council, the Northern Irish Council, the Scottish Council or the English Council;
 - “CCETSW” means the Central Council for Education and Training in Social Work provided for in section 10 of the Health and Social Services and Social Security Adjudications Act 1983 (9);
 - “the Council” (“y Cyngor”) means the Care Council for Wales established by section 54 of the Act (Care Councils);

to be made by the Secretary of State: see section 80(8) of the Act). Section 103(1) provides that a person seeking to ascertain whether a relevant individual is included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14) (Duty of Secretary of State to keep list) shall be entitled to that information, before the commencement of section 8 of the 1999 Act (Searches of both lists under Part V of the Police Act 1997), on making an application to the Secretary of State. Section 8 of the 1999 Act provides for applications to access the list kept under section 1 of the 1999 Act to be made in conjunction with applications to access other lists of information held about individuals

- (5) 1997 c. 50. Section 8(1) of the Protection of Children Act 1999 (c. 14) inserted sub-sections 3A and 3B into section 113 of the 1997 Act. Section 90(1) of the Act inserted sub-sections 3C and 3D, and section 104(1) and (2)(b) inserted sub-section 3E, into section 113. Additionally sections 102(1), 104(1) and 2(a), 116 of, and paragraph 25(1) of Schedule 4 to, the Act amend sub-section 3A of section 113. The insertions made by the 1999 Act have not, at the making of these regulations, yet had a date appointed for their coming into force: see section 14 of the 1999 Act. Similarly, the insertions and amendments made by the Act have not yet had a date appointed for their coming into force: see section 122 of the Act.
- (6) Section 113(3B) of the Police Act 1997 provides that a position falls within it if it is a position of such description as is prescribed under its paragraph (d) (in the 1997 Act “prescribed” means “prescribed by regulations made by the Secretary of State”: see section 125). Section 113 (3A) provides that certificates issued in response to duly made applications for criminal record certificates under section 113 that state the certificate is required for the purposes of considering the applicants suitability for a position within section 113 (3B) shall state whether or not the applicant is, amongst other things, included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14) (Duty of Secretary of State to keep list).
- (7) Section 91(2) of the Act provides that an individual of a prescribed description is to be a “relevant individual” for the purposes of section 91(1) (“prescribed” means “prescribed by regulations”: see section 121(1) of the Act; regulations under section 91(2) are to be made by the Secretary of State: see section 80(8) of the Act). Section 91(1) of the Act provides that a person seeking to ascertain whether a relevant individual is included in the list kept under section 81 (Duty of Secretary of State to keep list of individuals who are considered unsuitable to work with vulnerable adults) shall be entitled to that information, before the commencement of section 90 of the Act (Searches of list under Part V of the Police Act 1997), on making an application to the Secretary of State. Section 90 provides for applications to access the list kept under section 81 to be made in conjunction with applications to access other lists of information held about individuals.
- (8) Section 113(3D) of the Police Act 1997 (c. 50) provides that a position falls within it if it is a position of such description as is prescribed under its paragraph (b) (in the 1997 Act “prescribed” means “prescribed by regulations made by the Secretary of State”: see section 125). Section 113(3C) provides that certificates issued in response to duly made applications for criminal record certificates under section 113 that state the certificate is required for the purposes of considering the applicants suitability for a position within section 113(3D) shall state whether or not the applicant is, amongst other things, included in the list kept under section 81 of the Care Standards Act 2000.
- (9) 1983 c. 41.

“chair” (“cadeirydd”) shall be taken to be a reference to the position referred to by the Act as chairman of the Council;

“day centre” (“canolfan ddydd”) has the same meaning as in the Act;

“English Council” (“Cyngor Lloegr”) means the General Social Care Council established by section 54 of the Act;

“establishment” (“sefydliad”) has the same meaning as in the Act;

“member” (“aelod”), unless the context otherwise requires, in relation to the Council includes the Chair;

“National Assembly” (“Cynulliad Cenedlaethol”) means the National Assembly for Wales;

“Northern Irish Council” (“Cyngor Gogledd Iwerddon”) means a body established under a provision of the law of Northern Ireland which performs functions similar to those of the Council;

“relevant social work” (“gwaith cymdeithasol perthnasol”) has the same meaning as in the Act;

