

NATIONAL HEALTH SERVICE, WALES

The Betsi Cadwaladr University Local Health Board Intervention (Amendment) Order 2023

Made

13 March 2023

*Coming into force in accordance with
paragraph 1(2)*

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 26 and 27 of the National Health Service (Wales) Act 2006⁽¹⁾.

Title, commencement and interpretation

1.—(1) The title of this Order is the Betsi Cadwaladr University Local Health Board Intervention (Amendment) Order 2023.

(2) This Order comes into force when it is made.

(3) This Order is made in respect of Betsi Cadwaladr University Local Health Board⁽²⁾.

(4) In this Order “the First Order” means Betsi Cadwaladr University Local Health Board Intervention Order 2023.

Amendment of the First Order

2.—(1) The First Order is amended as follows.

(2) After paragraph 2(2) insert—

“(2A) Regulation 4 applies as if—

(a) for paragraph (2) there were substituted—

“(2) The chief officer is appointed by the chair, vice-chair and non-officer members.”

(b) after paragraph (2) insert—

(1) 2006 c. 42.

(2) Betsi Cadwaladr University Local Health Board was established by the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/778 (W. 66)).

“(2A) Other than the chief officer, the officer members are appointed by a committee whose members must be the chair, vice-chair, non-officer members and the chief officer.”;

(c) in paragraph (6)—

(i) omit “the Board makes”;

(ii) after “an appointment” insert “is made”;

(iii) after “(2),” insert “(2A)”;

(iv) omit “it must have”;

(v) after “regard” insert “must be had”;

(d) after paragraph (10) there were inserted—

“(11) The trade unions recognised by the Board may collectively nominate one person and the Welsh Ministers may choose the person nominated to be the trade union member under regulation 3(4)(c).”

(2B) Regulation 8(2) applies as if for “Board” there were substituted “chair, vice-chair and non-officer members.”

(3) Omit paragraph 2(5).

(4) For paragraph 2(6) substitute—

“(6) Schedule 3 applies as if—

(a) in paragraph 2(3) for “ten” there were substituted “five”;

(b) after paragraph 4(1) there were inserted—

“(1A) Where a question at a meeting is being determined in accordance with paragraph (1), the number of officer members voting on the question must not exceed the number of non-officer members (including the chair and vice-chair) voting on the question and the officer members who may vote are to be determined in accordance with the order by which they are listed in regulation 3(2).”

Eluned Morgan



Minister for Health and Social Services, one of the
Welsh Ministers

Date 13 March 2023

Betsi Cadwaladr University Health Board Intervention Order


Potential areas for disapplication of the Local Health Boards (Constitution, Membership and Procedures) Regulations 2009 and the Local Health Board Model Standing Orders and Reservation and Delegation of Powers

Regulation/ Paragraph	Provision	Corresponding Section of Model Standing Orders (if applicable)	Proposed alternative wording if applicable/Note – where shown in red this is revised wording as a result of the intervention order.	Rationale/Comments
3(1), (a), (b) and (d)	Membership of the Board – Chair, Vice-Chair and Non- Officer Members			As of 27 February there will be no Vice- Chair and only a Chair and 3 x non- officer members until further appointments are made.
3(4), (a), (b), (c) & (d)	There are 9 officer members which must include, (a) local authority, (b) voluntary organisation, (c) trade union member and (d) a person who holds a post in a university that is related to health		3(4) There are may be up to nine non- officer members which must may include— (a) a local authority member; (b) a voluntary organisation member; (c) a trade union member; (d) a person who holds a post in a university that is related to health.	The intention is to appoint to those posts specified in 3(4) (a) local authority, (c) trade union and (d) university through nomination in the next few weeks.
		1.1.4 – refers to provisions as specified in 3(4) as well as reference to ‘		The requirement to appoint in accordance with this paragraph has been raised as a barrier to recruitment even where a board is a full strength as

Regulation/ Paragraph	Provision	Corresponding Section of Model Standing Orders (if applicable)	Proposed alternative wording if applicable/Note – where shown in red this is revised wording as a result of the intervention order.	Rationale/Comments
		and five other independent members who together have experience in legal; finance; estates; information technology; and community knowledge and understanding		<p>it does not allow for a board to determine the skills required to suit their particular circumstances.</p> <p>When making interim appointments it may not be possible to ensure this range of skills and when considering the appointment of the permanent post holders it will be necessary to consider if this best meets the skills and experience required.</p> <p>The potential for amending this has also been flagged within the report produced by the NHS Wales Public Appointees Task and Finish Group</p>
4(1)	Appointment of chair, vice-chair and non-officer members by the Welsh Ministers		n/a	
4(2)	The officer members are appointed by the Board	Schedule 1 – Model Scheme of Reservation and Delegation of Powers – 24 states appointment of officer members for full board – <i>amend to reflect changes in Intervention Order</i>	<p>As referenced in Keeling Schedule</p> <p>4 (2) The chief officer is appointed by the chair, vice-chair and non-officer members.</p> <p>(2A) Other than the chief officer, the officer members are appointed by a committee whose members must be the chair, vice-chair, non-officer members and the chief officer.</p>	The current wording requires that appointments are by the unitary board. The proposed alternative wording to reflect intervention order

Regulation/ Paragraph	Provision	Corresponding Section of Model Standing Orders (if applicable)	Proposed alternative wording if applicable/Note – where shown in red this is revised wording as a result of the intervention order.	Rationale/Comments
4	Appointment of Trade Union Member		4 (11) The trade unions recognised by the Board may collectively nominate one person and the Welsh Ministers may choose the person nominated to be the trade union member under regulation 3(4)(c).	The current arrangements are via open competition. This is not consistent with the arrangements for the appointment of a local authority and university members and does not reflect the arrangements for engaging with trade unions within the organisation.
8(2)	If all of the officer members (other than the member who is subject of the notification) are of the opinion that a person who is an officer member should not continue to hold office as a member, they may notify the Board.		If all of the officer members (other than an officer member who is the subject of a notification to the chair under this paragraph) are of the opinion that a person who is an officer member should not continue to hold office as a member, they may notify the Board chair, vice-chair and non-officer members.	This ensures this paragraph reflects the alternative provisions for Para 4(2).
13	Powers of Vice-Chair where the Chair is unable to fulfil their duties	1.4.9 – relates to deputising for Chair – <i>will require amendment to reflect decision regarding arrangements for deputising</i>	Note: Where no vice-chair is in office, regulation 13 applies as if references to the vice-chair are references to a non-officer member selected by the Welsh Ministers, except for where the chair of the Board is unable to perform their duties for a period of 14 days or less owing to illness, absence or any other cause, in which case references to the vice-chair are references to a non-officer member selected by the chair.	This will allow for continuity in the absence of the Chair and where no vice-chair has been appointed.
		1.4.10 – in addition to corporate role VC has a specific brief to oversee the LHBs	Where a vice-chair is not in post the Chair will ensure this specific brief is undertaken by other non-officer members of the board.	To ensure focus remains on this area it may be necessary to share amongst more than one non-officer member.

