
WELSH STATUTORY INSTRUMENTS

2004 No. 1742 (W.181)

PUBLIC HEALTH, WALES

**The Wales Centre for Health (Constitution,
Membership and Procedures) Regulations 2004**

Made - - - - 6 July 2004
Coming into force - - 31 July 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by paragraph 10 of Schedule 2 to and by section 8 of the Health (Wales) Act 2003⁽¹⁾ hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Wales Centre for Health (Constitution, Membership and Procedures) Regulations 2004 and come into force on 31 July 2004.

(2) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Health (Wales) Act 2003;

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

“the Centre” (“*y Ganolfan*”) means the Wales Centre for Health or Canolfan Iechyd Cymru⁽²⁾;

“co-opted member” (“*aelod cyfetholedig*”) or “co-opted members” (“*aelodau cyfetholedig*”) means a person or persons appointed by the Centre in accordance with regulation 2(4);

“chair” (“*cadeirydd*”) means the person appointed by the Assembly pursuant to section 2(3) of the Act;

“health service body” (“*corff gwasanaeth iechyd*”) means a Health Authority, Special Health Authority, Strategic Health Authority, Local Health Board, National Health Service Trust, or Primary Care Trust; and

“member” (“*aelod*”) or “members” (“*aelodau*”) means a person or persons appointed by the Assembly pursuant to section 2(2) of the Act and, except where the context requires, includes the chair.

(1) 2003 c. 4.

(2) The Wales Centre for Health will be established on the coming into force of sections 2 and 3 of and Schedule 2 to the Health (Wales) Act 2003 (“the Act”). Sections 2 and 3 of and paragraph 10 of Schedule 2 to the Act came into force for the purposes of making regulations only on 20 October 2003 in accordance with the Health (Wales) Act 2003 (Commencement No.1) Order 2003 S.I.2003/2660 (W.256) (C.102).

PART 1

Membership

Membership of the Centre

2.—(1) The Centre will consist of no more than 12 members appointed by the Assembly.

(2) In appointing members, the Assembly will have regard to the desirability of appointing persons who have experience in, and have shown capacity in, some matter relevant to the functions of the Centre.

(3) The Assembly will appoint the chair (who will be a member of the Centre) and may, if it thinks fit, appoint one of the other members as deputy chair.

(4) Subject to paragraph (5), the Centre may from time to time appoint such co-opted members as appear to it to be necessary or expedient for the performance by the Centre of its functions.

(5) The number of co-opted members must not exceed the number of members unless the Centre has obtained the written permission of the Assembly to exceed this number.

Tenure of office of chair and other members

3.—(1) The terms of office of the chair, deputy chair and other members of the Centre will be such as the Assembly specifies upon the making of the appointment but normally will not exceed a maximum term of five years.

(2) The term of office for a co-opted member will be such as the Centre specifies upon making the appointment but normally will not exceed a period of two years.

Termination of tenure of office

4.—(1) A member may resign office at any time during the period for which he or she was appointed by giving notice in writing to the Assembly.

(2) A co-opted member may resign office at any time during the period for which he or she was appointed by giving notice in writing to the Centre.

(3) The date on which a resignation by notice pursuant to paragraphs (1) or (2) will take effect will be—

(a) where a date is specified in the notice as being that on which the resignation is to take effect, that date; and

(b) in any other case, the date on which the notice is received by the Assembly or the Centre.

(4) In the case of a member who is the chair or deputy chair, the resignation referred to in paragraph (1) must state whether or not it is given in respect of the member's appointment as chair or deputy chair only and the Assembly may permit that person to continue as a member for the unexpired period of the original term of appointment as chair or deputy chair.

(5) If the Assembly is of the opinion that a person whom it has appointed as the chair, deputy chair or other member of the Centre is unfit or otherwise unable to carry out the functions of that office, the Assembly may forthwith terminate that person's tenure of office by giving him or her notice in writing to that effect.

(6) If the Assembly is satisfied that a member has been absent from 3 consecutive meetings of the Centre, the Assembly may forthwith terminate that member's tenure of office unless it is satisfied that—

(a) the absence was due to reasonable cause; and

(b) the member will be able to attend meeting of the Centre within such period as the Assembly considers reasonable.

