

1990 No. 1375

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Community Health Councils (Amendment)  
Regulations 1990**

<i>Made - - - - -</i>	<i>5th July 1990</i>
<i>Laid before Parliament</i>	<i>6th July 1990</i>
<i>Coming into force</i>	
<i>for all purposes other than</i> <i>regulation 2(10) and (11)</i>	<i>27th July 1990</i>
<i>for the purposes of regulation</i> <i>2(10) and (11)</i>	<i>17th September 1990</i>

The Secretary of State for Health, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred on them by paragraph 2 of Schedule 7 to the National Health Service Act 1977(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Community Health Councils (Amendment) Regulations 1990.

(2) These Regulations shall come into force on 27th July 1990 except that for the purposes of paragraphs (10) and (11) of regulation 2 they shall come into force on 17th September 1990.

**Amendment of Community Health Councils Regulations**

2.—(1) The Community Health Councils Regulations 1985(b) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2) the following definitions shall be inserted at the appropriate place in alphabetical order:—

““NHS trust” means a National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990(c);

“relevant NHS trust” means, in relation to a Council, any NHS trust established in relation to a hospital, establishment or facility situated or to be situated (whether wholly or partly) within the district of that Council;

“relevant Regional Authority” means in relation to any Council any Regional Authority which controls premises within the Council’s district;”.

(3) In regulation 8(1) after the word “Committee” there shall be inserted the words “, or a director of an NHS trust”.

(4) In regulation 8(2)—

(a) sub-paragraphs (f) and (g) shall be omitted; and

(b) at the end a new sub-paragraph shall be added—

“ (h) an NHS trust.”.

---

(a) 1977 c.49; paragraph 2 of Schedule 7 was amended by paragraph 15 of Schedule 3 to the Health and Social Security Act 1984 (c.48), and by paragraph 17(13) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19).

(b) S.I. 1985/304.

(c) 1990 c.19.

- (5) Regulation 8(5) shall be omitted.
- (6) In regulation 19(1) for the words "paragraph (2)", there shall be substituted the words "paragraphs (1A), (2) and (2A)".
- (7) After regulation 19(1) there shall be inserted the following paragraph—  
“(1A) Paragraph (1) shall not apply with respect to any proposal to establish an NHS trust.”.
- (8) After regulation 19(2) there shall be inserted the following paragraph—  
“(2A) Where it appears to a Regional Authority that it is expedient in the interests of the health service for consultation required under this regulation to be carried out by the Regional Authority instead of a District Authority or Committee, the Regional Authority shall so notify the District Authority or Committee, and thereupon it shall be the duty of the Regional Authority and not of the District Authority or Committee to carry out that consultation in accordance with this regulation.”.
- (9) In regulation 19(3)—
- (a) after the word "Committee" where it first occurs there shall be inserted the words ", or, in a case where a Regional Authority has given notification in accordance with paragraph (2A), that Regional Authority,"; and
- (b) after the word "Authority" where it occurs for the second time there shall be inserted the words ", Regional Authority".
- (10) In regulation 19(4)—
- (a) after the words "District Authority" in sub-paragraph (a) there shall be inserted the words "or Committee,";
- (b) for the words "power to require a Committee" in sub-paragraph (b) there shall be substituted the words ", in a case where the Regional Authority has given notification in accordance with paragraph (2A), power to require the Regional Authority";
- (c) after the words "the District Authority" there shall be inserted the words ", Regional Authority".
- (11) In regulation 20—
- (a) after the words "District Authority" in both places where they occur in paragraph (3) there shall be inserted the words "or relevant Committee"; and
- (b) paragraph (4) shall be omitted.
- (12) In regulation 21—
- (a) after the words "District Authority" in both places where they occur there shall be inserted the words ", Regional Authority or NHS trust"; and
- (b) after the words "establishing authority" there shall be inserted the words "or, where the premises are controlled by a Regional Authority or NHS trust, by the Secretary of State".
- (13) In regulation 21 after the word "authority" in paragraph (a) there shall be inserted the words "or NHS trust".

5th July 1990

*K. Clarke*  
Secretary of State for Health

5th July 1990

*David Hunt*  
Secretary of State for Wales

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Community Health Councils Regulations 1985 mainly in consequence of the enactment of the National Health Service and Community Care Act 1990.

The amendments of substance made by the Regulations are as follows—

- (a) they disqualify directors of NHS trusts from membership of Community Health Councils (regulation 2(3));
- (b) they provide that District Health Authorities are not required to consult Community Health Councils where the establishment of an NHS trust is under consideration (regulation 2(7));
- (c) they permit Regional Health Authorities to consult in place of District Health Authorities or Family Practitioner Committees where it is expedient to do so (regulation 2(8), (9) and (10)(b) and (c));
- (d) they enable establishing authorities (rather than the Secretary of State as at present) to require Family Practitioner Committees to carry out further consultations with Community Health Councils (regulation 2(10)(a));
- (e) they enable the Secretary of State to require Regional Health Authorities carrying out consultation in place of a District Health Authority or Family Practitioner Committee to carry out further consultations with Community Health Councils (regulation 2(10)(b));
- (f) they enable Community Health Councils to inspect premises of Regional Health Authorities and NHS trusts (regulation 2(12) and (13)).