
WELSH STATUTORY INSTRUMENTS

2004 No. 905

Community Health Councils Regulations 2004

PART II

Establishment and Membership of Councils

Disqualification for membership

9.—(1) A person shall be disqualified for appointment as a member, and from being a member, if —

- (a) he or she is a chair, director or a member of a relevant Local Health Board, relevant NHS Trust, relevant Strategic Health Authority, or relevant Primary Care Trust;
- (b) he or she is employed by a relevant Local Health Board, relevant NHS Trust, relevant Strategic Health Authority or Primary Care Trust;
- (c) he or she provides, or is employed by a person or body not being a voluntary organisation providing, services under the Act in accordance with a contract made between that person or body and the relevant Local Health Board or a relevant NHS Trust;
- (d) he or she is a member of another Council; or
- (e) he or she is a
 - (i) medical practitioner,
 - (ii) dental practitioner,
 - (iii) registered pharmacist,
 - (iv) registered ophthalmic optician or registered dispensing optician within the meaning of the Opticians Act 1989⁽¹⁾,
 - (v) registered nurse, registered midwife or registered health visitor or, on the coming into force of the Nursing and Midwifery Order 2001⁽²⁾ is registered in the register maintained by the Nursing and Midwifery Council under article 5 of the 2001 Order, providing services as such within the district of the Council, save that the provisions of paragraph (a) shall not apply to a member who is to serve as an Associate Member of a Local Health Board in accordance with the provisions of the Local Health Board (Constitution, Membership and Procedures) (Wales) Regulations 2003⁽³⁾.

(2) Subject to paragraph (3), a person shall be disqualified for appointment, and from being a member if he or she has been dismissed, otherwise than by reason of redundancy, from any paid employment with any of the following bodies —

- (a) a Local Health Board;
- (b) a Health Authority;

⁽¹⁾ 1989 c. 44

⁽²⁾ S.I. 2002/253.

⁽³⁾ SI 2003/149(W.19), regulation 3(4)(m) and Schedule 2, paragraph 17(a).

- (c) a Special Health Authority;
- (d) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970⁽⁴⁾;
- (e) the Public Health Laboratory Service Board;
- (f) the Commission for Health Improvement;
- (g) a NHS Trust;
- (h) the Dental Practice Board;
- (i) the Health Protection Agency⁽⁵⁾;
- (j) a Strategic Health Authority, or
- (k) a Primary Care Trust.

(3) Subject to paragraph (4), where a person is disqualified under paragraph (2) he or she may, after the expiry of not less than two years commencing with the date of the dismissal, apply in writing to the Assembly for the removal of the disqualification, and the Assembly may direct that the disqualification shall cease.

(4) Where the Assembly refuses a person's application for the removal of a disqualification, no further application may be made by that person within two years of the date of that application.

(4) 1970 c. 46
(5) Established by [SI 2003/505](#)