

SL(5)557 – The National Health Service (Temporary Disapplication of Tenure of Office) (Wales) (Coronavirus) Regulations 2020

Background and Purpose

These Regulations are made by the Welsh Ministers pursuant to section 203(9) and (10) of, and paragraph 4(1)(a), (b) and (e) of Schedule 2, paragraph 4(1)(a) and (f) of Schedule 3, and paragraph 5(a) of Schedule 5 to, the National Health Service (Wales) Act 2006 and come into force on 5 July 2020. The Regulations will disapply certain maximum periods of tenure of office of board and committee members of particular National Health Service bodies in order to address disruption to appointments during the COVID-19 pandemic.

The bodies covered by the provisions of these Regulations are Local Health Boards, Public Health Wales NHS Trust, Welsh Health Specialised Services Committee, Velindre NHS Trust Shared Services Committee, Emergency Ambulance Services Committee and Health Education and Improvement Wales.

The Regulations will enable members of boards and committees who are nearing the end of their maximum tenure to remain in office if those members are appointed or reappointed during the 'relevant period' (being the period starting on 5 July 2020 and ending on 31 March 2021).

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3 (ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Annex A to the Explanatory Memorandum contains a copy of a statement by the Commissioner for Public Appointments dated 23 March 2020 concerning public appointment processes in Wales during social distancing public health provisions due to COVID-19.

The statement confirms that the Welsh Government has suspended all Ministerial Public Appointment campaigns. Suspended campaigns are to resume in September 2020, however, that resumption date is to be kept under review. For bodies whose campaigns have been suspended, and that cannot legally carry a vacancy or a vacancy would destabilise the board, ministers may extend existing members or make a direct appointment without competition, until a competition can be held.

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.



Government Response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

23 June 2020



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee