

---

W E L S H S T A T U T O R Y  
I N S T R U M E N T S

---

**2024 No. 1308 (W. 219)**

**NATIONAL HEALTH  
SERVICE, WALES**

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

**EXPLANATORY NOTE**

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

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

Part 2 of these Regulations amends the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009 (S.I. 2009/779 (W. 67)), which make provision concerning the membership and procedures of Local Health Boards in Wales. Regulation 3(a) and (c) amends the provisions concerning the appointment of officer members to the board and regulation 3(b) inserts a provision to allow trade unions recognised by the Local Health Board in relation to employment matters to make nominations for the position of trade union member. Regulation 4 amends the eligibility requirements for members who are, or have recently been, employed by NHS bodies in Wales with amended definitions of Local Health Boards and NHS trusts, whilst also inserting provision for those employed by Special Health Authorities. Regulation 5 amends the number of days required for notice of board meetings.

Part 3 of these Regulations amends the National Health Service Trusts (Membership and Procedure) Regulations 1990 (S.I. 1990/2024), which make provision concerning the membership and procedures of NHS trusts in England and Wales. Regulation 7 inserts a definition for the National Health Service (Wales) Act 2006 and amends the definition of health

service body to include Local Health Boards. Regulation 8(a) to (c) amends the existing eligibility requirements so that they will only apply to England and (d) to (f) amends the eligibility requirements for NHS trusts in Wales to disqualify those who have been employed by NHS bodies in Wales within the last 12 months from the positions of chair, vice-chair or non-executive director.

Part 4 of these Regulations amends the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009 (S.I. 2009/1385 (W. 141)), which make provision concerning the membership and procedures of Public Health Wales as an NHS trust. Regulation 10 amends the eligibility requirements to disqualify those who have been employed by NHS bodies in Wales within the last 12 months from the positions of chair, vice-chair or non-executive director. Regulation 11 amends the number of days required for notice of board meetings.

Part 5 of these Regulations amends the Health Education and Improvement Wales Regulations 2017 (S.I. 2017/909 (W. 221)), which make provision concerning the membership and procedures of Health Education and Improvement Wales as a Special Health Authority. Regulation 13 amends the definition of health service body to include Special Health Authorities. Regulation 14 amends the eligibility requirements for non-officer members to disqualify those who are, or have been within the previous 12 months, employed by a Special Health Authority. Regulation 15 amends the number of days required for notice of board meetings.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

---

W E L S H S T A T U T O R Y  
I N S T R U M E N T S

---

**2024 No. 1308 (W. 219)**

**NATIONAL HEALTH  
SERVICE, WALES**

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

*Made* 9 December 2024

*Laid before Senedd Cymru* 11 December 2024

*Coming into force* 20 January 2025

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 11(6), 18(4), 22(8), 203(9)(a) and (b) and (10)(a) of, and paragraph 4(1)(a), (b) and (f) of Schedule 2, paragraph 4(1)(a) and (e) of Schedule 3 and paragraph 5(a) and (f) of Schedule 5 to the National Health Service (Wales) Act 2006(1).

**PART 1**

**General**

**Title, coming into force and interpretation**

**1.**—(1) The title of these Regulations is the Local Health Boards, NHS Trusts and Special Health Authorities (Constitution, Membership and Procedures) (Miscellaneous Amendments) (Wales) Regulations 2024.

---

(1) 2006 c. 42; paragraph 4(1)(a) of Schedule 3 was amended by section 24 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1).

(2) These Regulations come into force on 20 January 2025.

## PART 2

### Amendments to the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009

#### **Amendments to the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009**

2. The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(1) are amended as follows.

#### **Amendments to regulation 4**

3. In regulation 4 (appointment of Local Health Board members)—

(a) for paragraph (2) substitute—

“(2) The officer members are appointed as follows—

(a) the chief officer is appointed by the chair, vice-chair and non-officer members;

(b) the remaining officer members are appointed by the chair, vice-chair, non-officer members and the chief officer.”;

(b) after paragraph (9) insert—

“(9A) Each trade union recognised by the Board in relation to employment matters may nominate two persons and the Welsh Ministers may choose a person from those persons nominated to be the trade union member under regulation 3(4)(c).”;

(c) after paragraph (10) insert—

“(11) The validity of appointments made under paragraph 2 is not affected by any vacancy among those members making the appointment.”

#### **Amendment to paragraph 2 of Schedule 2**

4. In sub-paragraph (1)—

---

(1) S.I. 2009/779 (W. 67); there are amending instruments, but none are relevant to these Regulations.

- (a) omit “any of the following Local Health Boards or NHS Trusts”;
- (b) for paragraphs (a) to (c) substitute—
  - “(a) a Local Health Board established under section 11 of the Act,
  - (b) an NHS Trust established under section 18 of the Act, or
  - (c) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Act.”;
- (c) omit paragraph (d).

### **Amendment to paragraph 2 of Schedule 3**

5. In paragraph 2(3) of Schedule 3 (rules as to meetings and proceedings of boards), for “ten” substitute “five”.

## **PART 3**

### **Amendments to the National Health Service Trusts (Membership and Procedure) Regulations 1990**

#### **Amendments to the National Health Service Trusts (Membership and Procedure) Regulations 1990**

6. The National Health Service Trusts (Membership and Procedure) Regulations 1990(1) are amended as follows.

#### **Amendment to regulation 1**

7. In regulation 1(2) (citation, commencement and interpretation)—

- (a) after the definition of “the Act” insert—
  - ““the Wales 2006 Act” means the National Health Service (Wales) Act 2006.”;
- (b) in the definition of “health service body”, after sub-paragraph (ba) insert—
  - “(bb) a Local Health Board established under section 11 of the Wales 2006 Act;”.

