

**Date:** Thursday 27 June 2002  
**Venue:** Committee Room 1, National Assembly for Wales  
**Title:** NHS Reform and Health Care Professions Bill  
**Proposed Draft Order:**  
**Local Health Board (Wales) Regulations – Constitution, Membership & Procedures**

### **Purpose**

1. This paper provides an opportunity for the Health and Social Services Committee to comment on the draft proposed Regulations for the constitution, membership and procedures Local Health Boards. The draft order for their functions is to be discussed at the meeting on 19<sup>th</sup> June.

### **Background**

2. The provisions contained in this draft reflect the commitment given in February 2001 in 'Improving Health in Wales – A Plan for the NHS with its Partners' to abolish health authorities and create Local Health Boards (LHBs).

3. The NHS Reform and Healthcare Professions Bill was introduced to Parliament in November 2001. It contains provisions in clause 6 which, on commencement, will create the statutory framework for the establishment of LHBs in Wales. Royal Assent is anticipated in July.

### **Content of the Regulations**

4. The regulations include a range of provisions about the board membership and constitution including their procedures and administrative arrangements. Appointment and tenure; termination and suspension; eligibility for re-appointment; performance management; officer members; disqualification; committee structures; rules for meetings & proceedings; Fraud; Probity; and Controls assurance.

5. The draft is likely to be subject to additional drafting amendments as a result of the consultation exercise. It will issue for full consultation from July to September.

### **Compliance**

6. Royal Assent for NHS Reform and Health Professions Bill is anticipated in July 2002.

7. The new Act will contain functions that allow the National Assembly to make secondary legislation. It is anticipated that regulations under clause 6 will be made early in 2003 prior to the NHS Restructure date of 1<sup>st</sup> April 2003. Section 40 of the Government of Wales Act 1998, which has been delegated to the Minister for Health and Social Services, allows work to be undertaken on preparation for implementation of Assembly functions contained in the Bill.

8. There are no issues of regularity or propriety.

## **Financial Implications**

9. There should be no additional financial implications for the Assembly. It is expected that the ongoing costs of the restructured NHS will be contained within the provision of the Health and Social Service MEG in 2003-2004 and beyond. This will be reviewed in the 2002 budget planning round and work is underway to cost the re-structure programme. It will be for the LHB Project Board, and in due course the LHBs themselves, to frame organisational structures that are affordable within their budget ceilings.

## **Timetable**

10. The main stages which I propose are:

- ◆ Draft proposed Regulations to be revised in light of the Committee's views, and will then be subject to an eight week consultation exercise from 15 July until 13 September;
- ◆ Following scrutiny of consultation responses and inclusion of any proposed amendments, the draft Regulations will be submitted to Business Committee on 15 October and Legislative Committee on 14 January;
- ◆ Plenary debate is scheduled for 28 January;
- ◆ Subject to Assembly approval, the Regulations will come into force on 10 February 2003.

## **Action**

11. I would welcome the views of the Health and Social Services Committee on the proposed draft regulations.

JANE HUTT  
Minister for Health and Social services

June 2002

Contact: Paul Parker (Tel: 029 20825404)

NATIONAL ASSEMBLY FOR WALES

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STATUTORY INSTRUMENTS

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***DRAFT FOR CONSULTATION***

**2003 No. (W. )**

**NATIONAL HEALTH  
SERVICE, WALES**

**The Local Health Boards  
(Constitution, Membership and  
Procedures) (Wales) Regulations  
2003**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations/Order)*

The strategy document “*Improving Health in Wales*”, published by the National Assembly for Wales in February 2001, signalled the intention to abolish the existing five Health Authorities in Wales on 31<sup>st</sup> March 2003 and to create Local Health Boards (“LHBs”) to which the National Assembly may delegate the functions of Health Authorities and other functions of the National Assembly relating to the health service.

LHBs were established on [ ] by the Local Health Boards (Establishment) (Wales) Order 2003 (SI 2003/[ ], W.[ ]) and will commence operating on 31<sup>st</sup> March 2003. Their functions are set out in the Local Health Boards (Functions) (Wales) Regulations 2003 (SI 2003/[ ], W.[ ]).

These Regulations make provision for the constitution and membership of LHBs, including their procedures and administrative arrangements.

