
WELSH STATUTORY INSTRUMENTS

2002 No. 2532 (W.248)(C.81)

NATIONAL HEALTH SERVICE, WALES

The National Health Service Reform and Health Care Professions Act 2002 (Commencement) (Wales) Order 2002

Made - - - - 7th October 2002

The National Assembly for Wales, in exercise of powers conferred on it by sections 38(1), 42(3) and (4)(c), (d) and (e)(iii) and (iv) of the National Health Service Reform and Health Care Professions Act 2002(1) hereby makes the following Order:—

Citation, interpretation and application

1.—(1) This Order may be cited as the National Health Service Reform and Health Care Professions Act 2002 (Commencement) (Wales) Order 2002.

(2) In this Order, “the Act” (“y ddeddf”) means the National Health Service Reform and Health Care Professions Act 2002.

(3) This Order applies to Wales only.

Appointed day

2. The day appointed for the coming into force of the provisions of the Act specified in the Schedule to this Order is 10th October 2002.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

7th October 2002

Jane E. Hutt
Minister for Health and Social Services

(1) 2002 c. 17.
(2) 1998 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 10TH OCTOBER 2002

<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 6	Local Health Boards
Section 9	Funding of Local Health Boards
Section 10	Expenditure of NHS bodies
Section 23	Joint working with the prison service
Section 24	Health and Well-being strategies in Wales
Section 37 in so far as it relates to the provisions of Schedule 8 and Schedule 9 specified below:—	Minor and consequential amendments and repeals
In Schedule 8—	
Paragraph 1;	
Paragraph 2;	
Paragraph 3;	
Paragraph 4(1),(2)(b) and (c);	
Paragraph 8;	
Paragraph 9;	
Paragraph 10;	
Paragraph 11;	
Paragraph 18;	
Paragraph 19;	
Paragraph 20;	
Paragraph 21;	
Paragraph 22;	
Paragraph 23;	
Paragraph 24;	
Paragraph 25;	
Paragraph 26;	

<i>Provisions of the Act</i>	<i>Subject Matter</i>
Paragraph 27;	
Paragraph 30;	
Paragraph 31;	
Paragraph 32;	
Paragraph 33;	
Paragraph 34;	
Paragraph 36;	
Paragraph 37.	
In Schedule 9, the repeal in so far as it relates to Wales of:—	
National Health Service Act 1977 (C.49):	
In section 22 (1A), the “or” at the end of paragraph (c); in section 28A(1), the “and” at the end of paragraph (a); in section 29B(3), the “or” at the end of paragraph (b); in section 33(1A)(b), “for areas in Wales”; in section 44(2), “with the approval of the Health Authority”; in section 51(3), the “and” at the end of paragraph (bb); section 97(6)(bb) and (c) and (8); in section 125, the “and” at the end of paragraph (bb); in section 126(4A), the “or” at the end of paragraph (b) and in Schedule 12A, in paragraph 4(2) the “or” at the end of paragraph (a), in paragraph 5(1) the “and” at the end of paragraph (a), in paragraph 5(2), the “or” at the end of paragraph (a) and in paragraph 7(3), “or Primary Care Trust”.	
Health Service Commissioners Act 1993 (C.46):	
In section 2, in subsection (2)(a), “whose areas are in Wales”.	
Government of Wales Act 1998 (c. 38):	
In Schedule 5, in paragraph 20, “for an area in, or consisting of, Wales” and in Schedule 17, in paragraph 12, “for an area in, or consisting of, Wales”.	
National Health Service Act 1977 (c. 49):	

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<i>Provisions of the Act</i>	<i>Subject Matter</i>
In section 97D(1)(b), “apart from subsection (5A)”.	
National Health Service and Community Care Act 1990 (c. 19):	
In section 12(4), the words after paragraph (b).	
Local Government (Wales) Act 1994 (c. 19):	
In schedule 10, paragraph 11(4).	
Health Authorities Act 1995 (c. 17):	
Section 1 and in Schedule 1, paragraphs 32(b), 53 and 107(12)(b).	
National Health Service (Primary Care) Act 1997 (c. 46):	
In Schedule 2, paragraphs 71(3), 73 and 75.	
Government of Wales Act 1998 (c. 38) Section 148.	
Health Act 1999 (c. 8):	
In Schedule 4, paragraphs 5, 31(2) and 35.	
Health and Social Care Act 2001 (c. 15):	
Sections 1(4) and (5), 3(3) and (4) and 43(5) and in Schedule 5, paragraph 5(12)(b).	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the National Health Service Reform and Health Care Professions Act 2002 in relation to Wales.

The Order provides for the commencement of provisions which:—

- (a) enable the National Assembly to establish Local Health Boards and to confer functions on the newly established Boards (section 6);
- (b) establish a mechanism for the funding of Local Health Boards and impose certain financial duties in respect of expenditure and resource limits on the Boards (section 9);
- (c) enable the National Assembly to make regulations in respect of the status, constitution, membership and ancillary functions of Local Health Boards (Schedule 4) and introduce technical and consequential changes to existing legislation (Schedule 5);

- (d) preserve the existing arrangements for the funding of NHS bodies in Wales pending the abolition of Welsh Health Authorities, provide for the definition of Part 1 and Part 2 expenditure of Local Health Boards to mirror that currently applicable to Health Authorities and allow for the apportionment of remuneration attributable to the cost of drugs between Local Health Boards (section 10);
- (e) require joint working between NHS bodies and the prison service with a view to securing and maintaining the health of prisoners (section 23);
- (f) impose a duty on each local authority and each Local Health Board any part of whose area lies within the area of the local authority to jointly formulate and implement a strategy for the health and well-being of members of the public in the local authority's area (section 24);
- (g) make minor consequential amendments and repeals (section 37).