
STATUTORY INSTRUMENTS

1991 No. 1103

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

The Health Promotion Authority for Wales Regulations 1991

<i>Made</i>	- - - -	<i>25th April 1991</i>
<i>Laid before Parliament</i>		<i>7th May 1991</i>
<i>Coming into force</i>	- -	<i>1st June 1991</i>

The Secretary of State for Wales, in exercise of powers conferred upon him by sections 12(c), 126(4) and 128(1) of and paragraphs 10 and 12 of Schedule 5 to the National Health Service Act 1977⁽¹⁾ and of all other powers enabling him in that behalf and after consultation with the bodies recognised by him as representing persons who, in his opinion, are likely to be affected by these Regulations in accordance with paragraph 11 of Schedule 5 to the National Health Service Act 1977, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Promotion Authority for Wales Regulations 1991 and shall come into force on 1st June 1991.

(2) In these Regulations unless the context otherwise requires—

“the Authority” means the Health Promotion Authority for Wales constituted under the Constitution Order;

“the Constitution Order” means the Health Promotion Authority for Wales Constitution Order 1991⁽²⁾.

(3) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(1) 1977 c. 49; section 126 was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); in section 128(1) see the definitions of “prescribed” and “regulations”; the definition of “regulations” was amended by section 26(2)(i) of the 1990 Act; paragraph 10 of Schedule 5 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 80 and by section 15(b) of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41); paragraphs 10 and 12 were modified by S.I. 1985/39, article 7(22) and were amended by the 1990 Act, Schedule 1, paragraphs 8 and 9.

(2) S.I. 1991/1102.

Tenure of office of members

2.—(1) Subject to paragraph (5) and to any provisions applied by these Regulations as to termination of and disqualification for membership, the tenure of office of a member appointed by the Secretary of State shall be for such period as the Secretary of State may specify on making the appointment.

(2) The person who is a member by virtue of paragraph (c) of article 5 of the Constitution Order shall, subject to paragraph (4), hold office for so long as he remains the chief officer of the Authority.

(3) The person who is a member by virtue of paragraph (d) of article 5 of the Constitution Order shall, subject to paragraph (4), hold office for so long as he remains the financial officer of the Authority.

(4) Where for any period a person mentioned in paragraph (2) or in paragraph (3) is suspended from his duties respectively as chief officer or as financial officer of the Authority –

- (a) he shall also be suspended for that period from performing his functions as a member, and
- (b) any person appointed by the Authority to act in his place as chief officer or as financial officer shall also be appointed by the Authority to perform his functions as a member of the Authority for that period.

(5) Where the Secretary of State is satisfied that it is not in the interests of the Authority or the health service that a person whom he has appointed as a member should continue to hold that office, he may forthwith terminate that member's tenure of office.

Application of regulations

3. The provisions of regulation 11(1), (4), (5) and (6) (termination of tenure of office), regulation 12 (eligibility for reappointment), regulation 13(1)(a) to (e) and (h), (2) and (3) (disqualification for appointment), regulation 14 (cessation of disqualification), regulation 15 (appointment of vice-chairman), regulation 16 (powers of vice-chairman), regulation 17 (appointment of committees and sub-committees), regulation 18 (arrangements for the exercise of functions), regulation 19 (meetings and proceedings) and regulation 20 (disability on account of pecuniary interest) of and Schedule 2 to the Regional and District Health Authorities (Membership and Procedure) Regulations 1990(3) shall apply in relation to the Authority as if—

- (a) any reference in them to an authority included a reference to the Authority;
- (b) any reference to the appointing authority were a reference to the Secretary of State; and
- (c) in regulation 13(1)(e) the reference to paragraph (3) of regulation 11 were a reference to regulation 2(5).

Reports and papers from the Authority

4. The Authority shall make reports to the Secretary of State in such manner and at such time, being at least once a year, as the Secretary of State may direct and shall furnish to the Secretary of State such information as he may from time to time require.

Revocation

5. The Welsh Health Promotion Authority Regulations 1987(4) are hereby revoked.

(3) S.I. 1990/1331, to which there is an amendment not relevant to these Regulations.

(4) S.I. 1987/152, as amended by S.I. 1990/1331.

25th April 1991

David Hunt
Secretary of State for Wales

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 is not part of the Regulations)

These Regulations revoke and replace the Welsh Health Promotion Authority Regulations 1987 (“the 1987 Regulations”). The 1987 Regulations provided for the tenure of office of members and procedure of the Welsh Health Promotion Authority (“the Authority”), the name of which was changed to the Health Promotion Authority for Wales by the Health Promotion Authority for Wales Constitution Order 1991. These Regulations are made as a consequence of the changed constitution of the Authority.

In particular these Regulations provide for the tenure of office of the members of the Authority (regulation 2); for the termination of, and disqualification from tenure of office of members, the appointment of committees and the proceedings of the Authority and any committees it may establish (regulation 3); for the making of reports and the furnishing of information to the Secretary of State (regulation 4). Regulation 5 revokes the 1987 Regulations.