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		performance in planning, delivery and evaluation of primary care, community health and mental health services ensuring a balanced care model to meet the needs of the population in the LHB area.		This will need to be discussed with the Interim Chair
		1.4.12 – Lead role of board members – the Chair will ensure that individual Board members are designated as lead roles or ‘champions’ as required y the Welsh Ministers or as set out in any statutory or other guidance.	Whilst there are less than nine non-officer members in post the Chair will consider the priority to each of the lead or ‘champion’ roles for consideration and agreement by the Welsh Ministers as advised by officials.	Whilst the board is not at full strength it will not be possible to discharge all of these roles. However, this does not take away from the collective responsibility of the unitary board. Priority should be given to those roles specified within legislation in the first instance.
		2.1.2 – Chairs action of urgent matters – where either the Chair of the Chief Executive has a personal or business interest in an urgent matter requiring decision this shall be taken by the vice-chair or an executive director acting on	Where a vice-chair is not appointed the decision shall be taken by a non-officer member acting on behalf of the Chair.	This will ensure urgent decisions can still be taken where a vice-chair has not yet been appointed.

Regulation/ Paragraph	Provision	Corresponding Section of Model Standing Orders (if applicable)	Proposed alternative wording if applicable/Note – where shown in red this is revised wording as a result of the intervention order.	Rationale/Comments
		behalf of the chief executive.		
14	Appointment of committees – subject to directions as may be given by the Welsh Ministers the Board may and, if directed by the Welsh Ministers, must (a) appoint committees or sub-committees of the Board, or (b) together with one or more board or NHS Trust or local authority in the Board's area, appoint joint committees or joint-sub committees	3.4 – Committees established by the LHB	No change proposed to Regulations or Section 3 of SOs. It will be necessary to review Schedule 3 which relates to the detailed terms of reference for each of the committees.	<p>Whilst the non-officer members are not at full strength it will not be practicable to continue with the current arrangements for the holding of meetings or the number of members.</p> <p>It will be necessary to review the terms of reference and agree the operating arrangements using the governance principles agreed during the pandemic as the basis for this.</p> <p> 200326 - Response to Letter Advice_Pro</p>
15	Meetings and proceedings – The meetings and proceedings of the Board must be conducted in accordance with Schedule 3 and with Standing Orders made under para 2.		See later for proposed disapplication of Schedule 3	
		7.2 – Annual Plan of Board Business 7.2.4 – The Board shall agree the plan for the forthcoming year by the end of March and this plan will be published on	Suggest this is replaced with: The Board shall agree the plan for the forthcoming year by the end of May and this plan will be published on the organisations website. Where the plan changes during the year it will be updated accordingly and an updated	Extending the period for publication until the end of May will allow time for the board to stabilise. It is appropriate to acknowledge this may change during the year for good reason.

Regulation/ Paragraph	Provision	Corresponding Section of Model Standing Orders (if applicable)	Proposed alternative wording if applicable/Note – where shown in red this is revised wording as a result of the intervention order.	Rationale/Comments
		the organisations web-site	version explain the rationale for any change will be published as soon as reasonably practicable.	
Schedule 3, Regulation 15 Rules as to meeting and proceedings of boards				
2(3)	Before each meeting of a Board, a notice of the meeting, specifying the business proposed to be transacted at it, and signed by the chair or by an officer authorised by the chair to sign on his or her behalf must be delivered to every member and associate member, or sent by post to the usual place of residence of such member, so as to be available to such member, where reasonably practicable, at least ten clear days before the meeting	7.4.3 – specifies publication at least 10 calendar days - amend to ensure consistent with disapplication of Regulations	Before each meeting of a Board, a notice of the meeting, specifying the business proposed to be transacted at it must be published electronically to every member and associate member, so as to be available to such member, where reasonably practicable, at least five clear days before the meeting	Para 2(3)
		7.4.7 – specifies notice of meeting and public part of agenda should be published at least 10 calendar days before a meeting	Reword to ensure consistent with above – five clear days	As above
		7.4.5 – In the event that at least half of the Board members do not receive the	Amend to 'In the event that at least half of the Independent Members and/or half of the Executive Directors do not receive the agenda and papers etc	Whilst there is imbalance in appointed officer and non-officer members this will guard against a meeting needing to proceed where officer members have

Regulation/ Paragraph	Provision	Corresponding Section of Model Standing Orders (if applicable)	Proposed alternative wording if applicable/Note – where shown in red this is revised wording as a result of the intervention order.	Rationale/Comments
		Agenda and papers for the meeting as set out above the Chair must consider whether or not the board is capable of fulfilling its role.....		received papers but non-officer members have not.
3(2)	If the chair is absent from the meeting the vice-chair, if present presides.	7.5.8 – Chairing Board meetings – <i>to amend to ensure consistent with provisions made in accordance with Regulation 13.</i>	Where no vice-chair has been appointed the arrangements for presiding over a meeting in the absence of the chair will be in accordance with the provisions made for Regulation 13 above.	There may be a period when there is no vice-chair appointed.
3(3)			In accordance with the alternative arrangements made for Regulation 13 above, where the members specified in accordance with the alternative provisions are not present such non-officer member as the members present may choose presides. This will be subject to the Board remaining quorate.	This allows for absence of those appointed as an alternative to the vice-chair to also be absent.
4(1)	Every question at a meeting is determined by a majority of the votes of the members present and voting on the question and, in the case of any equality of votes, the person presiding has a second and casting vote.	1.1.2 Officer and non-officer members shall have full voting rights. <i>Will need to disapply to say in accordance with the intervention order.</i> Voting 7.5.25 – refers to decision being made	4 (1A) Where a question at a meeting is being determined in accordance with paragraph (1), the number of officer members voting on the question must not exceed the number of non-officer members (including the chair and vice-chair) voting on the question and the officer members who may vote are to be determined in accordance with the order by which they are listed in regulation 3(2)	The quorum of the board will remain at three non-officer (including chair and vice-chair where appointed) and three officer members in accordance with para 6. Whilst the unitary board is not functioning with a full cohort of non-officer members where a vote were required the officer members would have an automatic majority. This is not in accordance with governance