(7) Where a person has been appointed by the Assembly to be a member of the Centre—

(a) if it comes to the notice of the Assembly that the person has become disqualified for appointment under regulation 5, it must forthwith notify that person of such disqualification by giving him or her notice in writing to that effect; or

(b) if it comes to the notice of the Assembly that at the time of appointment a person was so disqualified, it must declare that the person was not duly appointed and notify him or her in writing to that effect,

and upon receipt of any such notification, that person's tenure of office, if any, will be terminated and he or she will cease to be a member.

(8) Paragraphs (5) to (7) apply to co-opted members as if each reference to a member were a reference to a co-opted member and each reference to the Assembly were a reference to the Centre.

Disqualification for appointment

5. Subject to regulation 6, a person will be disqualified for appointment as a member or a co-opted member if that person—

(a) has, within the preceding five years, been convicted in the United Kingdom of an offence or convicted elsewhere of an offence which, if committed in any part of the United Kingdom would constitute a criminal offence in that part, and in either case has been sentenced to a period of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, and which has not been quashed on appeal;

(b) has been adjudged bankrupt or has made a composition or arrangement with creditors;

(c) has been dismissed, (without being reinstated) by reason of misconduct from any paid employment where that dismissal has not been the subject of a finding of unfair or wrongful dismissal by a tribunal or a court;

(d) has had his or her membership as chair, deputy chair, director or member of a health service body terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the organisation, or expiry of the period of office for which that person was appointed;

(e) has been disqualified from being a member of a local authority under sections 17(2)(b) or 18(7) of the Audit Commission Act 1998⁽³⁾ (members of local authorities who are responsible for incurring or authorising unlawful expenditure or whose wilful misconduct has caused a loss or deficiency);

(f) has been removed—

(i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which that person was responsible or to which he or she was privy, or which by his or her conduct that person contributed to or facilitated, or

(ii) under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990⁽⁴⁾ (powers of the Court of Session to deal with management of charities) from being concerned in the management or control of any body.

⁽³⁾ 1998 c. 18.

⁽⁴⁾ 1990 c. 40.

Cessation of disqualification

6.—(1) For the purposes of regulation 5(a), the date of conviction will be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

(2) For the purposes of regulation 5(c), a person will not be treated as having been in paid employment by reason only of having held the position of chair, deputy chair, director or member of any health service body.

(3) Where a person is disqualified by reason of regulation 5(b) —

- (a) if the bankruptcy is annulled on the ground that the person ought not to have been adjudged bankrupt or on the ground that the person's debts have been paid in full, that person will become eligible for appointment as a member on the date of the annulment;
- (b) if the person is discharged from bankruptcy, that person will become eligible for appointment as a member on the date of the discharge;
- (c) if, having made a composition or arrangement with creditors, the person's debts are paid in full, that person will become eligible for appointment as a member on the date upon which such debts are paid in full; and
- (d) if, having made a composition or arrangement with creditors, that person will become eligible for appointment as a member on the expiry of five years from the date on which the terms of the deed of composition or arrangement were fulfilled.

(4) Subject to paragraph (5), where a person is ineligible by reason of regulation 5(c), that person may, after the expiry of not less than two years from the date of dismissal from employment, apply in writing to the Assembly to remove the ineligibility, and the Assembly may determine that the ineligibility shall cease.

(5) Where the Assembly refuses an application to remove a disqualification, no further application may be made by that person until the expiry of two years beginning with the date of the application and this paragraph will apply to any subsequent application.

(6) Where a person is disqualified by reason of regulation 5(d), that person will become eligible for appointment as a member on the expiry of two years from the date of the termination of membership or such longer period as may have been specified by the health service body that terminated the membership, but the Assembly may, on application being made in writing to it by that person, reduce the period of disqualification.

(7) Paragraphs (4) to (6) apply to co-opted members as if each reference to the Assembly were a reference to the Centre.

PART 2

Proceedings and administrative arrangements

Appointment of deputy chair

7.—(1) If no deputy chair has been appointed by the Assembly, then, subject to paragraph (3), the members may appoint one of their number to be deputy chair for such period not exceeding his or her original term as a member, as they may specify.

(2) Any member so appointed may at any time resign from the office of deputy chair by giving notice in writing to the chair.

(3) A member who resigns in accordance with paragraph (2) must forward a copy of the notice in writing to the Assembly.

