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STATUTORY INSTRUMENTS

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**1996 No. 640**

**The Community Health Councils Regulations 1996**

**PART IV**

**PERFORMANCE OF FUNCTIONS**

**Advising on operation of the health service**

**17.** It shall be the duty of each Council to keep under review the operation of the health service in its district, to make recommendations for the improvement of that service and to advise any relevant Health Authority upon such matters relating to the operation of the health service within its district as the Council thinks fit.

**Consultation of Councils by relevant Health Authorities**

**18.—(1)** Subject to paragraphs (2) and (3), it shall be the duty of each relevant Health Authority to consult a Council on any proposals which the Health Authority may have under consideration for any substantial development of the health service in the Council's district and on any proposals to make any substantial variation in the provision of such service.

(2) Paragraph (1) shall not apply with respect to any proposal to establish or dissolve an NHS trust.

(3) Paragraph (1) shall not apply to any proposal on which the Health Authority is satisfied that, in the interest of the health service, a decision has to be taken without allowing time for consultation; but, in any such case, the Health Authority shall notify the Council immediately of the decision taken and the reason why no consultation has taken place.

(4) A Health Authority may specify the date by which comments on any proposals referred to in paragraph (1) are to be made by the Council.

(5) In any case where a Council is not satisfied that sufficient time has been allowed under paragraph (4), or that consultation on any proposal referred to in paragraph (1) has been adequate, the Council shall notify the Secretary of State in writing who may require the Health Authority to carry out such further consultation with the Council as he considers appropriate.

(6) Where further consultation has been required under paragraph (5), the Health Authority shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.

**Information to be furnished by relevant Health Authorities**

**19.—(1)** Subject to paragraph (2), it shall be the duty of each relevant Health Authority to provide a Council with such information about the planning and operation of health services in its area as the Council may reasonably require in order to discharge its functions.

(2) Nothing in paragraph (1) shall require the provision by a Health Authority of confidential information relating to—

- (a) the diagnosis or treatment of any patient; or

- (b) personnel matters affecting any officer employed by the Health Authority; or any of other information the disclosure of which is prohibited by law.

(3) In the event of a Health Authority refusing to disclose to a Council information to which paragraph (2) does not apply, the Council may appeal to the Secretary of State and a decision of the Secretary of State as to whether the information is reasonably required by the Council in order to discharge its functions shall be final for the purposes of this regulation.

### **Inspection of premises by Councils**

**20.**—(1) Subject to paragraph (2), a Council or any member authorised by the Council for the purpose may enter and inspect any premises controlled by a relevant Health Authority or relevant NHS trust at such times and subject to such conditions as may be agreed between the Council and the Health Authority or NHS trust or, in default of such agreement, as may be determined by the Secretary of State.

(2) No member shall enter—

- (a) any premises or part of premises used as residential accommodation for officers employed by any Health Authority or NHS trust, without having first obtained the consent of the officers residing in such accommodation; or
- (b) any premises or part of premises made available to persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services, without having first obtained the consent of those persons.

### **Meetings between Council and relevant Health Authority**

**21.** It shall be the duty of each relevant Health Authority to arrange, not less than once every year, a meeting between members of the Health Authority, being not less than one-third of its members, and the members of the Council to discuss such matters relating to the functions of the Council as may be raised by the Council or the relevant Health Authority.