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		<p>by simple majority view held by Board Members present. <i>Will need to amend to reflect intervention order</i></p> <p>7.5.21 – Motion to rescind a resolution – <i>where reference to simple majority amend to reflect intervention order</i></p>	Would suggest these are listed in SO's	<p>requirements where the chair, vice-chair and non-officer members should hold the majority. Where numbers and votes are equal this majority would be exercised by the second and casting vote of the person presiding over the meeting.</p> <p>SOs will require amendment to ensure consistent intervention order</p> <p>It is also necessary to consider 7.5 to ensure no other paragraphs require amendment</p>

Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009/779

Preamble

Made: 24 March 2009

Laid before the National Assembly for Wales: 25 March 2009

Coming into force: 01 June 2009

The Welsh Ministers in exercise of the powers conferred on them by [sections 12\(3\) and 13\(2\) and \(4\)](#) of and [paragraphs 4\(1\), \(2\) and 7\(3\) of Schedule 2](#) to the [National Health Service \(Wales\) Act 2006](#) and after consultation in accordance with [paragraph 7\(4\) of Schedule 2](#) to that Act make the following Regulations.

reg. 1 Title, commencement and application

The title of these Regulations is the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 and they come into force on 1 June 2009.

reg. 2 Interpretation

The following words and phrases have the following meanings—

“*the Act*” (“*y Ddeddf*”) means the [National Health Service \(Wales\) Act 2006](#);

“*associate member*” (“*aelod cyswllt*”) means a person who is appointed in accordance with [regulation 4\(3\) or 4\(4\)](#).

“*Board*” (“*Bwrdd*”) means a Local Health Board;

“*Board’s area*” (“*ardal y Bwrdd*”) means the area for which a Board is established as set out—

(a) in the [Local Health Boards \(Establishment and Dissolution\) \(Wales\) Order 2009](#);

(b) in relation to Powys Local Health Board, in the [Local Health Boards \(Establishment\) \(Wales\) Order 2003](#)¹,

as such area may be varied from time to time;

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“*former health service body*” (“*cyn gorff gwasanaeth iechyd*”) means a [clinical commissioning group,³ Strategic Health Authority [, Primary Care Trust or the Health and Social Care Information Centre]⁴;

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“*health service body*” (“*corff gwasanaeth iechyd*”) means [the National Health Service Commissioning Board, [the National Institute for Health and Care Excellence, [Health Education England, the Health Research Authority,⁷[...]⁸[...]⁹] Special Health Authority, [...]¹⁰ Local Health Board, NHS Trust [or NHS Foundation Trust]¹¹;

“*local authority*” (“*awdurdod lleol*”) means a county or county borough council in Wales;

“*member*” (“*aelod*”) means a chair, vice-chair, officer or non-officer member of a Board;

“*non-officer member*” (“*aelod nad yw’n swyddog*”) means a member of a Board who holds any office set out in [regulation 3\(4\)](#);

“*officer member*” (“*swyddog-aelod*”) means a member of a Board who holds any office set out in [regulation 3\(2\)](#);

“*shadow period*” (“*cyfnod cysgodol*”) means the period between the date of the coming into force of these Regulations and 1 October 2009;

“*trade union*” (“*undeb llafur*”) has the meaning assigned to it in [section 1](#) of the [Trade Union and Labour Relations \(Consolidation\) Act 1992](#) and which is registered on the list of trade unions held by the Certification Officer in accordance with [section 2](#) of that Act;

“voluntary organisations” (*“sefydliadau gwirfoddol”*) has the meaning assigned to it in [section 206\(1\)](#) of the Act.

Notes

- 1 (W.18) as amended by [S.I. 2009/778](#) (W.66).
- 2 Definition inserted by National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013/235 [Sch.2\(1\) para.126\(2\)\(a\)](#) (April 1, 2013)
- 3 Words inserted by Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022/634 [Pt 2 reg.38\(2\)\(a\)](#) (July 1, 2022)
- 4 Words substituted by Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023/98 [Sch.1\(2\) para.37\(2\)\(a\)](#) (February 1, 2023: substitution has effect subject to transitional and saving provisions specified in SI 2023/98 regs 3 and 6)
- 5 Words substituted by NHS Commissioning Board Authority (Abolition and Transfer of Staff, Property and Liabilities) and the Health and Social Care Act 2012 (Consequential Amendments) Order 2012/1641 [Sch.3 para.14\(2\)](#) (March 27, 2012 immediately after the coming into force of 2006 c.41 s.1H(1))
- 6 Words inserted by National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013/235 [Sch.2\(1\) para.126\(2\)\(b\)\(i\)](#) (April 1, 2013)
- 7 Words inserted by Care Act 2014 (Health Education England and the Health Research Authority) (Consequential Amendments and Revocations) Order 2015/137 [Sch.2\(1\) para.6\(2\)](#) (April 1, 2015)
- 8 Words revoked by Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023/98 [Sch.1\(2\) para.37\(2\)\(b\)](#) (February 1, 2023: revocation has effect subject to transitional and saving provisions specified in SI 2023/98 regs 3 and 6)
- 9 Words revoked by Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022/634 [Pt 2 reg.38\(2\)\(b\)](#) (July 1, 2022)
- 10 Words revoked by National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013/235 [Sch.2\(1\) para.126\(2\)\(b\)\(ii\)](#) (April 1, 2013)
- 11 Words substituted by National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013/235 [Sch.2\(1\) para.126\(2\)\(b\)\(iii\)](#) (April 1, 2013)

reg. 3 Membership of Local Health Boards

(1) The members of the Board consist of—

- (a) a chair;
- (b) a vice-chair;
- (c) officer members; and
- (d) non-officer members.

