

HEALTH AND SOCIAL CARE ACT 2012

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Territorial application: Wales

57. A number of the provisions in the Act apply in Wales as well as England, or apply in Wales only. The Welsh Assembly Government have been consulted on these provisions and have provided their consent where necessary.
58. In Part 1, sections 35 to 37 on functions relating to fluoridation of water and sections 38 to 45 that amend the Mental Health Act 1983 include provision that extends and applies to England and Wales. So too does the provision in sections 286 and 287 concerning information relating to births and deaths and section 299 on supervised community treatment.
59. Provisions in Part 2 that extend and apply to England and Wales;
 - abolish the Health Protection Agency (a body with a UK wide remit) and repeal the Health Protection Agency Act 2004 (section 56);
 - make provision for the Secretary of State and the DHSSPS to exercise jointly or separately biological substances functions in relation to Wales (section 57);
 - make provision for the Secretary of State to exercise radiation protection functions in relation to Wales (section 58);
 - repeal the AIDS (Control) Act 1987 which extends to England and Wales (section 59); and
 - provide for a UK wide duty of co-operation between bodies exercising functions in relation to health protection (section 60).
60. [Sections 128 to 133](#) in Chapter 5 of Part 3, concerning health special administration apply to a company in Wales which provides services to the health service in England.
61. [Part 7](#), concerning the regulation of health and social care workers, applies in relation to Wales (as well as England, Northern Ireland and Scotland) so far as it relates to bodies with functions in relation to Wales.
62. Provisions in Parts 8 and 10, regarding changes to the Department of Health's arm's-length bodies, extend and apply to England and Wales. The dissolution under section 248 of the predecessor body to the National Institute for Health and Care Excellence applies to Wales, as that predecessor body is a Special Health Authority established in relation to England and Wales. Schedule 17, introduced by section 249, includes consequential amendments to legislation that extends to Wales in addition to England, Scotland and Northern Ireland. In Part 10, the abolition of the Appointments Commission applies to Wales.
63. [Section 297](#) and Schedule 21 in Part 11 amend legislation relating to the health service in Wales, (the National Health Service (Wales) Act 2006) to make consequential and other

*These notes refer to the Health and Social Care Act 2012
(c.7) which received Royal Assent on 27 March 2012*

amendments, including provision for arrangements between health bodies in Wales and health bodies in England.