***DRAFT FOR CONSULTATION***

**2003 No. (W. )**

**NATIONAL HEALTH  
SERVICE, WALES**

**The Local Health Boards  
(Constitution, Membership and  
Procedures) (Wales) Regulations  
2003**

*Made*

*Coming into force*

*31<sup>st</sup> March 2003*

The National Assembly for Wales, in exercise of the powers conferred by sections 16BA (1) and (2) and 16BC (2) and (3) of, and paragraphs 6(1), (2) and 22 (1) and (2) of Schedule 4 to the National Health Service Act 1977<sup>(1)</sup> which are exercisable by the National Assembly<sup>(2)</sup> in relation to Wales, makes the following Regulations -

**Citation, commencement and application**

**1.** —(1) These Regulations may be cited as the Local Health Boards (Constitution, Membership and Procedures) Regulations 2003 and shall come into force on 31<sup>st</sup> March 2003.

(2) These Regulations apply to Wales only.

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<sup>(1)</sup> 1977 c.49.

<sup>(2)</sup> Functions under the National Health Service Act 1977 (subject to exceptions not relevant to these Regulations) were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order (SI. 1999 No.672), as read with section 39 of the National Health Service Reform and Healthcare Professions Act 2002 ([ ]).

## Interpretation

2. The following words and phrases shall bear the following meanings -

“1977 Act” means the National Health Service Act 1977;

“Assembly” means the National Assembly for Wales;

“Board” means a Local Health Board;

“Board’s area” means the area for which a Board is established as set out in the Local Health Boards (Establishment) (Wales) Order 2003 (3), as such area may be varied from time to time;

“carer” means a person aged 16 or over who provides, intends to provide or has provided a substantial amount of care on a regular basis for another person aged 18 or over, other than by virtue of a contract of employment or other contract with any person, or as a volunteer for a voluntary organisation;

“Community Health Council” means a Community Health Council established in Wales pursuant to section 20 of the National Health Service Act 1977;

“first members” means those persons who are the first to be appointed as members of the Board immediately following its establishment;

“general medical practitioner” means a medical practitioner who provides general medical services under Part II of the 1977 Act or personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(4);

“health care profession” shall have the meaning given in section 25(12) of the National Health Service Reform and Healthcare Professions Act 2002;

“health service body” means a Health Authority, Special Health Authority, Strategic Health Authority, Local Health Board, NHS Trust or Primary Care Trust;

“local authority” means a county or county borough council in Wales;

“local authority member” means a member of a Board who is nominated by the local authority for that Board’s area;

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(3) SI 2003 No. [ ] L. W. [ ] L.

(4) 1997 c.46.

“member” includes officer and non-officer members, associate members and co-opted members of a Board;

“officer member” means a member who is the holder of any office set out in regulation 3(3);

“non-officer member” means a member of a Board who does not hold any office set out in regulation 3(3); and

“shadow member” means a person selected to be one of the first members of a Board as at the date of the coming into force of these Regulations but before establishment of the Board of which that person is to be a member.

## **PART I**

### **Membership**

#### **Membership of Local Health Boards**

**3.** —(1) A Board shall have not more than 25 members, or not more than 26 if the Assembly appoints a vice chair who is not already a member.

(2) The number of officer members shall not exceed six, nor shall it exceed the number of non-officer members.

(3) The officer members shall be -

- (a) the chief officer;
- (b) the medical officer;
- (c) the finance officer; and
- (d) the nurse officer.

(4) The non-officer members shall be -

- (a) the chair;
- (b) the vice-chair;
- (c) up to four local authority members, a minimum of one of whom must be an elected member of the council of that local authority, and one of whom must be the senior social services official;
- (d) the public health specialist;
- (e) up to three general medical practitioner members;
- (f) a pharmacist member;
- (g) a dental practitioner member;
- (h) an optometrist member;
- (i) a nursing, midwifery or health visiting member;
- (j) a therapy member;

- (k) up to two voluntary sector members;
- (l) up to two community lay members, one of whom shall be a carer; and
- (m) three associate members.

(5) In addition to the number of members referred to in paragraph (1) above, the Board may from time to time appoint such co-opted members as appear to it to be necessary or expedient for the performance by the Board of its functions.