(2) The officer members consist of—

- (a) a chief officer;
- (b) a medical officer;
- (c) a finance officer;
- (d) a nurse officer;
- (e) an officer who has responsibility for provision of the following—
 - (i) primary care services;
 - (ii) community health services; and
 - (iii) mental health services.
- (f) an officer who has responsibility for workforce and organisational development;
- (g) an officer who has responsibility for public health;
- (h) an officer who has responsibility for the strategic and operational planning of the provision of health services;
- (i) an officer who has responsibility for therapies and health science.

(3) Officer members in paragraph (2) will have such other responsibilities as may be prescribed by the Board.

- (4) There ~~are~~ **may be up to** nine non-officer members which ~~must~~ **may** include—
- (a) a local authority member;
 - (b) a voluntary organisation member;
 - (c) a trade union member;
 - (d) a person who holds a post in a university that is related to health.
- (5) In addition there may be associate members appointed in accordance with [regulation 4\(3\) and \(4\)](#).

reg. 4 Appointment of Local Health Board members

- (1) The chair, vice-chair and non-officer members are appointed by the Welsh Ministers.
- (2) ~~The officer members are appointed by the Board.~~ The chief officer is appointed by the chair, vice-chair and non-officer members.
- (2A) Other than the chief officer, the officer members are appointed by a committee whose members must be the chair, vice-chair, non-officer members and the chief officer.
- (3) The Welsh Ministers may appoint no more than three associate members.
- (4) If it considers it necessary or expedient for the performance by the Board of any of its functions, the Board may appoint one associate member.
- (5) Before making an appointment in accordance with paragraph (4) the Board must have written consent from the Welsh Ministers.
- (6) Where ~~the Board makes~~ an appointment **is made** in accordance with paragraphs (2), (2A) or (4) ~~it must have regard~~ **must be had** to any guidance issued by the Welsh Ministers from time to time concerning appointments.
- (7) Appointments made in accordance with paragraphs (1) will be in accordance with the provisions in [Schedule 1](#) (where they apply).
- (8) Where a person is appointed in accordance with paragraphs (1), (3) and (4) regard must be had to the need to encourage diversity in the range of persons who may be appointed and to ensure that they are representative of the interests of the community within the Board's area.
- (9) Each local authority within the Board's area may nominate two persons and the Welsh Ministers may choose a person from those persons nominated to be the local authority member under [regulation 3\(4\)\(a\)](#).
- (10) The university in [column 1 of Schedule 4](#) may nominate two persons and the Welsh Ministers may choose a person from those persons nominated to be the university member under [regulation 3\(4\)\(d\)](#) for the Local Health Board assigned to it in [column 2 of Schedule 4](#).
- (11) The trade unions recognised by the Board may collectively nominate one person and the Welsh Ministers may choose the person nominated to be the trade union member under [regulation 3\(4\)\(c\)](#).

reg. 5 Eligibility requirements for membership of a Local Health Board

Any person must fulfil the relevant requirements for eligibility in [Schedule 2](#) before that person may be appointed as a member or associate member and must continue to fulfil the relevant requirements while that person holds office.

reg. 6 Tenure of office of chair, vice-chair, non-officer members and associate members

- (1) This regulation applies to any person who is appointed as—
 - (a) a chair, vice-chair or non-officer member; or
 - (b) an associate member appointed by Welsh Ministers in accordance with [regulation 4\(3\)](#).
- (2) Subject to these Regulations, a member or associate member holds and vacates office in accordance with the terms of that person's appointment.
- (3) A member or associate member may be appointed for a period of no longer than four years.
- (4) Subject to paragraph (5) a member or associate member may on the expiration of his or her term of office be re-appointed in accordance with [regulations 4\(1\) or 4\(3\)](#).
- (5) A person may not hold office as a member or an associate member for the same Board for a total period of more than eight years.

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Notes

- 1** Added by National Health Service (Temporary Disapplication of Tenure of Office) (Wales) (Coronavirus) Regulations 2020/585 [reg.2](#) (March 31, 2021)

reg. 7 Tenure of office of associate members appointed by the Board

- (1) This regulation applies to any person who is appointed by the Board as an associate member in accordance with [regulation 4\(4\)](#).
- (2) Subject to these Regulations, an associate member holds and vacates office in accordance with the terms of that person's appointment.
- (3) An associate member may be appointed for a period of no longer than one year.
- (4) Subject to paragraph (5), an associate member may on the expiration of his or her term of office be re-appointed in accordance with [regulation 4\(4\)](#).
- (5) A person may not hold office as an associate member for the same Board for a total period of more than four years.

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Notes

- ¹ Added by National Health Service (Temporary Disapplication of Tenure of Office) (Wales) (Coronavirus) Regulations 2020/585 [reg.2](#) (March 31, 2021)

reg. 8 Termination of appointment of officer members

- (1) The chair, vice-chair and non-officer members may immediately remove an officer member from office—
- (a) if they are of the opinion that it is not in the interests of the Board that a person who is an officer member should continue to hold office as a member; or
 - (b) having been notified by officer members in accordance with paragraph (2), they are of the opinion that it is not in the interests of the Board that a person who is an officer member should continue to hold office as a member.
- (2) If all of the officer members (other than an officer member who is the subject of a notification to the chair under this paragraph) are of the opinion that a person who is an officer member should not continue to hold office as a member, they may notify the ~~Board~~ **chair, vice-chair and non-officer members**.
- (3) Where the chair, the vice-chair and non-officer members remove a person from office in accordance with paragraph (1) or, having been notified by the officer members in accordance with paragraph (2), determine that a person should continue to hold office, they must immediately notify the Welsh Ministers in writing, stating the reasons for their decision.
- (4) Where a person has been appointed to be an officer member, if it comes to the notice of the chair, the vice-chair or any of the non-officer members that the person—
- (a) has become ineligible for appointment under [Schedule 2](#), or
 - (b) was at the time of their appointment ineligible for appointment under [Schedule 2](#),
- they must immediately notify the Board and the chair must immediately notify that officer member and the Welsh Ministers in writing of such ineligibility.
- (5) An officer member must immediately notify the Board if that member becomes ineligible under [Schedule 2](#).
- (6) Where notice has been given in accordance with paragraph (4), the chair, the vice-chair and the non-officer members must remove that person from office and that person ceases to act as an officer member.
- (7) If it appears to the chair, the vice-chair and the non-officer members that an officer member has failed to comply with [regulation 17](#), they may remove that person from office and that person ceases to act as an officer member.
- (8) Where an officer member has been removed from office in accordance with paragraphs (6) and (7) the chair must immediately notify the Welsh Ministers.
- (9) If a person who is an officer member has failed to attend any meeting of the Board for a period of six months or more, the chair, the vice-chair and the non-officer members must remove that person from office unless they are satisfied that—
- (a) the absence was due to a reasonable cause; and