---

(1) S.I. 1990/2024, amended by S.I. 1990/2160, S.I. 1996/1755, S.I. 1997/2990, S.I. 1998/1975, S.I. 1999/945, S.I. 2004/696, S.I. 2004/1016, S.I. 2005/2529, S.I. 2005/2532, S.I. 2006/635, S.I. 2006/946 (W. 95), S.I. 2006/1722, S.I. 2008/1269, S.I. 2010/425, S.I. 2012/1641, S.I. 2012/2404, S.I. 2013/235, S.I. 2014/784, S.I. 2014/3090 and S.I. 2022/251 (W. 77); there are other amending instruments but none are relevant to these Regulations.

### Amendments to regulation 11

8. In regulation 11 (disqualification for appointment of chairman, vice-chair and non-executive directors)—

- (a) in paragraph (1)(e), at the beginning insert “in relation to England,”;
- (b) in paragraph (1)(ee), at the beginning insert “in relation to England,”;
- (c) in paragraph (1)(f), at the beginning insert “in relation to England,”;
- (d) after paragraph (1)(h) insert—

“(j) in relation to Wales, that person is, or has been within the 12 months prior to appointment, in the paid employment of—

- (i) a Local Health Board established under section 11 of the Wales 2006 Act,
- (ii) an NHS trust established under section 18 of the Wales 2006 Act, or
- (iii) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Wales 2006 Act.”;

- (e) omit paragraph (6A);
- (f) after paragraph (6) insert—

“(8) For the purposes of paragraph (1)(j)—

- (a) a person is not to be treated as having been in paid employment by reason of having held the position of chair, vice-chair or non-officer member of a Local Health Board; chair, vice-chair or non-executive director of an NHS trust; or chair, vice-chair or non-officer member of a Special Health Authority, and
- (b) a person is disqualified from being a chair, vice-chair or non-executive director if following that person’s appointment as a chair, vice-chair or non-executive director they take up paid employment with any of the bodies listed in paragraph (1)(j) other than in the circumstances specified in this paragraph.”

## PART 4

### Amendments to the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009

#### **Amendments to the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009**

**9.** The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(1) are amended as follows.

#### **Amendments to regulation 15**

**10.** In regulation 15 (disqualification for appointment of chair, vice-chair and non-executive directors)—

(a) for paragraph (1)(e) substitute—

“(e) that person is, or has been within the 12 months prior to appointment, in the paid employment of—

(i) a Local Health Board established under section 11 of the Act,

(ii) an NHS trust established under section 18 of the Act, or

(iii) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Act.”;

(b) omit paragraph (1)(f);

(c) for paragraph (4) substitute—

“(4) For the purposes of paragraph (1)(e)—

(a) a person is not to be treated as having been in paid employment by reason of having held the position of chair, vice-chair or non-officer member of a Local Health Board; chair, vice-chair or non-executive director of an NHS trust; or chair, vice-chair or non-officer member of a Special Health Authority;

(b) a person is disqualified from being a chair, vice-chair or non-executive director if following that person’s appointment as a chair, vice-chair or non-executive director they take up

---

(1) S.I. 2009/1385 (W. 141), amended by S.I. 2011/990 (W. 144), S.I. 2012/1641, S.I. 2013/235, S.I. 2016/100 (W. 48), S.I. 2022/251 (W. 77) and S.I. 2022/634; there are other amending instruments but none are relevant to these Regulations.

paid employment with any of the bodies listed in paragraph (1)(e) other than in the circumstances specified in this paragraph.”

**Amendment to paragraph 2 of Schedule 2**

**11.** In paragraph 2(3) of Schedule 2 (rules as to meetings and proceedings of the Trust), for “ten” substitute “five”.

**PART 5**

**Amendments to the Health Education and Improvement Wales Regulations 2017**

**Amendments to the Health Education and Improvement Wales Regulations 2017**

**12.** The Health Education and Improvement Wales Regulations 2017(1) are amended as follows.

**Amendment to regulation 2**

**13.** In regulation 2 (interpretation), in the definition of “health service body”, after sub-paragraph (k) insert—

“(l) a Special Health Authority established under section 22 of the Act;”

**Amendment to regulation 5**

**14.** In regulation 5 (non-officer members – eligibility)—

(a) in paragraph (1) (non-officer members – eligibility)—

(i) omit the “or” after sub-paragraph (a);

(ii) after “Act” in sub-paragraph (b) insert—

“;

(c) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Act”;

(b) in paragraph (2) after “Local Health Board” insert “or a Special Health Authority.”.

**Amendment to paragraph 3 of Schedule 2**

**15.** In paragraph 3(1) of Schedule 2 (rules for the meetings and proceedings of HEIW) for “10” substitute “5”.

---

(1) S.I. 2017/909 (W. 221).



*Jeremy Miles*

Cabinet Secretary for Health and Social Care, one of  
the Welsh Ministers

9 December 2024