#### **Appointment of Local Health Board members**

- 4.** - (1) This regulation does not apply to the appointment of the first members.
- (2) Members (other than the chair, vice chair and chief officer) will be appointed by the appropriate procedure set out in Schedule 1 to these Regulations.
- (3) The chief officer will be appointed by the chair and representatives of the non-officer members.
- (4) Co-opted members will be appointed by the Board.
- (5) The person or persons responsible for making any appointment under this regulation shall ensure that the provisions of Schedule 1 to these Regulations (so far as they apply to the appointment) are complied with, and shall have regard to any guidance issued by the Assembly from time to time concerning the appointment of members.

#### **Transitional arrangements for the appointment of the first members of a Local Health Board**

- 5.** —(1) This regulation applies to the appointment of the first members of a Board only.
- (2) The first chair of a Board (and vice chair if one is to be appointed by the Assembly) shall be the person or persons identified by the Assembly to hold such office or offices at the date when these Regulations come into force.
- (3) The first chief officer of a Board shall be the person identified by the Assembly to hold such office at the date when these Regulations come into force.
- (4) The first members of a Board (other than the chair, vice-chair or chief officer) shall be those persons identified by the Assembly to hold the posts of members at the date when these Regulations come into force.
- (5) If any person to whom paragraphs 3 or 4 apply is employed immediately prior to the coming into force of these Regulations by a Health Authority as a shadow member, such person's contract of employment shall be transferred to the Board upon the coming into force of these Regulations.

## **Eligibility requirements for membership of a Local Health Board**

6. Any person who applies to be a member of a Board must fulfil the requirements for eligibility set out in Schedule 2 to these Regulations before such person may be appointed as a member.

## **Period of appointment**

7. —(1) This Regulation is subject to regulations 8 and 9 below.

(2) The chair shall be appointed for such period not exceeding five years as the Assembly shall determine.

(3) The chief officer shall be appointed for such period, being not less than three years and not greater than five years, as the non-officer members shall determine.

(4) Co-opted members may not be appointed for a period exceeding one year and shall not be re-appointed at the expiry of their term unless the Board decides that such reappointment is necessary or expedient for the performance by the Board of its functions.

## **Termination of appointment and suspension of officer members**

8. —(1) If the chair and non-officer members 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 such a member, they may immediately terminate that person's tenure of office.

(2) If the officer members notify the chair that they are of the opinion that a person who is an officer member should not continue to hold office as such a member, the chair and non-officer members of the Board may terminate that person's tenure of office if they are of the opinion that it is not in the interests of the Board for that person to continue to hold office.

(3) Where under paragraph (2) the chair and non-officer members terminate the tenure of office of an officer member or determine that such a person should continue to hold office, they shall forthwith notify the Assembly in writing, stating the reasons for their decision.

(4) Where a person has been appointed to be an officer member -

(a) if it comes to the notice of the chair and the non-officer members that the person has become ineligible for appointment under Schedule 2 to these Regulations, they shall forthwith notify the person and the Assembly in writing of such ineligibility; or



(b) if it comes to the notice of the chair and the non-officer members that at the time of appointment the person was so ineligible, they shall forthwith notify the person and the Assembly in writing of their view that the person was not duly appointed;

and, following such notification, the chair and the non-officer members may terminate the person's tenure of office and that person shall cease to act as an officer member.

(5) If it appears to the chair and the non-officer members that an officer member has failed to comply with regulation 15, they may terminate that person's tenure of office and that person shall cease to act as an officer member.

(6) If a person who is an officer member has failed to attend a meeting of the Management Committee or the Board for a period of three months, the chair and non-officer members shall terminate that person's tenure of 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 and non-officer members consider reasonable.

(7) Before making their final decision upon whether to terminate the tenure of office of an officer member, the 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 before making their final decision.

(8) If the chair and non-officer members decide to suspend the tenure of office of an officer member, they shall immediately notify the Assembly in writing, stating the reasons for their decision.

(9) An officer member whose tenure of office is suspended shall also be suspended from performing the functions of a member, and an officer member whose tenure of office is terminated shall cease to be a member.