“Scottish Council” (“Cyngor yr Alban”) means a body established under a provision of the law of Scotland which performs functions similar to those of the Council;

“social care worker” (“gweithiwr gofal cymdeithasol”) means any person described in section 55(2) of the Act (Interpretation) and any person who shall be treated as a social care worker if regulations are made by the National Assembly under section 55 (3) of the Act (but if the National Assembly makes regulations under section 55(2) of the Act excepting persons from the Act’s definition of social care worker then the definition of social care worker in these regulations is to be construed in accordance with those excepting regulations);

“social work agency” (“asiantaeth gwaith cymdeithasol”) means an employment agency or employment business which consists of or includes supplying, or providing services for the purpose of supplying social care workers.

(3) In these Regulations any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations; any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in the regulation; and any reference to a numbered sub-paragraph in a paragraph is a reference to the sub-paragraph bearing that number in the paragraph.

Appointment of members

2.—(1) The Council shall consist of a chair and no more than twenty four other members.

(2) All of the members shall be appointed by the National Assembly.

(3) Before appointing any member the National Assembly shall consult such persons, if any, as it considers appropriate.

(a) (4) (a) The National Assembly shall seek to secure that at all times a majority of the members of the Council are lay persons.

(b) The chair shall be a lay person.

(c) The chair is a member for the purposes of sub-paragraph (a).

(5) Subject to paragraph (8) a person is a lay person if they do not fall within any of the categories described in paragraph (6).

(6) The categories are:

(a) persons who are social care workers;

- (b) persons engaged in work for the purposes of a local authority's social services functions, or in the provision of services similar to services which may or must be provided by local authorities in the exercise of those functions;
- (c) persons managing, or employed in, an undertaking (other than an establishment or agency) which consists of or includes supplying persons to provide personal care;
- (d) persons employed in a day centre to provide nursing or personal care;
- (e) persons participating in a course approved by any Council;
- (f) persons participating in a course approved by CCETSW;
- (g) persons whose names are included in a register of persons required to be kept by any Council;
- (h) persons who are concerned in the provision of a training course in relevant social work (which shall include persons who facilitate the training of persons participating in such a course);
- (i) persons who are concerned in the provision of a training course for persons who are or wish to become social care workers (which shall include persons who facilitate the training of persons participating in such a course);
- (j) persons who
 - (i) are employed by, or hold a position within, a professional or other body whose activities consist of, or include, any of the following: the promotion of the interests of social care workers; the representation of the interests of social care workers; or the promotion of good practice in social care; and
 - (ii) who do so promote or represent (as the case may be) in the course of their employment or position;
- (k) persons who either alone or with others employ social care workers except where the employment forms part of the domestic arrangements for any employing person or a member of their family;
- (l) persons who for, or on behalf of, their employer make employment decisions about social care workers;
- (m) persons who make decisions about social care workers for, or on behalf of, a social work agency;
- (n) persons who employ a person described in (m);
- (o) persons who are directors of company which is a social work agency or which employs social care workers as part of its business activities;
- (p)
 - (i) persons who have a pecuniary interest in a company which is a social work agency or which employs social care workers as part of its business activities, unless paragraph (ii) of this sub-paragraph applies;
 - (ii) this paragraph applies if the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to be within the contemplation of that person, if appointed, when undertaking any activity that the office of member of the Council may entail;
- (q) persons who are members of a local authority;
- (r) persons who are members of any public body, or who hold any public office, which employs social care workers in connection with any of its functions; and
- (s) persons who are members of a committee (including a sub-committee) of a public body of a type mentioned in paragraph (r) if the task of the committee consists of, or includes, the monitoring or supervision of social care workers or the services they provide.

(7) If regulations are made by the National Assembly under section 55(3) of the Act that provide that for the purposes of Part IV of the Act any person falling within any of the categories described in sub-paragraphs (b)—(e) of paragraph (6) shall be treated as a social care worker then for the purposes of these Regulations that person is to be treated as falling within sub-paragraph (a) of paragraph 6 and not any of the sub-paragraphs just mentioned.

