

SCHEDULES

SCHEDULE 1

Regulation 6

DISQUALIFICATION

Criminal convictions

1.—(1) The person has within the period of 5 years immediately preceding the date of the proposed appointment been convicted, or at any time during their term of office is convicted—

- (a) in the United Kingdom of any criminal offence; or
- (b) outside the United Kingdom 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, the final outcome of the proceedings was a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of paying a fine.

(2) For the purposes of this paragraph, 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.

Bankruptcy

2.—(1) The person is subject to a bankruptcy restrictions order, an interim bankruptcy restrictions order or has made a composition or an arrangement with creditors.

- (2) Where a person is disqualified under sub-paragraph (1)—
- (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 on the date of the annulment;
 - (b) if the person is discharged from bankruptcy, that person becomes 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 becomes 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, a period of 5 years has expired from the date on which the terms of the composition or arrangement were fulfilled, that person becomes eligible for appointment as a member.

Dismissal from health service body

3.—(1) The person has been dismissed within the period of 5 years immediately preceding the date of the proposed appointment or during their term as a member, otherwise than by reason of redundancy, from paid employment with a health service body.

(2) A person who is disqualified under sub-paragraph (1) may, after the expiry of 2 years from the date of dismissal, apply in writing to the Welsh Ministers to have that disqualification removed.

Status: This is the original version (as it was originally made).

(3) If the Welsh Ministers refuse a person's application under sub-paragraph (2), no further application may be made by the person before the expiry of the period of 2 years beginning with the date of the person's last application.

(4) For the purpose of this paragraph, a person is not to be treated as having been in paid employment by reason only of having been—

- (a) in the case of a health service body which is not an NHS trust or an NHS foundation trust (other than a clinical commissioning group), the chairman or a non-officer member of the body;
- (b) in the case of an NHS trust, the chairman or a non-executive director of the trust;
- (c) in the case of an NHS foundation trust, the chairman, a governor or a non-executive director of the trust; or
- (d) in the case of a clinical commissioning group, the chair or a member of the governing body.

(5) In sub-paragraph (4)(a), "non-officer member" means a member of a health service body who is not employed by the body.

Termination of membership of health service body

4.—(1) The person has—

- (a) 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; or
- (b) been removed from office as the chair or a member of the governing body of a clinical commission group.

(2) If a person is disqualified under sub-paragraph (1) the disqualification ceases to have effect on the expiry of 2 years beginning on the date of the termination of the term of appointment or such longer period as may have been specified by the body that terminated the person's membership.

(3) The Welsh Ministers may reduce the period of disqualification mentioned in sub-paragraph (2) on the application of the disqualified person.

Cessation of disqualification

5. Where the Welsh Ministers have directed that a disqualification is to be removed under paragraph 3 or when the period of disqualification has come to an end under paragraph 4, the person is no longer disqualified for the purpose of this Schedule.