(b) the person will be able to attend such meetings within such period as the chair, the vice-chair and the non-officer members consider reasonable.

reg. 9 Suspension of officer members

- (1) Before deciding whether to remove a person from office in accordance with [regulation 8](#), the chair, the vice-chair and the non-officer members may, if they consider it appropriate to do so, suspend the tenure of office of an officer member for such period as they consider reasonable.
- (2) Where an officer member is suspended in accordance with paragraph (1), the chair, the vice-chair and the non-officer members must immediately notify that member and the Welsh Ministers in writing, stating the reasons for his or her suspension.
- (3) An officer member whose tenure of office is suspended may not perform the functions of any member of the Board.

reg. 10 Termination of appointment of members and associate members appointed by Welsh Ministers

- (1) This regulation applies to any person who is appointed as—
 - (a) a chair;
 - (b) a vice-chair;
 - (c) a non-officer member;
 - (d) an associate member appointed by the Welsh Ministers in accordance with [regulation 4\(3\)](#).
- (2) The Welsh Ministers may immediately remove a person from office if they determine that—
 - (a) it is not in the interests of the health service in the area for which the Board acts; or
 - (b) it is not conducive to the good management of a Board,for that person to continue to hold office.
- (3) If it comes to the notice of the Welsh Ministers that a person appointed has become ineligible under [Schedule 2](#) or has failed to comply with [regulation 17](#), the Welsh Ministers may remove that person from that office.
- (4) A person appointed must immediately notify the Board if that person becomes ineligible under [Schedule 2](#).
- (5) If a person appointed has failed to attend any meeting of the Board for a period of six months or more, the Welsh Ministers may remove that person from that office unless they are satisfied that—
 - (a) the absence was due to a reasonable cause; and
 - (b) the person will be able to attend such meetings within such period as the Welsh Ministers consider reasonable.
- (6) A person may at any time resign his or her office as member or associate member by notice in writing to the Welsh Ministers and to the Board but subject to the terms of that person's appointment.

reg. 11 Suspension of members and associate members appointed by Welsh Ministers

- (1) Before making a decision to remove a person from office under [regulation 10](#), the Welsh Ministers may suspend the tenure of office of that person for such period as they consider reasonable.
- (2) Where a member is suspended in accordance with paragraph (1), the Welsh Ministers will immediately notify that member in writing, stating the reasons for his or her suspension.
- (3) A person whose appointment is suspended under paragraph (1) may not perform the functions of any member.

reg. 12 Termination of appointment of associate members appointed by the Board

- (1) This regulation applies to associate members appointed in accordance with [regulation 4\(4\)](#).
- (2) The Board may immediately remove a person from office if it determines that—
 - (a) it is not in the interests of the health service in the area for which the Board acts; or
 - (b) it is not conducive to the good management of a Board,for a person to continue to hold office.
- (3) If it comes to the notice of the Board that a person appointed has become ineligible for appointment under [Schedule 2](#) or has failed to comply with [regulation 17](#), the Board may remove that person from that office.
- (4) A person appointed must immediately notify the Board if that person becomes ineligible under [Schedule 2](#).
- (5) If a person appointed as an associate member is required to attend a meeting of the Board but has failed to do so for a period of six months or more, the Board may remove that person from that office unless satisfied that—
 - (a) the absence was due to a reasonable cause; and
 - (b) the person will be able to attend such meetings within such period as the Board considers reasonable.
- (6) Any member may at any time resign his or her office as associate member by notice in writing to the Welsh Ministers and to the Board but subject to the terms of that person's appointment.

reg. 13 Powers of vice-chair

Where the chair of the Board—

- (a) has died;
- (b) has ceased to hold office; or
- (c) is unable to perform the duties of chair owing to illness, absence or any other cause,

the vice-chair will act as chair until a new chair is appointed or the existing chair resumes the duties of chair, as the case may be; and references to the chair in [Schedule 3](#) will, so long as there is no chair able to perform the duties of chair, be taken to include references to the vice-chair.

Note: Where no vice-chair is in office, regulation 13 applies as if references to the vice-chair are references to a non-officer member selected by the Welsh Ministers, except for where the chair of the Board is unable to perform their duties for a period of 14 days or less owing to illness, absence or any other cause, in which case references to the vice-chair are references to a non-officer member selected by the chair.

reg. 14 Appointment of committees and sub-committees

Subject to such directions as may be given by the Welsh Ministers, the Board may and, if directed by the Welsh Ministers, must—

- (a) appoint committees or sub-committees of the Board, or
- (b) together with one or more Boards or NHS Trusts or a local authority in the Board's area, appoint joint committees or joint sub-committees,

consisting wholly or partly of the members of the Board or other health service bodies or of persons who are not members of the Board or other health service bodies.

reg. 15 Meetings and proceedings

- (1) The meetings and proceedings of the Board must be conducted in accordance with [Schedule 3](#) and with Standing Orders made under paragraph (2).
- (2) The Board must make Standing Orders for the regulation of its proceedings and business including provisions for the Board's suspension.
- (3) The Board may—
 - (a) vary; or
 - (b) revoke and remake,its Standing Orders.
- (4) The Board may, in the case of a committee or sub-committee established in accordance with [regulation 14\(a\)](#), make, vary and revoke Standing Orders relating to that committee or sub-committee.
- (5) Where a joint committee or joint sub-committee has been established in accordance with [regulation 14\(b\)](#), the Board must approve any Standing Orders that may be made by that committee or sub-committee.
- (6) Standing Orders made under this regulation will be subject to, and must be made in accordance with, such directions as may be issued by Welsh Ministers.

reg. 16 Associate members

Associate members may not vote in any meetings or proceedings of a Board.

reg. 17 Disability of members on account of pecuniary interest

(1) Subject to this regulation, if a member or an associate member—

- (a) has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter; and
- (b) is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration,

that member must at the meeting and as soon as practicable after its commencement disclose the fact and must not take part in the consideration or discussion of the contract, proposed contract or other matter or, if that member has the right to vote, must not vote on any question with respect to it.

