

### SCHEDULE 3

#### Amendments consequential on the establishment of the National Health Service Commissioning Board and clinical commissioning groups

#### **The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009**

**12.**—(1) The English text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009<sup>(1)</sup> is amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “health service body” (“*corff gwasanaeth iechyd*”)—

(a) in paragraph (a), after “a Primary Care Trust,” insert “a clinical commissioning group,”; and

(b) at the end insert—

“(e) the National Health Service Commissioning Board;”.

(3) In regulation 15 (disqualification for appointment of chair and non-executive directors)—

(a) for sub-paragraph (1)(d), substitute—

“(d) he is a person whose tenure of office as the chairman, a member, a director or a governor of a health service body other than a clinical commissioning group has been terminated on the grounds—

(i) that it was not in the interests of the health service body or of the health service that he should continue to hold the office,

(ii) of non-attendance at meetings,

(iii) of non-disclosure of a pecuniary interest, or

(iv) of misbehaviour, misconduct or failure to carry out his duties;”;

(b) after sub-paragraph (1)(d), insert—

“(da) that person is a person who has been removed from office as the chair or a member of the governing body of a clinical commissioning group; or”;

(c) in sub-paragraph (1)(e), after “health service body other than”, insert “a clinical commissioning group or an employee of such a group or”;

(d) after sub-paragraph (1)(e) insert—

“(ea) that person is the chair or a member of the governing body of a clinical commissioning group or an employee of the group; or”; and

(e) for paragraph (3) substitute—

“(3) For the purposes of paragraph (1)(c), a person will not be treated as having been in paid employment by reason only of having been—

(a) in the case of an NHS foundation trust, the chair, a governor or a non-executive director;

(b) in the case of a clinical commissioning group, the chair or a member of the governing body of the group; or

(c) in the case of any other health service body, the chair, a member or a director of the health service body in question.”.

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(1) S.I. 2009/1385 (W. 141) as amended by S.I. 2011/990 and 2581.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(4) The Welsh text of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 is amended as follows.

(5) In regulation 1(2) (dehongli), in the definition of “corff gwasanaeth iechyd” (“*health service body*”)—

- (a) in paragraph (a), after “Gofal Iechyd Sylfaenol”, insert “grŵp comisiynu clinigol,” and
- (b) at the end insert—

“(d) Bwrdd Comisiynu’r Gwasanaeth Iechyd Gwladol;”.

(6) In regulation 15 (datgymhwyso rhag penodi cadeirydd a chyfarwyddwyr anweithredol)—

- (a) for sub-paragraph (1)(ch), substitute—

“(ch) os yw’r person hwnnw yn berson y mae ei ddeiliadaeth swydd fel cadeirydd corff gwasanaeth iechyd, neu fel aelod ohono, neu fel cyfarwyddwr neu lywodraethwr iddo, wedi ei therfynu oherwydd —

- (i) nad oedd o fudd i’r corff gwasanaeth iechyd neu i’r gwasanaeth iechyd gwladol iddo barhau i ddal y swydd,
- (ii) nad oedd yn mynychu cyfarfodydd,
- (iii) nad oedd yn datgelu buddiant ariannol, neu
- (iv) iddo gamymddwyn, gamweinyddu neu fethu â chyflawni ei ddyletswyddau;”;

- (b) after sub-paragraph (1)(ch), insert—

“(cha) os yw’r person hwnnw yn berson a ddiswyddwyd fel cadeirydd neu aelod o gorff llywodraethu grŵp comisiynu clinigol; neu”;

- (c) for sub-paragraph (1)(d), substitute—

“(d) os yw’r person hwnnw’n gadeirydd corff gwasanaeth iechyd ac eithrio grŵp comisiynu clinigol neu gyflogai i’r grŵp hwnnw neu ymddiriedolaeth sefydledig GIG, neu os yw’n aelod o’r corff gwasanaeth iechyd hwnnw neu’n gyfarwyddwr neu’n gyflogai iddo; neu”;

- (d) after sub-paragraph (1)(d) insert—

“(da) os yw’r person hwnnw’n gadeirydd neu’n aelod o gorff llywodraethu grŵp comisiynu clinigol neu yn gyflogai i’r grŵp; neu”; and

- (e) for paragraph (3) substitute—

“(3) At ddibenion paragraff (1)(c), ni thrinnir person fel petai wedi bod mewn cyflogaeth am dâl yn unig oherwydd iddo fod—

- (a) yn achos ymddiriedolaeth sefydledig GIG, yn gadeirydd, llywodraethwr neu gyfarwyddwr anweithredol;
- (b) yn achos grŵp comisiynu clinigol, yn gadeirydd neu’n aelod o gorff llywodraethu’r grŵp;
- (c) yn achos unrhyw gorff gwasanaeth iechyd arall, cadeirydd, neu aelod neu gyfarwyddwr ar y corff gwasanaeth iechyd dan sylw.”.