(4) The date on which a resignation by notice given pursuant to paragraph (2) will take effect will be—

- (a) where a date is specified in the notice as being that on which the resignation is to take effect, that date; and
- (b) in any other case, the date on which the notice is received by the chair.

Powers of deputy chair

8. Where—

- (a) a member is appointed to be deputy chair either by the Assembly or in accordance with regulation 7, and
- (b) the chair has died or has ceased to hold office, or is unable to perform the duties of chair owing to illness, absence from the United Kingdom or any other cause,

the deputy chair will act as chair until a new chair is appointed or the existing chair resumes the duties of that office as the case may be, and references to the chair will, so long as there is no chair able to perform the duties of that office, be taken to include references to the deputy chair.

Appointment of committees and sub-committees

9.—(1) The Centre may appoint committees of the Centre consisting wholly or partly of the members of the Centre.

(2) The meetings and proceedings of a committee appointed under this regulation will be conducted in accordance with standing orders made by the Centre.

(3) A committee appointed under this regulation may, subject to any provision within standing orders made by the Centre, appoint sub-committees consisting wholly or partly of members of the committee.

Meetings and proceedings

10.—(1) The meetings and proceedings of the Centre will be conducted in accordance with the rules set out in the Schedule hereto and with standing orders made under paragraph (2).

(2) Subject to those rules, the Centre must make, and may vary or revoke, standing orders for the regulation of its proceedings and business.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

6 July 2004

D. Elis-Thomas
The Presiding Officer of the National Assembly

SCHEDULE

Regulation 10

Rules as to meetings and proceedings of the Centre

1. The first meeting of the Centre will be held on such day and at such place as may be fixed by the Assembly and the chair will be responsible for convening the meeting.

2.—(1) The chair may call a meeting of the Centre at any time but shall ensure that at least three meetings of the Centre are convened in the period commencing on 1st April in any year and expiring on 31st March in the following year.

(2) If the chair refuses to call a meeting after a requisition for that purpose, signed by at least one third of the members, has been presented to him or her, or if, without so refusing, the chair does not call a meeting within seven days after such requisition has been presented to him or her, such one third or more members may forthwith call a meeting.

(3) Before each meeting of the Centre, a notice of the meeting, specifying the business proposed to be transacted at it, and signed by the chair or by an officer of the Centre authorised by the chair to sign on his or her behalf must be delivered to every member and to the Assembly, or sent by post to the usual place of residence of such member or to such other address that has been notified in advance by the member, so as to be available to such member at least seven clear days before the meeting.

(4) Want of service of the notice on any member or the Assembly will not affect the validity of a meeting.

(5) In the case of a meeting called by members in default of the chair, the notice must be signed by those members and no business must be transacted at the meeting other than that specified in the notice.

(6) A representative of the Assembly will be entitled to attend meetings of the Centre or of any committee or sub-committee appointed in accordance with regulation 9.

(7) The proceedings of the Centre will not be invalidated by any vacancy in its membership or by any defect in a member's appointment.

3.—(1) At any meeting of the Centre the chair, if present, will preside.

(2) If the chair is absent from the meeting, the deputy chair, if one has been appointed and is present, will preside.

(3) If the chair and deputy chair are absent, such members as are present will choose who will preside.

4. Every question at a meeting of the Centre will be determined by a majority of the votes of the members present and voting on the question and, in the case of any equality of votes, the person presiding will have a second and casting vote.

5. The names of the chair, members and any other persons present at the meeting will be recorded.

6. No business will be transacted at a meeting of the Centre unless the number present is not less than one third of the whole membership of the Centre.

7. The minutes of the proceedings of a meeting of the Centre will be drawn up and submitted for agreement at the next meeting of the Centre where, if agreed, they will be signed by the person presiding.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions for the constitution and membership of the Wales Centre for Health preparatory to the establishment of the Centre.

The Wales Centre for Health is to be established in April 2005 (on the coming into force, for all purposes, of sections 2 and 3 of the Health (Wales) Act 2003) and will have the functions of developing and maintaining arrangements for making information about matters relating to the protection and improvement of health in Wales available to the public in Wales, to undertake and commission research and to contribute to the development of training in such matters.

These Regulations also make provision for certain procedures and administrative arrangements for the Centre.