(2) The Welsh Ministers may, subject to such conditions as they may consider fit, impose or remove any disability imposed by this regulation in any case in which it appears to the Welsh Ministers to be in the interests of the health service to do so.

(3) A Board may, by Standing Orders made under [regulation 15](#), provide for the exclusion of any member or associate member from a meeting of the Board while any contract, proposed contract or other matter in which that member has a pecuniary interest, direct or indirect, is under consideration.

(4) Any remuneration, compensation or allowances payable to a member or associate member by virtue of [paragraph 10 of Schedule 2](#) to the Act is not to be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), a member or associate member is to be treated for the purposes of this regulation as having an indirect pecuniary interest in a contract, proposed contract or other matter if such member, or any nominee of such member—

- (a) is a director or other officer of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration; or
- (b) is a person with whom the contract was made or is proposed to be made, or who has a direct pecuniary interest in the matter under consideration, or is a partner of, or is in the employment of, such a person;

and in the case of persons who are married to each other or in a civil partnership with each other or who are living together as spouses or civil partners, the interest of one such person will, if known to the other, be deemed for the purpose of this regulation to be also an interest of the other.

(6) A member or an associate member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of such member's membership of a company or other body if such member has no beneficial interest in any securities of that company or body; or
- (b) of an interest in any company, body or person with which such member is connected as mentioned in paragraph (5) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of or in voting on, any question with respect to that contract, proposed contract or matter.

(7) Where a member or an associate member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and—

(a) the total nominal value of those securities does not exceed £5,000 or one hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and

(b) if the share capital is of more than one class, the total nominal value of shares of any one class in which that member has a beneficial interest does not exceed one hundredth of the total issued share capital of that class,

this regulation does not prohibit that member from taking part in the consideration or discussion of the contract, proposed contract or other matter or, where that member has the right to vote, from voting on any question with respect to it.

(8) Paragraph (7) does not affect a member's or associate member's duty to disclose an interest under paragraph (1).

(9) This regulation applies in relation to a committee or sub-committee and to a joint committee or joint sub-committee as it applies in relation to a Board, and applies to a member of any such committee, sub-committee or joint committee or sub-committee (whether or not such person is also a member of a Board or an associate member) as it applies to a member of a Board or associate member.

(10) In this regulation—

“public body” (*“corff cyhoeddus ”*) includes any body established for the purpose of carrying on, under national ownership, any industry or part of any industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the [National Trust Act 1907](#);

“securities” (*“gwarannau ”*) means —

(a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in any share or debentures; or

[

(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—

(i) a registered society within the meaning given by [section 1\(1\)](#) of the [Cooperative and Community Benefit Societies Act 2014](#); or

(ii) a society registered or deemed to be registered under the [\[Co-operative and Community Benefit Societies Act \(Northern Ireland\) 1969\]](#)²;

]¹

“shares” (*“cyfranddaliadau ”*) means shares in the share capital of a company or other body or the stock of a company or other body.

Notes

- 1 Substituted by Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014/1815 [Sch.1 para.23](#) (August 1, 2014 immediately after 2014 c.14)
- 2 Words substituted by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 c. 16 [Sch.1\(2\) para.37\(b\)](#) (April 6, 2018)

reg. 18

This Part applies in relation to the Powys Teaching Local Health Board only.

reg. 19 Arrangements for existing members of Powys Teaching Local Health Board

Any person who is, or has been, appointed to be a member or co-opted member in accordance with the [Local Health Board \(Constitution, Membership and Procedures\) \(Wales\) Regulations 2003](#)¹ will cease to be a member or co-opted member at the end of the shadow period.

Notes

¹ (W.19). As amended by [S.I. 2007/953](#) (W.84).

reg. 20 Arrangements for the shadow board

- (1) Persons appointed in accordance with paragraphs (2) and (3) will comprise the shadow Board until the end of the shadow period.
- (2) The Welsh Ministers will appoint persons who will become the chair, vice-chair and non-officer members at the end of the shadow period.
- (3) The shadow Board will appoint persons who will become officer members at the end of the shadow period.
- (4) The Board will co-operate with the shadow Board to enable the shadow Board to operate as the Board from the end of the shadow period.
- (5) Persons appointed in accordance with paragraphs (2) and (3) must comply with the eligibility requirements in [Schedule 2](#) and will be treated as if they were members appointed in accordance with [regulation 4](#).

reg. 21 Transitional arrangements during the shadow period

During the shadow period [paragraph 6 of Schedule 3](#) applies as if it read—

“No business may be transacted at a meeting unless the number of members present is not less than two.”.

reg. 22 Revocation

(1) Subject to paragraphs (2) and (3), the following Regulations are revoked—

- (a) the [Local Health Board \(Constitution, Membership and Procedure\) \(Wales\) Regulations 2003](#);
- (b) the [Local Health Board \(Constitution, Membership and Procedure\) \(Wales\) \(Amendment\) Regulations 2007](#).

(2) In relation to the Boards listed in [Schedule 2](#) to the [Local Health Boards \(Establishment and Dissolution\) \(Wales\) Order 2009](#)—

- (a) the Regulations in paragraph (1) are revoked at the end of the shadow period;
- (b) except for this regulation, these Regulations do not apply.

(3) In relation to Powys Teaching Local Health Board—

- (a) subject to sub-paragraph (b), the Regulations in paragraph (1) are revoked at the end of the shadow period;
- (b) these Regulations will apply at the end of the shadow period except that for the purposes of appointments under [regulation 20](#) and for this regulation they apply from the beginning of the shadow period.

Signatures

Edwina Hart

Minister for Health and Social Services, one of the Welsh Ministers

24 March 2009

Schedule 1 PROCEDURES FOR APPOINTMENT OF CHAIRS, VICE-CHAIRS AND NON-OFFICER MEMBERS

para. 1

1.

This Schedule applies to the selection and appointment of chairs, vice-chairs and non-officer members.

para. 2

2.

The Welsh Ministers will ensure that appropriate arrangements are in place for the selection and appointment of persons as members and that those arrangements take into account—

- (a) the principles from time to time laid down by the Commissioner for Public Appointments and in the Welsh Minister's Code of Practice for Ministerial Appointments to Public Bodies;
- (b) the requirement that the selection and appointment be open and transparent;
- (c) the requirement of fair and open competition in the selection and appointment; and
- (d) the need to ensure that successful candidates meet the relevant eligibility requirements set out in [Schedule 2](#) and that they meet the selection criteria and standards of competence applied by the Board.