### **Termination of appointment and suspension of non-officer members**

**9.** —(1) If the Board determines that -

(a) it is not in the interests of the health service in the area for which a Board acts; or

(b) it is not conducive to the good management of a Board,

for a person who has been appointed as a non-officer member of that Board to continue to hold that office, the Board may, with the Assembly's consent, forthwith terminate that person's membership.

(2) Where a person has been appointed to be a non-officer member -

- (a) if it comes to the notice of the Board that the person has become ineligible for appointment under Part I of Schedule 2 to these Regulations, the Board shall forthwith notify the person and the Assembly in writing of such ineligibility; or
- (b) if it comes to the notice of the Board that at the time of appointment the person was so ineligible, the Board shall forthwith declare that the person was not duly appointed and so notify the person and the Assembly in writing,

and, upon receipt of any such notification, the person's membership shall be terminated and that person shall cease to act as the chair, vice chair or other non-officer member.

(3) If it appears to the Board that a non-officer member has failed to comply with regulation 15, the Board may, with the Assembly's consent, forthwith terminate that person's membership.

(4) If a non-officer member has failed to attend a meeting of the Board for a period of three months, the Board shall terminate that person's membership 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.

(5) Before making a final decision to terminate or continue the membership of any non-officer member the Board may, if it considers it appropriate to do so, suspend the membership of a non-officer member for such period as it considers reasonable. During such period a non-officer member whose membership is suspended shall be suspended from carrying out the functions of a member.

## **PART II**

### **Proceedings and administrative arrangements of Boards**

#### **Appointment of vice-chair**

**10.** —(1) If no vice chair has been appointed by the Assembly, then subject to paragraph (2), the chair and non-officer members of a Board may appoint one of their number, who is not an officer member of the

Board, to be vice-chair for such period, not exceeding the remainder of his term as a member of the Board, as they may specify.

(2) Any member so appointed may at any time resign from the office of vice-chair by giving notice in writing to the chair.

(3) The date on which a resignation by notice given pursuant to paragraph (2) shall take effect shall be -

(a) Where a date is specified in the notice as being that on which the resignation is to take effect, that date; and

(b) In any other case, the date on which the notice is received by the chairman.

### **Powers of vice-chair**

#### **11. Where -**

(a) a member of a Board is appointed to be vice-chair either by the Assembly or under regulation 10, and

(b) the chair of the Board has died or has ceased to hold office, or is unable to perform the duties of chair owing to illness, absence from England and Wales or any other cause,

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

### **Appointment of committees and sub-committees**

**12.** Subject to such directions as may be given by the Assembly, a Board may and, if directed by the Assembly, shall -

(a) appoint committees of the Board, or

(b) together with one or more Boards or NHS Trusts or the local authority for the Board's area, appoint joint committees or 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.

### **Meetings and proceedings**

**13.** —(1) The meetings and proceedings of a Board shall be conducted in accordance with the rules set out

in Schedule 3 and with Standing Orders made under paragraph (2).

(2) Subject to those rules, to regulation 16 and to such directions as may be given by the Assembly a Board shall make, and may vary or revoke, Standing Orders for the regulation of its proceedings and business; and such Standing Orders may contain provision for their own suspension.

(3) Subject to such directions as may be given by the Assembly, a Board may, on its own or in the case of a committee or sub-committee of the Board or jointly with other Boards, NHS Trusts or the local authority for the Board's area in the case of a joint committee or sub-committee, make, vary and revoke Standing Orders relating to the quorum, proceedings and place of meeting of such committee, joint committee or sub-committee but, subject to any such Standing Orders, the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

#### **Associate and co-opted members**

**14.** Associate members and co-opted members may not vote in any meetings or proceedings of a Board.

#### **Disability of members on account of pecuniary interest**

**15.** —(1) Subject to the following provisions of this regulation, if a member of a Board has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it.

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

(3) A Board may, by Standing Orders made under regulation 15(2) provide for the exclusion of any 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 by virtue of paragraph 12 of Schedule 4 to the 1977 Act shall not be treated as a pecuniary interest for the purpose of this regulation.

(5) Subject to paragraphs (2) and (6), a member shall 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 married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of this regulation to be also an interest of the other.

