

SCHEDULE 2

Regulation 5

ELIGIBILITY REQUIREMENTS FOR MEMBERS AND ASSOCIATE MEMBERS

PART 1

General requirements

1.—(1) Part 1 of this Schedule applies in relation to the eligibility for appointment of members and associate members.

(2) Subject to paragraph (4), (5), (6) and (8), a person is not be eligible for appointment as a member or associate member if that person —

- (a) has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) is the subject of a bankruptcy restrictions order or an interim order or has made a composition or arrangement with creditors;
- (c) has been dismissed, other than by reason of redundancy, from any paid employment with a health service body;
- (d) has had his or her membership as chair, member or director of a health service body terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the health service body, or expiry of the period of office for which that person was appointed;

(3) For the purposes of paragraph (2) (a) the date of conviction is 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.

(4) For the purposes of paragraph (2) (c), a person is not be treated as having been in paid employment by reason only of having held the position of member, associate member or director of a health service body.

(5) Where a person is ineligible by reason of paragraph (2) (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 becomes eligible for appointment as a member or associate member on the date of the annulment;
- (b) if the person is discharged from bankruptcy, that person becomes eligible for appointment as a member or associate 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 becomes eligible for appointment as a member or associate 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 becomes eligible for appointment as a member or associate member on the expiry of five years from the date on which the terms of the deed of composition or arrangement were fulfilled.

(6) Subject to paragraph (7), where a person is ineligible by reason of paragraph (2) (c), that person may, after the expiry of two years from the date of dismissal, apply in writing to the Welsh Ministers to remove the ineligibility, and the Welsh Ministers may direct that the ineligibility ceases.

(7) Where the Welsh Ministers refuse an application to remove an ineligibility, 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 applies to any subsequent application.

(8) Where a person is ineligible by reason of paragraph (2)(d), that person becomes eligible for appointment as a member or associate member on the expiry of two years from the date of termination of membership or such longer period as may have been specified by the authority which terminated the membership, but the Welsh Ministers may, on application being made in writing to them by that person, reduce the period of ineligibility.

PART 2

Eligibility Requirements for Chairs, Vice-chairs and Non-officer Members

2.—(1) Subject to paragraph (2) a person is ineligible to be a chair, vice-chair or non-officer member if that person is, or has been within the preceding year, in the paid employment of any of the following Local Health Boards or NHS Trusts—

- (a) a Local Health Board listed in Schedule 2 or Schedule 3 to the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 if it is, or was, within the area of the Board;
- (b) a NHS Trust listed in the Schedule to the National Health Service Trusts (Dissolution) (Wales) Order 2009(1) if it is, or was, within the area of the Board;
- (c) Velindre National Health Service Trust(2); or
- (d) Welsh Ambulance Services National Health Service Trust(3).

(2) A person is not ineligible under paragraph (1) if that person is appointed as—

- (a) a trade union member in accordance with regulation 3(4)(c); or
- (b) a university member in accordance with regulation 3(4)(d).

(3) For the purposes of paragraph (1), a person is not to be treated as having been in paid employment by reason only of having held the position of chair, vice-chair or non-officer member of a Local Health Board or a chair, vice-chair or non-executive director of a NHS Trust.

PART 3

Eligibility Requirements for Specific Categories of Member

Medical officer

3. To be eligible for appointment as the medical officer in regulation 3(2)(b) the person must be listed in the General Medical Council General Practitioner Register(4) or Specialist Register(5).

(1) [S.I. 2009/1306 \(W.117\)](#).

(2) Established by [S.I. 1993/2838](#).

(3) Established by [S.I. 1998/678](#).

(4) The General Practitioner Register is maintained by the General Medical Council under article 10 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 ([S.I. 2003/1250](#)).

(5) The Specialist Register is maintained by the General Medical Council under article 13 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 ([S.I. 2003/1250](#)).

Nurse officer

4. To be eligible for appointment as the nurse officer in regulation 3(2)(d), a person must be included on the register maintained by the Nursing and Midwifery Council(6).

Public health officer

5. To be eligible for appointment as the officer with responsibility for public health under regulation 3(2)(g), the person must have completed higher specialist training in public health or a related discipline and be listed in the General Medical Council Specialist Register, the General Dental Council Specialist List in Dental Public Health(7) or the UK Public Health Register(8).

Therapies and health science officer

6. To be eligible for appointment as a member appointed under regulation 3(2)(i), a person must be included on the register maintained by the Health Professions Council(9).

Local authority member

7. To be eligible for appointment as a member appointed under regulation 3(4)(a) the person must be an elected member of a local authority whose area is within the Board's area.

Voluntary organisation member

8. To be eligible for appointment as a member appointed under regulation 3(4)(b) the person must be an employee or a member of a voluntary organisation that operates within the Board's area.

Trade union member

9. To be eligible for appointment as a member appointed under regulation 3(4)(c) the person must be—

- (a) employed by the Board; and
- (b) a member of a trade union recognised by the Board in relation to employment matters.

(6) The Nursing and Midwifery Council maintains a register in accordance with Article 5 of the Nursing and Midwifery Council Order 2002 (S.I. 2002/253).

(7) The Dental Public Health Specialists List is prescribed by the General Dental Council (Specialist List) Regulations 2008 made by the Council under sections 26 and 52 of the Dentists Act 1984 (c. 24).

(8) The UK Public Health Register is maintained by the Public Health Register a company limited by guarantee registered in England and Wales under registration number 4776439.

(9) The Health Professions Council maintains a register in accordance with Article 5 of the Health Professions Order 2001 (S.I. 2002/254).