- (a) (8) (a) If the National Assembly is considering whether or not to appoint as a member of the Council a person who does not fall within any of the categories described in paragraph 6, but who did previously do so, it shall, having regard to the aim described in sub-paragraph (b) below, determine whether or not that person is to be treated as a lay person for the purposes of these regulations.
- (b) The aim is that the Welsh public should not perceive lay person members of the Council to be closely connected to organisations whose activities are affected by the exercise of the Council's functions under the Act.

Terms of appointment

3.—(1) Subject to regulation 7 (termination of tenure of office), the term of office of a member shall be such period, not exceeding four years, as the National Assembly shall specify on making the appointment.

(2) The National Assembly may require any person who wishes to be a member of the Council to provide such information as the National Assembly may reasonably require for the purpose of assessing that person's suitability to be a member of the Council.

Appointment of deputy-chair

4.—(1) Subject to paragraph (2), the members may appoint one of their number who is a lay person and who is willing to be so appointed, other than the chair, to be deputy-chair for such period, not exceeding his or her remaining term as member, as they may specify on making the appointment.

- (a) (2) (a) Subject to sub-paragraph (b) any member so appointed may at any time resign from the office of deputy-chair by giving notice in writing to the chair.
- (b) If the circumstances described in paragraph (3) have arisen the member may resign by giving at least two months notice in writing to the National Assembly, unless exceptional circumstances exist that justify such shorter period of notice as may be allowed by the National Assembly.

(3) Where the chair has ceased to hold office, or where he is unable to perform his duties as chair owing to illness or any other cause, references to the chair in the Schedule to these regulations shall, so long as there is no chair available to perform his or her duties, and the context does not otherwise require, be taken to include references to the deputy chair.

Disqualification from appointment

5.—(1) Subject to regulation 6 (cessation of disqualification) a person shall be disqualified for appointment as a member if—

- (a) he or she has been convicted of an offence that is excluded from rehabilitation under section 5 of the Rehabilitation of Offenders Act 1974 (Rehabilitation periods for particular sentences)(10);

(10) Section 5 has been amended by the following provisions: section 22 of and paragraphs 20(4),(5) and 21 of Schedule 9 to the Armed Forces Act 1976 (c. 52); section 83(2) of and paragraph 24 of Schedule 7 to the Criminal Justice (Scotland) Act 1980 (c. 62); section 28 of and paragraph 2 of Schedule 4 to the Armed Forces Act 1981 (c. 55); sections 77 and 78 of, paragraphs 36(a),(b) and 37 of Schedule 14 to, and Schedule 16 to the Criminal Justice Act 1982 (c. 48); section 65(1) of and paragraph 49 of Schedule 3 to the Mental Health (Amendment) Act 1982 (c. 51); section 148 of and paragraph 39 of Schedule 4 to

- (b) he or she is a person in respect of whom a rehabilitation period under section 5 of the Rehabilitation of Offenders Act 1974 arising out of his or her imprisonment has not expired;
- (c) he or she has been convicted of any offence listed in Schedule 1 to the Children and Young Persons Act 1933 **(11)** (including offences listed in Schedule 1 by virtue of amendments made to it after the making of these regulations);
- (d) he or she is included (otherwise than provisionally) in any of the following lists:
 - (i) the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999 (Duty of Secretary of State to keep list)**(12)**; or
 - (ii) the list kept by the Secretary of State under section 81 of the Care Standards Act 2000 (Duty of Secretary of State to keep list);
- (e) an entry made in respect of him or her in any part of any register required to be kept by the Council or the English Council under section 56 of the Act (The Register) has been removed or suspended for a reason or reasons that included a finding that he or she failed to observe the standards of conduct and practice expected of social care workers laid down in a code of practice issued under section 62 of the Act (Codes of practice) by the Council or (as the case may be) the English Council;
- (f) an entry made in respect of him or her in any part of any register required to be kept by the Northern Irish or Scottish Council has been removed or suspended for a reason or reasons that included a finding of a type similar to that described in sub-paragraph (d) in relation to removals of entries from registers kept by the Council or the English Council;
- (g) he or she has been adjudged bankrupt or has made a composition or arrangement with his or her creditors;
- (h) he or she is an employee of any Council;
- (i) he or she is a member of any Council other than the Council; or
- (j) he or she has within the preceding four years held office as a member of the Council under a term of office that ran consecutively to another term of office as a member of the Council.

