

## SCHEDULE

### HEALTH BOARD ELECTION RULES

#### PART 5

#### CANDIDATES

##### *List of restricted posts*

11.—(1) Each Health Board must keep a list of Health Board posts which involve—

- (a) giving advice on a regular basis to the Board (or to any of its committee or sub-committees), or
- (b) speaking on the Board's behalf on a regular basis to journalists or broadcasters.

(2) The person appointed under section 3(1) of the Local Government and Housing Act 1989<sup>(1)</sup> (the “adjudicator”) may give advice to a Health Board about the determination of any question arising by virtue of the Board's duty to keep the list (and the Health Board must have regard to that advice when preparing and maintaining the list).

(3) An individual holding a Health Board post included in the list (or which the Health Board is proposing to so include) may apply to the adjudicator for the post to be exempt from the list.

(4) A Health Board must give the adjudicator any information which the adjudicator may reasonably require for the purposes of determining such an application.

(5) If the adjudicator is satisfied that a post to which such an application relates does not involve any of the activities described in paragraph (1), the adjudicator must direct that the post—

- (a) is not to be considered a restricted post; and
- (b) is to be removed from (or is not to be included in) the list,

and a Health Board must comply with such a direction.

(6) The adjudicator must give priority to any such application which states that it is being made for the purpose of enabling the applicant to be a candidate in a forthcoming Health Board election.

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(1) 1989 c.42. Section 3(i) was amended by the Local Government and Public Involvement in Health Act 2007 (c.28), section 202.