STATUTORY INSTRUMENTS

2000 No. 657

NATIONAL HEALTH SERVICE, ENGLAND

The Community Health Councils (Amendment) Regulations 2000

Made - - - -	*9th March 2000*
Laid before Parliament	*9th March 2000*
Coming into force - -	*1st April 2000*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 17 and 126(4) of, and paragraphs 2 and 3(d) of Schedule 7 to, the National Health Service Act 1977(**1**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1. (1) These Regulations may be cited as the Community Health Councils (Amendment) Regulations 2000 and shall come into force on 1st April 2000.

(2) In these Regulations, "the principal Regulations" means the Community Health Councils Regulations 1996(**2**).

(3) These Regulations shall extend to England only.

Amendment of regulation 1 of the principal Regulations

2. In regulation 1(2) of the principal Regulations (interpretation), after the definition of "relevant NHS trust" there is inserted the following definition—

> ""relevant Primary Care Trust" means, in relation to a Council, any Primary Care Trust whose area, or any part of whose area, is included in the district of the Council.".

(**1**) 1977 c. 49; section 17 was substituted by the Health Act 1999 (c. 8) ("the 1999 Act"), section 12; section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 65(2) and by the 1999 Act. Schedule 4, paragraph 37(6); paragraph 2 of Schedule 7 was amended by the Health and Social Security Act 1984 (c. 48), Schedule 3, paragraph 15, by the 1990 Act, Schedule 9, paragraph 17(3), by the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), Schedule 1, paragraph 62(a), and by the 1999 Act, Schedule 4, paragraph 40; paragraph 3(d) of Schedule 7 was amended by the 1995 Act, Schedule 1, paragraph 62(b); see section 128(1), as amended by the 1990 Act, section 26(2)(g) and (i), for the definitions of "prescribed" and "regulations". The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, as amended by section 66(5) of the 1999 Act.

(**2**) S.I. 1996/640 as amended by S.I. 1999/646 and 1999/2906.

Amendment of regulation 2 of the principal Regulations

3. In regulation 2 of the principal Regulations (composition of Councils), in paragraph (2)(b), before the words "local authorities" there is inserted "the relevant".

Amendment of regulation 7 of the principal Regulations

4. (1) Regulation 7 of the principal Regulations (disqualification for membership) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)—

(a) for sub-paragraph (a) there is substituted—

"(a) "(a) he is a chairman or is a member of—

(i) a Health Authority;

(ii) a Primary Care Trust; or

(iii) a Special Health Authority which provides services within the district of the Council;

(aa) he is employed by—

(i) a relevant Health Authority;

(ii) a relevant Primary Care Trust;

(iii) a relevant NHS trust; or

(iv) a Special Health Authority which provides services within the district of the Council;";

(b) in sub-paragraph (b) for "the relevant Health Authority or a relevant NHS trust" there is substituted "the relevant Health Authority, a relevant Primary Care Trust or a relevant NHS trust";

(c) for sub-paragraph (c) there is substituted—

"(c) "(c) he is a chairman or a director of an NHS trust;".

(d) after sub-paragraph (c) there is inserted—

"(cc) "(cc) he is a member of another Council; or".

(3) In paragraph (2)—

(a) after sub-paragraph (c) there is inserted—

"(cc) "(cc) a Primary Care Trust;";

(b) after sub-paragraph (e) there is inserted—

"(ee) "(ee) the Commission for Health Improvement(**3**)

Amendment of regulation 13 of the principal Regulations

5. In regulation 13 of the principal Regulations (officers), in paragraph (3), after "such Health Authority" there is inserted "or Special Health Authority".

Amendment of regulation 14 of the principal Regulations

6. In regulation 14 of the principal Regulations (premises and other facilities), in paragraph (2)(b), for "the Health Authority shall referred to in regulation 13(3)" there is substituted "the Health Authority or Special Health Authority referred to in regulation 13(3) shall".

(**3**) *See* section 19 of the 1999 Act.

Amendment of regulation 17 of the principal Regulations

7. In regulation 17 of the principal Regulations (advising on the operation of the health service), after "Health Authority" there is inserted "or relevant Primary Care Trust".

Amendment of regulation 18 of the principal Regulations

8. (1) Regulation 18 of the principal Regulations (consultation of Councils by relevant Health Authorities) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1), after "any proposals which the Health Authority" there is inserted "or any Primary Care Trust whose area falls within the Authority's area".

(3) After paragraph (1), there is inserted the following—

"(1A) If a Primary Care Trust has under consideration a proposal to which paragraph (1) applies, it shall notify the Health Authority in whose area the trust is established of that proposal.".

Amendment of regulation 19 of the principal Regulations

9. (1) Regulation 19 of the principal Regulations (information to be furnished by Health Authorities) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1), after "Health Authority" there is inserted "and each relevant Primary Care Trust".

(3) In paragraph (2)—

(a) after "provision by a Health Authority" there is inserted "or a Primary Care Trust";

(b) after "employed by the Health Authority" there is inserted "or Primary Care Trust".

(4) In paragraph (3), after "Health Authority" there is inserted "or a Primary Care Trust".

Amendment of regulation 20 of the principal Regulations

10. (1) Regulation 20 of the principal Regulations (inspection of premises by Councils) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)—

(a) for "relevant Health Authority or relevant NHS trust" there is substituted "relevant Health Authority, relevant Primary Care Trust or relevant NHS trust";

(b) for "Health Authority or NHS trust" there is substituted "Health Authority, Primary Care Trust or NHS trust".

(3) In paragraph (2), in sub-paragraph (a), for "Health Authority or NHS trust" there is substituted "Health Authority, Primary Care Trust or NHS trust".

Amendment of regulation 21 of the principal Regulations

11. In regulation 21 of the principal Regulations (meetings between Council and relevant Health Authority)—

(a) after "each relevant Health Authority" there is inserted "and each relevant Primary Care Trust";

(b) after "members of the Health Authority" there is inserted "or Primary Care Trust";

(c) after "the Council or the relevant Health Authority" there is inserted "or Primary Care Trust in question".

Signed by authority of the Secretary of State

Gisela Stuart
Parliamentary Under-Secretary of State
Department of Health

9th March 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Community Health Councils Regulations 1996 ("the principal Regulations").

Regulations 2, 4 and 7 to 11 amend the principal Regulations so as to make provision in relation to Primary Care Trusts. In particular they provide: that a chairman or member of a Primary Care Trust, and a person dismissed from the employment of a relevant Primary Care Trust, are disqualified from membership of a Community Health Council (regulation 4); that Health Authorities must consult a Council on proposals which a Primary Care Trust in their area may have under consideration for substantial variations or developments in the health service in the Council's district (regulation 8); that Primary Care Trusts must provide information to Councils about the planning and operation of health services in their area, and hold annual meetings with Councils (regulations 9 and 11); and that Councils may inspect premises controlled by Primary Care Trusts (regulation 10).

Regulation 4 also amends regulation 7 of the principal Regulations so as to provide that a chairman, member or director of any Health Authority or NHS trust (not just a relevant authority or trust), a member of another Council and a person dismissed from employment with the Commission for Health Improvement are disqualified for appointment as a member of a Council.

Regulations 5 and 6 amend regulations 13 and 14 of the principal Regulations so as to enable the Secretary of State to provide that a Special Health Authority must employ officers of a Council and make the services of their staff available to a Council.

Regulation 3 makes a minor amendment to regulation 2 of the principal Regulations by providing for the appointment of at least half of the members of a Council to be made by relevant local authorities rather than local authorities in general.