(2) For the purposes of paragraph 1(e) a person's entry shall be deemed to have been removed or suspended from a register on the date upon which the ordinary period allowed for appealing to the Tribunal mentioned in section 68 of the Act (Appeals to the Tribunal) against the removal or suspension expires or, if such an appeal is made, the date on which the appeal or application is finally disposed of or has, in the reasonable opinion of the National Assembly, been abandoned.

(3) For the purposes of paragraph 1(f) a person's entry shall be deemed to have been removed or suspended from a register on the date upon which the law of Northern Ireland or (as the case may be) Scotland provides that the ordinary period allowed for appealing against the removal or suspension to an independent tribunal or a court expires or, if such an appeal is made, the date upon which the appeal is finally disposed of or has, in the reasonable opinion of the National Assembly, been abandoned.

the Mental Health Act 1983 (c. 20); section 123(6) of and paragraph 9(a),(b) of Schedule 8 to the Criminal Justice Act 1988 (c. 33); section 108(7) of and Schedule 15 to the Children Act 1989 (c. 41); section 26 of and Schedule 3 to the Armed Forces Act 1991 (c. 29); sections 68 and 101(1) of, paragraph 5 of Schedule 8 to, and paragraph 22 of Schedule 12 to the Criminal Justice Act 1991 (c. 53); section 168(1),(2),(3) of, paragraph 11(1)(a),(b),(c), (2) of Schedule 9 to, and paragraph 30 of Schedule 10 to the Criminal Justice and Public Order Act 1994 (c. 33); section 105(4) of and paragraph 23(3) of Schedule 4 to the Children (Scotland) Act 1995 (c. 36); section 119 of and paragraph 35 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37); section 67(1) of and paragraph 6(1),(2),(3) of Schedule 4 to the Youth Justice and Criminal Evidence Act 1999 (c. 23); section 165(1) of and paragraph 48 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6); section 74 of and paragraphs 48 and 49(a),(b) of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43).

(11) 1933 c. 12. The Schedule has been amended by sections 48 and 51 of and Schedules 3 and 4 to the Sexual Offences Act 1956 (c. 69) and by section 170 of, paragraphs 8 and 9 of Schedule 15 to, and Schedule 16 to the Criminal Justice Act 1988 (c. 33).

(12) 1999 c. 14.

(4) This regulation shall not be taken to prejudice the extent of any factor, or the type of factors, the National Assembly may take into account when considering whether or not to appoint a person who is not disqualified by virtue of this regulation as a member of the Council.

Cessation of disqualification

6.—(1) Where a person is disqualified under regulation 5(1)(e) or (f) by reason of the removal of an entry from a register there described the disqualification shall cease if a subsequent entry is made in respect of him or her in the register from which their entry had been removed.

(2) Where a person is disqualified under regulation 5(1)(g) by reason of having been adjudged bankrupt—

- (a) if the bankruptcy is annulled on the ground that he or she ought not to have been adjudged bankrupt or on the ground that his or her debts have been paid in full, the disqualification shall cease on the date of the annulment; or
- (b) if he or she is discharged, the disqualification shall cease on the date of his or her discharge.

(3) Where a person is disqualified under regulation 5(1)(g) by reason of his or her having made a composition or arrangement with his creditors—

- (a) if he or she pays his or her debts in full, that disqualification shall cease on the date on which such payment is complete; or
- (b) in any other case, that disqualification shall cease on the expiry of the period of five years beginning on the date on which the terms of the deed of composition or arrangement are fulfilled.

(4) This regulation shall have no effect upon the termination of any tenure of office under regulation 7.

Termination of tenure of office

7.—(1) Subject to regulation 4(2) a member may resign his or her office at any time by giving notice in writing to the National Assembly.

(2) Where during his or her term of office a member is appointed to be the chair, his tenure of office as such a member shall terminate when his appointment as chair takes effect.

(3) If a member fails to attend two consecutive meetings of the Council the National Assembly shall forthwith terminate that member's tenure of office by giving him or her notice in writing to that effect, unless it is satisfied that—

- (a) the absence was due to a reasonable cause; and
- (b) the person in question will be able to attend meetings of the Council within a reasonable period.

