

2002 No. 2106

NHS HEALTH SERVICE, ENGLAND

**The Community Health Councils (Amendment) Regulations
2002**

Made - - - - - *7th August 2002*

Laid before Parliament *9th August 2002*

Coming into force *31st August 2002*

The Secretary of State for Health, in exercise of the powers conferred upon on him by section 126(4) of, and paragraph 2(a) and (b) of Schedule 7 to, the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Health Councils (Amendment) Regulations 2002 and shall come into force on 31st August 2002.

(2) In these Regulations—

“the principal Regulations” means the Community Health Councils Regulations 1996(b).

(3) These Regulations apply in relation to Community Health Councils established for districts in England only.

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 3, after paragraph (1), there is inserted—

“(1A) Subject to regulations 7 and 8, the term of office of any member which, but for this provision, would expire on 31st August 2002, shall be extended to 31st March 2004.”

(3) In paragraph (5) of regulation 3, after “appointed” in the first place where it occurs, there is inserted “or of that term as extended by virtue of paragraph (1A).”.

(4) Regulation 22 of the principal Regulations (transitional arrangements for existing members) shall be omitted.

(5) For paragraph 6 of the Schedule to the principal Regulations (meetings and proceedings of Councils) there is substituted—

(a) 1977 c.49; 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; 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.

(b) S.I. 1996/640, to which there are amendments not relevant to these Regulations.

“6. No business shall be transacted at a meeting unless at least one-third of actual members (excluding vacancies) or four members, whichever is the higher number, are present.”.

Signed by authority of the Secretary of State for Health

7th August 2002

David Lammy
Parliamentary Under-Secretary of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Community Health Councils Regulations 1996 (“the principal Regulations”) in connection with members’ terms of office and meetings.

Regulation 2 extends the term of office of members whose term expires on 31st August 2002 to 31st March 2004 and provides for regulation 3(5) to apply to such extended terms. Regulation 2 also deletes regulation 22 of the principal Regulations (which no longer has application) and substitutes paragraph 6 of the Schedule to the principal Regulations with a new provision that a meeting will be quorate when one third of actual members (excluding vacancies) or four members, whichever is the higher number, are present.

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