(6) A member shall not 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 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 in which that member has a beneficial interest does not exceed one hundredth of the total issued share capital of that class,

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

(8) Paragraph (7) does not affect a 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 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) as it applies to a member of a Board.

(10) In this regulation -

“public body” 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<sup>(5)</sup>;

“securities” 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 industrial or provident society or building society;

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

### **Arrangements by Boards for the exercise of their functions**

**16.** —(1) Subject to any directions given by the Assembly, any function exercisable by a Board may by arrangement with that Board, and subject to such restrictions and conditions as the Board may think fit, be exercised -

- (a) by another Board;
- (b) by a Special Health Authority;
- (c) jointly with any one or more of the following
  - 
  - (i) local authorities;
  - (ii) NHS trusts;
  - (iii) Strategic Health Authorities in England;
  - (iv) Primary Care Trusts in England; or

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<sup>(5)</sup> 1907 c.136.

(d) On behalf of the Board by a committee, sub-committee or officer of the Board.

(6) Subject to any directions given by the Assembly, any function which is exercisable by a Board jointly with one or more of the bodies listed in paragraph (1)(c) may by arrangement with such body or bodies be exercised on their joint behalf by a joint committee or sub-committee.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

[date]

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

## SCHEDULE 1

### **Procedures for the appointment of officer and non-officer members**

- 1) This Schedule applies to the selection and appointment of all members of the Board except the chair and vice chair, associate members, co-opted members and the first members.
- 2) The Board shall ensure that appropriate arrangements are in place for the selection and appointment of members and that those arrangements take into account -
  - a) the principles from time to time laid down by the Commissioner for Public Appointments<sup>(7)</sup> and in the Assembly's Code of Practice for Ministerial Appointments to Public Bodies<sup>(8)</sup>;
  - b) the requirement for the selection and appointment of members to be open and transparent;
  - c) the requirement for fair and open competition in the selection and appointment of members; and
  - d) the need to ensure that successful candidates meet the 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

#### PART I

##### General requirements

- 1) Subject to paragraph 4), 5) and 7), a person shall not be eligible for appointment as a 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) has been adjudged bankrupt 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;
  - d) has had his or her membership as chair, member or director of a health service body terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the health service body, or expiry of the period of office for which that person was appointed;
  - e) (except in the case of an associate member) is a chair or a director of an NHS Trust.
- 2) For the purposes of paragraph 1) a) the date of conviction shall be 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.
- 3) For the purposes of paragraph 1) c), a person shall not be treated as having been in paid employment by reason only of having held the position of chair, member or director of a health service body.
- 4) Where a person is ineligible by reason of paragraph 1) b) -
  - a) if the bankruptcy is annulled on the ground that the person ought not to have been adjudged bankrupt or on the ground that the person's debts have been paid in full, that person shall become eligible for appointment as a member on the date of the annulment;

- b) if the person is discharged from bankruptcy, that person shall become eligible for appointment as a 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 shall become eligible for appointment as a 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 shall become eligible for appointment as a member on the expiry of five years from the date on which the terms of the deed of composition or arrangement were fulfilled.
- 5) Subject to paragraph 6), where a person is ineligible by reason of paragraph 1) c), that person may, after the expiry of two years from the date of dismissal, apply in writing to the Assembly to remove the ineligibility, and the Assembly may direct that the ineligibility shall cease.
- 6) Where the Assembly refuses 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 shall apply to any subsequent application.
- 7) Where a person is ineligible by reason of paragraph 1) d), that person shall become eligible for appointment as a 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 Assembly may, on application being made in writing to it by that person, reduce the period of ineligibility.

## **PART II**

### **Eligibility requirements for specific categories of member**

#### Medical officer

- 8) To be eligible for appointment as the medical officer, a person must be -
- a) a member of a healthcare profession, and
  - b) employed by the Board (save in the case of the appointment of the first holder of the office).

#### Nurse officer

- 9) To be eligible for appointment as the nurse officer, a person must be -
- a) included on the [register maintained by the Nurses and Midwives Council]; and
  - b) employed by the Board.