Schedule 2 ELIGIBILITY REQUIREMENTS FOR MEMBERS AND ASSOCIATE MEMBERS

para. 1

1.—

(1) [Part 1](#) of this Schedule applies in relation to the eligibility for appointment of members and associate members.

(2) Subject to paragraph (4), (5), (6) and (8), a person is not be eligible for appointment as a member or associate member if that person—

(a) has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;

(b) is the subject of a bankruptcy restrictions order or an interim order or has made a composition or arrangement with creditors;

(c) has been dismissed, other than by reason of redundancy, from any paid employment with a health service body [or former health service body]¹ ;

(d) has had his or her membership as chair, member or director of a health service body [...]² [or of a former health service body]³ [other than a clinical commissioning group]⁴ terminated, other than by reason of redundancy, voluntary resignation, reorganisation of [the body]⁵ , or expiry of the period of office for which that person was appointed;

[

(e) has been removed from office as the chair or a member of the governing body of a clinical commissioning group.

]⁶

(3) For the purposes of paragraph (2) (a) 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.

(4) For the purposes of paragraph (2) (c), a person is not be treated as having been in paid employment by reason only of having held the position of member, associate member or director of a health service body [...]⁸ [or of a former health service body]⁹ [other than a clinical commissioning group]¹⁰ , or of having held the position of chair or member of the governing body of a clinical commissioning group]⁷ .

(5) Where a person is ineligible by reason of paragraph (2) (b)—

(a) if the bankruptcy is annulled on the ground that the person ought not to have been [made]¹¹ bankrupt or on the ground that the person's debts have been paid in full, that person becomes eligible for appointment as a member or associate member on the date of the annulment;

(b) if the person is discharged from bankruptcy, that person becomes eligible for appointment as a member or associate 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 or associate member on the date upon which such debts are paid in full; and

(d) if, having made a composition or arrangement with creditors, that person becomes eligible for appointment as a member or associate member on the expiry of five years from the date on which the terms of the deed of composition or arrangement were fulfilled.

(6) Subject to paragraph (7), where a person is ineligible by reason of paragraph (2) (c), that person may, after the expiry of two years from the date of dismissal, apply in writing to the Welsh Ministers to remove the ineligibility, and the Welsh Ministers may direct that the ineligibility ceases.

(7) Where the Welsh Ministers refuse an application to remove an ineligibility, no further application may be made by that person until the expiry of two years beginning with the date of the application and this paragraph applies to any subsequent application.

(8) Where a person is ineligible by reason of paragraph (2)(d), that person becomes eligible for appointment as a member or associate member on the expiry of two years from the date of termination of membership or such longer period as may have been specified by the authority which terminated the membership, but the Welsh Ministers may, on application being made in writing to them by that person, reduce the period of ineligibility.

Notes

- 1 Words inserted by National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013/235 [Sch.2\(1\) para.126\(3\)\(a\)](#) (April 1, 2013)
- 2 Words revoked by Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022/634 [Pt 2 reg.38\(3\)\(a\)\(i\)](#) (July 1, 2022)
- 3 Words inserted by National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013/235 [Sch.2\(1\) para.126\(3\)\(b\)\(i\)](#) (April 1, 2013)
- 4 Words inserted by Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022/634 [Pt 2 reg.38\(3\)\(a\)\(ii\)](#) (July 1, 2022)
- 5 Words substituted by National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013/235 [Sch.2\(1\) para.126\(3\)\(b\)\(ii\)](#) (April 1, 2013)
- 6 Added by NHS Commissioning Board Authority (Abolition and Transfer of Staff, Property and Liabilities) and the Health and Social Care Act 2012 (Consequential Amendments) Order 2012/1641 [Sch.3 para.14\(3\)\(b\)](#) (March 27, 2012 immediately after the coming into force of 2006 c.41 s.1H(1))
- 7 Words inserted by NHS Commissioning Board Authority (Abolition and Transfer of Staff, Property and Liabilities)

Notes

and the Health and Social Care Act 2012 (Consequential Amendments) Order 2012/1641 [Sch.3 para.14\(4\)](#) (March 27, 2012 immediately after the coming into force of 2006 c.41 s.1H(1))

- 8 Words revoked by Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022/634 [Pt 2 reg.38\(3\)\(b\)\(i\)](#) (July 1, 2022)
- 9 Words inserted by National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013/235 [Sch.2\(1\) para.126\(3\)\(c\)](#) (April 1, 2013)
- 10 Words inserted by Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022/634 [Pt 2 reg.38\(3\)\(b\)\(ii\)](#) (July 1, 2022)
- 11 Word substituted by Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016/481 [Sch.2\(3\) para.15\(a\)](#) (April 6, 2016)

para. 2

2.—

(1) Subject to paragraph (2) a person is ineligible to be a chair, vice-chair or non-officer member if that person is, or has been within the preceding year, in the paid employment of any of the following Local Health Boards or NHS Trusts—

(a) a Local Health Board listed in [Schedule 2 or Schedule 3](#) to the [Local Health Boards \(Establishment and Dissolution\) \(Wales\) Order 2009](#) if it is, or was, within the area of the Board;

(b) a NHS Trust listed in the [Schedule](#) to the [National Health Service Trusts \(Dissolution\) \(Wales\) Order 2009](#) if it is, or was, within the area of the Board;

(c) Velindre National Health Service Trust¹; or

(d) Welsh Ambulance Services National Health Service Trust².

(2) A person is not ineligible under paragraph (1) if that person is appointed as—

(a) a trade union member in accordance with [regulation 3\(4\)\(c\)](#); or

(b) a university member in accordance with [regulation 3\(4\)\(d\)](#).

(3) For the purposes of paragraph (1), a person is not to be treated as having been in paid employment by reason only of having held the position of chair, vice-chair or non-officer member of a Local Health Board or a chair, vice-chair or non-executive director of a NHS Trust.

Notes

¹ Established by [S.I. 1993/2838](#).

² Established by [S.I. 1998/678](#).

para. 3 Medical officer

3. Medical officer

To be eligible for appointment as the medical officer in [regulation 3\(2\)\(b\)](#) the person must be listed in the General Medical Council General Practitioner Register¹ or Specialist Register².

