

**2015 No. 507 (W. 42)**

**NATIONAL HEALTH  
SERVICE, WALES**

**The Community Health Councils  
(Establishment, Transfer of  
Functions and Abolition) (Wales)  
(Amendment) Order 2015**

**EXPLANATORY NOTE**

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

This Order amends the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010 (“the principal Order”).

Article 3 inserts article 3A into the principal Order to provide for the establishment of Powys Community Health Council.

Article 4 amends article 4 of the principal Order to refer to Schedule 1A which sets out the area of Powys Community Health Council.

Article 5 inserts article 5A into the principal Order which sets out the functions of Powys Community Health Council.

Article 6 inserts article 6A into the principal Order which provides for the transfer of the functions, rights and liabilities of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council to Powys Community Health Council.

Article 7 inserts article 7A into the principal Order which requires Powys Community Health Council to take such action as may be necessary to ensure that reports and accounts of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council for the period from 1 April 2014 to 31 March 2015 are furnished.

Article 8 inserts article 8A into the principal Order which provides for the continuity, by Powys Community Health Council, of the functions of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council.

Article 9 inserts article 9A into the principal Order which abolishes Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council.

Articles 10, 11 and 13 omit articles 10 and 11 of, and Schedule 3 to the principal Order.

Article 12 inserts Schedule 1A into the principal Order.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained at the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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The Community Health Councils  
(Establishment, Transfer of  
Functions and Abolition) (Wales)  
(Amendment) Order 2015

*Made* 3 March 2015

*Laid before the National Assembly for Wales*  
6 March 2015

*Coming into force* 1 April 2015

The Welsh Ministers, in exercise of the powers conferred on them by sections 182(2) and (3) and 203(9) and (10)(a) of, and Schedule 10 to, the National Health Service (Wales) Act 2006<sup>(1)</sup> make the following Order.

**Title, commencement and interpretation**

**1.**—(1) The title of this Order is the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) (Amendment) Order 2015 and it comes into force on 1 April 2015.

(2) In this Order “principal Order” (“*prif Orchymyn*”) means the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010<sup>(2)</sup>.

**Amendment of article 2 of the principal Order**

**2.** In article 2 (interpretation) of the principal Order—

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(1) 2006 c. 42.

(2) S.I. 2010/289 (W. 38).

- (a) for the definition of “Community Health Council area” (“*ardal Cyngor Iechyd Cymuned*”) substitute—
- ““Community Health Council area” (“*ardal Cyngor Iechyd Cymuned*”) means the area of Wales for which a Community Health Council under articles 3 and 3A of this Order is established;”; and
- (b) omit the definition of “the continued Councils” (“*y Cyngorau sy’n parhau*”).

### **Establishment of Powys Community Health Council**

3. After article 3 (establishment of community health councils) of the principal Order insert—

#### **“Establishment of Powys Community Health Council**

3A. Powys Community Health Council is established with effect from 1 April 2015.”

### **Amendment of article 4 of the principal Order**

4. In article 4(1) (community health council areas) of the principal Order, after “column 2 of Schedule 1” insert “and column 2 of Schedule 1A”.

### **Functions of Powys Community Health Council**

5. After article 5 (functions of the new councils) of the principal Order insert—

#### **“Functions of Powys Community Health Council**

5A. The functions of Powys Community Health Council are—

- (i) as set out in paragraph 1(a) of Schedule 10 to the Act;
- (ii) as set out from time to time by the Welsh Ministers in regulations made pursuant to paragraph 2 of Schedule 10 to the Act; and
- (iii) will include the functions of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council transferred to it by article 6A.”

**Transfer of functions, rights and liabilities to Powys Community Health Council**

6. After article 6 (transfer of functions, rights and liabilities to the new councils) of the principal Order insert—

**“Transfer of functions, rights and liabilities to Powys Community Health Council**

6A.—(1) This article applies to any functions or rights which were exercisable by or liabilities which were enforceable against the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council on or before 1 April 2015.

(2) Powys Community Health Council has the benefit of any function exercisable by or any right enforceable by the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council on or before 1 April 2015.

(3) Powys Community Health Council must take responsibility for any liability enforceable against the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council on or before 1 April 2015.”

**Furnishing of Reports and Accounts of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council**

7. After article 7 (furnishing of reports and accounts of former councils) of the principal Order insert—

**“Furnishing of Reports and Accounts of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council**

7A.—(1) This article applies to the furnishing of reports and accounts on behalf of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council for the period from 1 April 2014 to 31 March 2015.

(2) Powys Community Health Council must take such action as may be necessary to ensure that the reports and accounts for the period 1 April 2014 to 31 March 2015 of the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council are furnished in

accordance with regulations 25 and 41 of the Regulations.”

**Provision for continuity in the exercise of functions by Powys Community Health Council**

8. After article 8 (provision for continuity in the exercise of functions) of the principal Order insert—

**“Provision for continuity in the exercise of functions by Powys Community Health Council**

8A. Anything done by or in relation to the former Brecknock and Radnor Community Health Council and the former Montgomeryshire Community Health Council in the exercise of or in connection with a function which by virtue of article 6A of this Order becomes a function of Powys Community Health Council will so far as it is required for continuing its effect on and after 1 April 2015 have effect as if done by or in relation to Powys Community Health Council.”

**Abolitions**

9. After article 9 (abolitions) of the principal Order insert—

**“Abolition of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council**

9A. Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council are abolished with effect from 1 April 2015.”

**Amendment of article 10 of the principal Order**

10. Omit article 10 (continuation in existence of Brecknock and Radnor Community Health Council and Montgomeryshire Community Health Council) of the principal Order.

**Amendment of article 11 of the principal Order**

11. Omit article 11 (functions of the continued councils) of the principal Order.

**Local Health Board Area of Powys Community Council**

12. After Schedule 1 to the principal Order insert—

“SCHEDULE 1A Articles 3A and 4

Local Health Board Area for  
which Powys Community Health  
Council is Established

<i>Column 1</i>		<i>Column 2</i>
<i>Name of Community Health Council established under article 3A</i>		<i>Local Health Board area for which the Community Health Council is established</i>
1	Powys Community Health Council	Powys Teaching Local Health Board

”.

**Amendment of Schedule 3 to the principal Order**

**13.** Omit Schedule 3 (areas within the principal local government area of Powys (the area for which Powys Teaching Local Health Board is established) for which the continued councils are established and in respect of which they exercise their functions) to the principal Order.

*Mark Drakeford*

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

3 March 2015