#### General medical practitioner members

- 10) To be eligible for appointment as a general medical practitioner member, a person must fulfil the requirements of paragraph 17 and must be -
- a) a general medical practitioner who is included in the register of general medical practitioners maintained by the General Medical Council; or
  - b) a [principal] who is included on the [medical list] of a Board and the majority of whose patients reside within that Board's area; or
  - c) a [non-principal] who is [registered with the University of Wales College of Medicine] and who currently undertakes a minimum of [two sessions] per week in the Board's area and has done so over the past twelve months; or
  - d) a general medical practitioner who has retired from the [medical list] of a Board during the period of twelve months immediately preceding the date upon which that person's application is submitted to that Board.

#### Dental Practitioner member

- 11) To be eligible for appointment as the dental practitioner member, a person must satisfy the requirements of paragraph 17) and must be included on the [register maintained by the General Dental Council], or have retired from such register during the period of twelve months immediately preceding the date upon which that person's application is submitted to that Board.

#### Nursing midwifery and health visiting member

- 12) To be eligible for appointment as the nursing midwifery and health visiting member, a person must satisfy the requirements of paragraph 17) and must be -
- a) included on the [register maintained by the Nurses and Midwives Council]; or
  - b) have retired from such register during the period of twelve months immediately preceding the date upon which that person's application is submitted to that Board.

#### Optometrist member

- 13) To be eligible for appointment as the optometrist member, a person must satisfy the requirements of paragraph 17) and must be -
- a) included on the [register maintained by the General Optical Council]; or
  - b) have retired from such register during the period of twelve months immediately preceding the date upon which that person's application is submitted to that Board.

#### Pharmacy member

- 14) To be eligible for appointment as the pharmacy member, a person must satisfy the requirements of paragraph 17) and must be -
- a) included on the [register maintained by the Pharmaceutical Society of Great Britain]; or
  - b) have retired from such register during the period of twelve months immediately preceding the date upon which that person's application is submitted to that Board.

#### Therapy member

- 15) To be eligible for appointment as the therapy member, a person must satisfy the requirements of paragraph 17) and must be included on the [register maintained by the Health Professions Council], or have retired from such register during the period of twelve months immediately preceding the date upon which that person's application is submitted to that Board.

#### Public health specialist

- 16) To be eligible for appointment as the public health specialist a person must be employed by the National Public Health Service or have retired from such employment during the period of twelve months immediately preceding the date upon which that person's application is submitted to that Board.

#### Associate members

- 17) Of the three associate members -
- a) one must be a member or officer of a Community Health Council which is responsible for a Board's area or a part of that area;
  - b) one must be the chair, a member or officer of an NHS Trust Board; and
  - c) one must be a [full-time official or a local accredited representative] of a trade union

representing persons employed in the health service in Wales

General requirement for professional members

18) In order to be eligible to be appointed as a -

- a) general medical practitioner member;
- b) dental practitioner member;
- c) pharmacist member;
- d) optometrist member;
- e) nursing midwifery and health visiting member; or
- f) therapy member,

a person must have provided [care to members of the public in the Board's area] for an average of at least one day per week during the period of twelve months immediately preceding the date of that person's application.

## SCHEDULE 3

### **Rules as to meetings and proceedings of Boards**

**1.** The first meeting of a Board shall be held on such day and at such place as may be fixed by the chair and the chair shall be responsible for convening the meeting.

**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 if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, such one third or more members may forthwith call a meeting.

(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 of the Board authorised by the chair to sign on his behalf shall be delivered to every member, or sent by post to the usual place of residence of such member, so as to be available to such member at least three clear days before the meeting.

(4) Want of service of the notice on any member shall not affect the validity of a meeting.

(5) In the case of a meeting called by members in default of the chair, the notice shall be signed by those members and no business shall be transacted at the meeting other than that specified in the notice.

**3. - (1)** At any meeting of the Board the chair, if present, shall preside.

(2) If the chair is absent from the meeting, the vice chair, if one has been appointed and is present, shall preside.

(3) If the chair and vice-chair are absent, such non-officer member as the members present shall choose shall preside.

**4.** Every question at a meeting shall be 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 shall have a second and casting vote.

**5.** The names of the chair and members present at the meeting shall be recorded.

**6.** Subject to paragraph 7, no business shall be transacted at a meeting unless -

- (a) the number present is not less than one third of the whole membership of the Board;
- and

(b) those present include at least one officer member and one non-officer member.

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