
STATUTORY INSTRUMENTS

1997 No. 327

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

WALES

The Health Promotion Authority for Wales Regulations 1997

Made - - - - *26th February 1997*
Laid before Parliament *6th March 1997*
Coming into force - - *1st April 1997*

The Secretary of State for Wales, in exercise of powers conferred upon him by section 126(4) of, and paragraphs 12 and 16 of Schedule 5 to, the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Promotion Authority for Wales Regulations 1997 and shall come into force on 1st April 1997.

(2) In these Regulations—

“chairman” means the chairman of the Authority;

“member” means a member of the Authority other than the chairman;

“non-officer member” means a member who is not an officer of the Authority;

“officer member” means a member who is an officer of the Authority;

“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).

(1) 1977 c. 49. Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); paragraph 12 of Schedule 5 was amended by paragraph 9 of Schedule 1 to the 1990 Act and paragraph 60(e) of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”). See section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act and paragraph 58 of Schedule 1 to the 1995 Act, for the definitions of “prescribed” and “regulations”.

(2) S.I. 1991/1102, as amended by S.I. 1997/326.

Appointment of chairman and members

2.—(1) The chairman and non-officer members shall be appointed by the Secretary of State.

(2) The officer member referred to in article 5(e) of the Constitution Order⁽³⁾ shall be appointed by the chairman and non-officer members.

Tenure of office of chairman and members

3.—(1) Subject to paragraph (7) and to such provisions applied by these Regulations as to termination of, and disqualification for, appointment, the chairman and non-officer members shall hold office for such period as the Secretary of State may specify on appointing them.

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

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

(4) The officer member referred to in article 5(e) of the Constitution Order shall, subject to paragraphs (5) and (6), hold office for so long as he continues to hold the position in the Authority which he holds at the time of his appointment as member.

(5) Where for any period an officer member is suspended from his duties as an officer of the Authority—

(a) he shall also be suspended during that period from performing his functions as a member; and

(b) any person appointed by the Authority to act in his place as an officer of the Authority shall also be appointed by the Authority to perform his functions as a member for that period.

(6) If the chairman and non-officer members are of the opinion that it is not in the interests of the Authority that the officer member referred to in article 5(e) of the Constitution Order should continue to hold office as a member, they shall forthwith terminate his tenure of office.

(7) If the Secretary of State is of the opinion that—

(a) it is not in the interests of the health service, or

(b) it is not conducive to the good management of the Authority,

for a person whom he has appointed as the chairman or a member to continue to hold that office, the Secretary of State may forthwith terminate his tenure of office.

Application of regulations

4. The provisions of regulations 7 (application of regulations 8 to 11), 8(1) to (3) and (5) to (7) (termination of tenure of office), 9 (eligibility for reappointment), 10(1)(a) to (f) and (j) to (l), and (2) to (5) (disqualification for appointment), 11 (cessation of disqualification), 12 (appointment of vice-chairman), 13 (powers of vice-chairman), 14 (appointment of committees and sub-committees), 15 (meetings and proceedings) and 16 (disability on account of pecuniary interest) of, and Schedule 3 to, the Health Authorities (Membership and Procedure) Regulations 1996⁽⁴⁾ shall apply in relation to the Authority as if in those Regulations—

(a) unless the context otherwise requires, any reference to an Authority includes a reference to the Authority;

(b) in regulation 10(1)(f), the reference to paragraph (4) of regulation 8 were a reference to regulation 3(7) of these Regulations;

⁽³⁾ Article 5 of the Constitution Order is substituted by [S.I. 1997/326](#).

⁽⁴⁾ [S.I. 1996/707](#).

- (c) in regulation 10(1)(k) and (5) the words “another Authority or a Special Health Authority” were (in each case) “another Special Health Authority or an Authority”.

Reports and information from the Authority

5. 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

6. The Health Promotion Authority for Wales Regulations 1991(5) are hereby revoked.

Signed by authority of the Secretary of State for Wales

26th February 1997

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

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 Health Promotion Authority for Wales Regulations 1991 (S.I. 1991/1103) (“the 1991 Regulations”). The 1991 Regulations made provision with respect to the tenure of office of members, and the procedures of the Health Promotion Authority for Wales (“the Authority”). These new Regulations are made as a consequence of changes to the constitution of the Authority and to make changes in connection with the procedures to which the Authority is subject.

Regulation 2 makes provision with respect to the appointment of the chairman and members of the Authority. Regulations 3 and 4 make provision with respect to the tenure of office of the chairman and members; the termination of, and disqualification from, tenure of office of the chairman and members; the appointment of committees; and the proceedings of the Authority and any committees it may establish. Regulation 5 makes provision with respect to the making of reports and furnishing of information to the Secretary of State. Regulation 6 revokes the 1991 Regulations.