Notes

- 1 The General Practitioner Register is maintained by the General Medical Council under [article 10](#) of the [General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003](#) (S.I. 2003/1250).
- 2 The Specialist Register is maintained by the General Medical Council under [article 13](#) of the [General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003](#) (S.I. 2003/1250).

para. 4 Nurse officer

4. Nurse officer

To be eligible for appointment as the nurse officer in [regulation 3\(2\)\(d\)](#), a person must be included on the register maintained by the Nursing and Midwifery Council¹.

Notes

- 1 The Nursing and Midwifery Council maintains a register in accordance with [Article 5](#) of the [Nursing and Midwifery Council Order 2002](#) (S.I. 2002/253).

para. 5 Public health officer

5. Public health officer

To be eligible for appointment as the officer with responsibility for public health under [regulation 3\(2\)\(g\)](#), the person must have completed higher specialist training in public health or a related discipline and be listed in the General Medical Council Specialist Register, the General Dental Council Specialist List in Dental Public Health¹ or the UK Public Health Register².

Notes

- 1 The Dental Public Health Specialists List is prescribed by the General Dental Council (Specialist List) Regulations 2008 made by the Council under [sections 26](#) and [52](#) of the [Dentists Act 1984 \(c. 24\)](#).
- 2 The UK Public Health Register is maintained by the Public Health Register a company limited by guarantee registered in England and Wales under registration number 4776439.

para. 6 Therapies and health science officer

6. Therapies and health science officer

To be eligible for appointment as a member appointed under [regulation 3\(2\)\(i\)](#), a person must be included on the register maintained by the Health Professions Council¹.

Notes

- 1 The Health Professions Council maintains a register in accordance with [Article 5](#) of the [Health Professions Order 2001 \(S.I. 2002/254\)](#).

para. 7 Local authority member

7. Local authority member

To be eligible for appointment as a member appointed under [regulation 3\(4\)\(a\)](#) the person must be an elected member of a local authority whose area is within the Board's area.

para. 8 Voluntary organisation member

8. Voluntary organisation member

To be eligible for appointment as a member appointed under [regulation 3\(4\)\(b\)](#) the person must be an employee or a member of a voluntary organisation that operates within the Board's area.

para. 9 Trade union member

9. Trade union member

To be eligible for appointment as a member appointed under [regulation 3\(4\)\(c\)](#) the person must be—

- (a) employed by the Board; and
- (b) a member of a trade union recognised by the Board in relation to employment matters.

Schedule 3 RULES AS TO MEETINGS AND PROCEEDINGS OF BOARDS

para. 1

1.

Meetings of a Board must be held on such day and at such place as may be fixed by the chair and the chair is responsible for convening the meeting.

para. 2

2.—

- (1) The chair may call a meeting of the Board at any time.
- (2) If the chair refuses to call a meeting after a requisition for that purpose, signed by at least one third of the members, has been presented to him or her, or if, without so refusing, the chair does not call a meeting within seven days after such requisition has been presented to him or her, such one third or more members may call a meeting to be held immediately.
- (3) Before each meeting of a Board, a notice of the meeting, specifying the business proposed to be transacted at it, and signed by the chair or by an officer authorised by the chair to sign on his or her behalf must be delivered to every member and associate member, or sent by post to the usual place of residence of such member, so as to be available to such member, where reasonably practicable, at least ~~ten~~ **five** clear days before the meeting.
- (4) Want of service of the notice on any member does not affect the validity of a meeting.
- (5) In the case of a meeting called by members in default of the chair, the notice must be signed by those members and no business may be transacted at the meeting other than that specified in the notice.

para. 3

3.—

- (1) At any meeting of the Board the chair, if present, presides.
- (2) If the chair is absent from the meeting, the vice-chair, if present, presides.
- (3) If the chair and vice-chair are absent, such non-officer member as the members present choose presides.

para. 4

4.—

(1) Every question at a meeting is determined by a majority of the votes of the members present and voting on the question and, in the case of any equality of votes, the person presiding has a second and casting vote.

(1A) Where a question at a meeting is being determined in accordance with paragraph (1), the number of officer members voting on the question must not exceed the number of non-officer members (including the chair and vice-chair) voting on the question and the officer members who may vote are to be determined in accordance with the order by which they are listed in regulation 3(2).

(2) In determining every question at a meeting the members must take account, where relevant, of representations made by persons who represent the interests of the community within the Board's area and health professionals.

(3) In this paragraph "*health professionals*" ("*proffesiynolion iechyd*") has the meaning assigned to it in [section 69](#) of the [Data Protection Act 1998](#).

para. 5

5.

The names of the chair, members and associate members present at the meeting must be recorded.

para. 6

6.

No business may be transacted at a meeting unless—

- (a) the number of members present is not less than six; and
- (b) those present include at least three officer member and three non-officer member.

para. 7

7.

The minutes of the proceedings of a meeting must be drawn up and submitted for agreement at the next meeting of the Board where, if agreed, they must be signed by the person presiding.

para. 8

8.—

- (1) Subject to paragraph (2), any meeting of a Board must be open to the public.
- (2) A Board may resolve to exclude the public from a meeting in accordance with the provisions of [section 1\(2\) and \(3\)](#) of the [Public Bodies \(Admission to Meetings\) Act 1960](#).

Schedule 4 UNIVERSITIES WHO MAY NOMINATE A MEMBER OF A LOCAL HEALTH BOARD

para. 1

<i>Column 1</i>		<i>Column 2</i>
University		Local Health Board
1	Cardiff University	Aneurin Bevan Local Health Board
2	Cardiff University	[Cwm Taf Morgannwg University Local Health Board] ¹
3	Cardiff University	Cardiff and Vale University Local Health Board
4	Swansea University	[Swansea Bay University Local Health Board] ²
5	Swansea University	Hywel Dda Local Health Board
6	Bangor University	Betsi Cadwaladr University Local Health Board
7	Cardiff University	Powys Teaching Local Health Board

Notes

- 1 Words substituted by Local Health Boards (Area Change) (Wales) (Miscellaneous Amendments) Order 2019/349 art.4(2)(a) (April 1, 2019)
- 2 Words substituted by Local Health Boards (Area Change) (Wales) (Miscellaneous Amendments) Order 2019/349 art.4(2)(b) (April 1, 2019)

