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STATUTORY INSTRUMENTS

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**2013 No. 218**

**The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013**

**PART 2**

**HEALTH AND WELLBEING BOARDS**

**Interpretation**

2. In this Part, “the 1989 Act” means the Local Government and Housing Act 1989(1).

**Modification of section 101 of the 1972 Act**

3.—(1) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities)(2) applies in relation to a Health and Wellbeing Board(3) with the following modifications.

(2) For subsection (2) substitute—

“(2) Where any functions may be discharged by a Health and Wellbeing Board by virtue of any enactment, other than section 196(2) of the 2012 Act (other functions of health and wellbeing boards) then, unless the local authority which established the Board otherwise directs, the Board may arrange for the discharge of any of those functions by a sub-committee of the Board.

(2A) Where any functions may be discharged by a Health and Wellbeing Board by virtue of section 196(2) of the 2012 Act, then—

- (a) unless the authority which established the Board otherwise directs, the Board may arrange for the discharge of any of those functions by a sub-committee of the Board or an officer of the authority; and
- (b) unless the Board otherwise directs, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.”.

(3) In subsection (4), at the beginning insert “Subject to section 196(1) (other functions of Health and Wellbeing Boards)”.

**Modification of section 102 of the 1972 Act**

4.—(1) Section 102 of the 1972 Act (appointment of committees)(4) applies in relation to a Health and Wellbeing Board with the following modifications.

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(1) [1989 c.42](#).  
(2) There are no relevant amendments to section 101 of the 1972 Act.  
(3) Established under section 194 of the 2012 Act.  
(4) Relevant amendments were made by paragraph 25 of Schedule 11 to the Local Government and Housing Act [1989 \(c.42\)](#) and by [S.I. 2001/1517](#).

(2) Subsection (2) applies subject to the provisions of section 194(2) to (9) of the 2012 Act (membership of health and wellbeing boards).

(3) After subsection (4A), insert—

“(4B) A Health and Wellbeing Board may appoint one or more sub-committees of the Board to advise the Board with respect to any matter relating to the discharge of functions by the Board.”.

### **Disapplication of section 104(1) of the 1972 Act**

5.—(1) Section 104(1) of the 1972 Act (disqualification for membership of committees and joint committees)(5) does not apply in relation to a Health and Wellbeing Board, a sub-committee of such a Board or a joint sub-committee of two or more such Boards.

(2) Paragraph (1) does not apply, in so far as it relates to a person disqualified by virtue of section 80(1)(b) or (d) of the 1972 Act for being elected or being a member of a local authority (disqualification by reason of bankruptcy or criminal conviction)(6).

### **Modification of section 13 of the 1989 Act**

6. Section 13 of the 1989 Act (voting rights of members of certain committees: England and Wales)(7) applies in relation to a Health and Wellbeing Board with the modification that after subsection (1) there were inserted—

“(1A) A person who is a member of a Health and Wellbeing Board, a sub-committee of such a Board, or a joint sub-committee of two or more such Boards, shall not be treated as a non-voting member of that Board or sub-committee by virtue of subsection (1), unless the local authority which established the Board otherwise directs.

(1B) Before making a direction under subsection (1A), the local authority must consult the Health and Wellbeing Board.”.

### **Disapplication of sections 15 and 16 of, and Schedule 1 to, the 1989 Act**

7. The following provisions of the 1989 Act do not apply to a Health and Wellbeing Board, a sub-committee of such a Board or a joint sub-committee of two or more such Boards—

- (a) section 15 (duty to allocate seats to political parties);
- (b) section 16 (duty to give effect to allocations); and
- (c) Schedule 1 (political balance on local authority committees etc.)(8).

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(5) There are no relevant amendments to section 104.

(6) Section 80(1)(b) was amended by [S.I. 2012/2404](#). There are no relevant amendments to section 80(1)(d).

(7) There are no relevant amendments to section 13.

(8) Schedule 1 was amended by the Education Act 1993 (c.35), section 307, Schedule 19, paragraph 157 and Schedule 21, by the Police and Magistrates' Court Act 1994 (c.29), section 93, Schedule 4, paragraph 44 and Schedule 9, by the Local Government etc (Scotland) Act 1994 (c.39), section 180(2) and Schedule 14, by the Environment Act 1995 (c.25), section 120, Schedule 7, paragraph 2(8), Schedule 10, paragraph 31(5) and Schedule 24, by the Countryside and Rights of Way Act 2000 (c.37), Schedule 13, paragraph 4(7), by the Children Act 2004 (c.31), sections 55(4) and 64, and Schedule 5, by the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 81 and by the Marine and Coastal Access Act 2009 (c.23), section 321, Schedule 14, paragraphs 12 and 15, and Schedule 22.