

SL(6)565 – The Local Health Boards, NHS Trusts and Special Health Authorities (Constitution, Membership and Procedures) (Miscellaneous Amendments) (Wales) Regulations 2024

Background and Purpose

These Regulations make amendments to the legislation concerning the membership and procedures of Local Health Boards, NHS trusts and Special Health Authorities in Wales.

The Welsh Government's Explanatory Memorandum provides that the Regulations are necessary to ensure that the boards of all NHS bodies are subject to the same eligibility criteria and appointment processes.

The Explanatory Memorandum also provides that although there is no statutory duty to consult, officials have consulted with the Chairs, Chief Executives, Directors of Governance and Board Secretaries of all NHS Bodies as well as the Trade Unions recognised by those NHS bodies on the intended amendments to the Regulations, and that the amendments are "*broadly supported*" by stakeholders.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2 (vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements.

In regulation 4, the description of the location of the text for amendment is defective as it does not note the paragraph and Schedule numbers where "sub-paragraph (1)" is found in the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009. It is not sufficient to state "paragraph 2 of Schedule 2" in the heading of the regulation because the headings are not an operative part of the instrument. Similar amendments made



by regulations 5, 11 and 15 do correctly include all the details in the body of the regulation as well as in the heading.

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 6 January 2025 and reports to the Senedd in line with the reporting point above.