(4) Where a person has been appointed to be a member, and—

- (a) he or she becomes disqualified for appointment under regulation 5; or
- (b) it comes to the notice of the National Assembly that at the time of his or her appointment he or she was so disqualified,

the National Assembly shall forthwith terminate his or her tenure of office by giving him or her notice in writing to that effect.

- (a) (5) (a) Where the National Assembly is of the reasonable opinion that it is not in the interests of the Council that a member should continue to hold office, it may forthwith terminate his or her tenure of office by giving him or her notice in writing to that effect.
- (b) Any notice under sub-paragraph (a) above shall state the reason or reasons why it is given.

- (6) If the Assembly is of the opinion that a member:
- (a) has failed to comply with any requirement imposed by or under regulation 10 (disability of members in proceedings on account of their interests) in relation to an interest of that member;
 - (b) has failed, in a material respect, to comply with any requirement imposed by the Assembly under regulation 3(4); or
 - (c) who was a lay person when appointed is no longer a lay person;

it may forthwith terminate that person's tenure of office by giving him or her notice in writing to that effect, except that no person's tenure of office shall be terminated under sub-paragraph (a) unless at the time of the failure in question there had been issued guidance of the Assembly to the Council about relevant interests under regulation 10.

Appointment of committees and sub-committees

8.—(1) Subject to such directions as may be given by the National Assembly, the Council may, and if so directed by the Assembly must, appoint committees of the Council.

(2) Subject to such directions as may be given by the National Assembly, a committee of the Council may consist wholly or partly of members of the Council or wholly of persons who are not members of the Council.

(3) Subject to such directions as may be given by the Assembly, a committee of the Council may, and if so directed by the Assembly must, appoint sub-committees.

(4) Subject to such directions as may be given by the Assembly, a sub-committee may consist wholly or partly of members of the committee (whether or not they are members of the Council) or wholly of persons who are not members of the Council or committee.

(5) Regulation 5 (disqualification from appointment), other than paragraph 1(h), and regulation 6 (cessation from disqualification) apply to the appointment of members of committees and sub-committees ("committee members") as they apply to the appointment of members of the Council.

- (a) (6) (a) Subject to the exceptions from application described in sub-paragraph (b) and the modifications described in sub-paragraph (c), regulation 7 (termination of tenure of office) shall apply to committee members as it applies to members of the Council.
- (b) The exceptions are—
 - (i) in the case of all committee members paragraph (2) of regulation 7; and
 - (ii) in the case of committee members who are members of the Council paragraphs (1), (4), (5) and paragraphs (b) and (c) of paragraph (6) of regulation 7.
- (c) The modifications are—
 - (i) in the case of a committee member who is not a member of the Council in paragraphs (1) and (3)—(6) in each place where "the National Assembly" occurs it shall be omitted and replaced by "the Council"; and
 - (ii) in paragraph (3) "meetings of the Council" shall in both places be omitted and replaced by "meetings of a committee of which he or she is a member".
- (d) The termination by the National Assembly of a member of the Council's membership of a committee or sub-committee under this regulation shall also operate as a termination of that member's tenure of office as a member of the Council.

Meetings and proceedings

9.—(1) The meetings and proceedings of the Council shall be conducted in accordance with the rules set out in the Schedule to these Regulations and with Standing Orders made under paragraph (2).

(2) Subject to those rules, to regulation 10 (disability of members in proceedings on account of their interests) and to such directions as may be given by the National Assembly, the Council shall make, and may vary or revoke, Standing Orders for the regulation of its proceedings and business (including provision for the suspension of all or any of the Standing Orders).

(3) Subject to regulations 8 (appointment of committees and sub-committees) and 10 and to such directions as may be given by the National Assembly, the Council may make, vary and revoke Standing Orders for the regulation of the quorum, proceedings and business of any committee or sub-committee (“committees”) (including provision for the suspension of all or any of the Standing Orders) but, subject to any such Standing Orders, the quorum, proceedings and business of the committees shall be such as each of the committees shall determine.

(4) The proceedings of the Council or any committee or sub-committee of it shall not be invalidated by any vacancy in membership or by any defect in the appointment of either a member of the Council or a member of a committee or sub-committee.

Disability of members in proceedings on account of their interests

(a) **10.** (1) (a) Subject to the following provisions of this regulation, if a member has a relevant interest in any matter and is present at any meeting of the Council at which the matter is the subject of consideration or discussion, he or she shall at the meeting and as soon as practicable after its commencement, disclose his or her interest and shall not take part in the consideration of the matter or vote on any question with respect to it.

(b) In this regulation “relevant interest in any matter” means an interest in a matter that would lead a fair-minded observer to conclude that there was a real possibility that the member would be biased in his or her discussion or consideration of the matter.

(a) (2) (a) The National Assembly may, to such extent as it sees fit and subject to such conditions as it sees fit, remove any disability imposed by or under this regulation in any case in which it appears to it in the interests of the Council that the disability should be removed.

(b) A removal must be done in writing and may relate to general or particular circumstances.

(3) This regulation applies to a committee or sub-committee of the Council as it applies to the Council itself and applies to a member of any such committee or sub-committee (whether or not he or she is also a member of the Council) as it applies to a member of the Council.

(4) Subject to such directions as may be given by the National Assembly, the Standing Orders that the Council may make under regulation 9(2) and (3) (meetings and proceedings) may provide for the exclusion of a member from a meeting of the Council or a committee or sub-committee of the Council while any matter in which he or she has a relevant interest is under consideration.

(5) Any remuneration, compensation or allowances payable, by virtue of paragraph 7 of Schedule 1 to the Act (remuneration and allowances), to a member, or to a member of a committee or sub-committee who is not a member of the Council, shall not be treated as a relevant interest for the purposes of this regulation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (13).

5th June 2001

D. Elis Thomas
The Presiding Officer of the National Assembly
for Wales

SCHEDULE

Regulation 9(1)

RULES ABOUT MEETINGS AND PROCEEDINGS OF THE COUNCIL

1. The first meeting of the Council shall be held on such day and at such place as may be fixed by the chair, and he or she shall be responsible for convening the meeting.

2.—(1) The chair may call a meeting of the Council at any time.

(2) If a requisition for a meeting, signed by at least five members, is presented to the chair, and the chair either—

(a) refuses to call a meeting; or

(b) without so refusing, does not within 21 days after the requisition has been presented to him or her call a meeting, those members may forthwith call a meeting.

(3) (a) Before each meeting of the Council a notice of the meeting which specifies the principal business proposed to be transacted at it shall be delivered to each member, or sent by post to his or her last known address, at least seven clear days before the day of the meeting.

(b) In the case of a meeting called by the chair, the notice shall be signed by the chair or by a person authorised to sign on his or her behalf.

(c) In the case of a meeting called under sub-paragraph (2) by members, the notice shall be signed by those members and no business other than that specified in the notice shall be transacted at the meeting.

(4) The proceedings of any meeting shall not be invalidated if any member fails to receive the notice required to be delivered or sent under this paragraph.

3.—(1) At any meeting of the Council the chair, or in his absence the deputy chair (if there is one and he or she is present) shall preside.

(2) If the chair and any deputy chair are absent, such other member present as the other members present shall choose for the purpose shall preside.

4. Every question at a meeting shall be determined by a majority of votes of the members present and competent to vote on the question and, in the case of an equality of votes, the chair or, in his or her absence, the person presiding at the meeting shall have a second and casting vote.

5.—(1) Subject to subparagraph (2) no business shall be transacted at any meeting unless at least five members are present.

(2) If the Council has less than five members then all members must be present.

6.—(1) The minutes of the proceedings of a meeting shall be drawn up and shall be signed at the next ensuing meeting by the person presiding at that next meeting.

(2) The names of the members present at a meeting shall be recorded in the minutes.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These regulations make provision about the appointment, membership and procedure of the Care Council for Wales (“the Council”).

Regulations 2 to 4 are about the appointment of members of the Council. They set a maximum numbers of members for the Council, all of whom are to be appointed by the National Assembly, and require a majority of members of the Council, including its Chair, to be lay persons.

Regulations 5 and 6 are about the categories of person who cannot be members of the Council.

Regulation 7 sets out the circumstances in which the National Assembly may terminate the tenure of office of Council members.

Regulations 8 and 9, and the Schedule, are about the appointment of committees and sub-committees of the Council, and the proceedings of the Council and its committees.

Regulation 10 is about interests of members and the consequent requirements placed upon members in relation to these interests.