

**2009 No. 1824 (W. 165)**

**NATIONAL HEALTH  
SERVICE, WALES**

The National Health Service  
(Restructuring of National Health  
Service Bodies: Consequential  
Amendments) (Wales) Order 2009

**EXPLANATORY NOTE**

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

This Order, which applies in relation to Wales, makes amendments to various provisions within specified subordinate legislation. The amendments are consequential upon the establishment of a new structure for the provision of the National Health Service within Wales from 1 October 2009.

The Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/778 (W.66)) (the “2009 Order”) dissolves twenty-one of the existing twenty-two Local Health Boards in Wales on 1 October 2009 and provides for Powys Teaching Local Health Board to continue in its current form as established under the Local Health Boards (Establishment) (Wales) Order 2003 (S.I. 2003/148 (W.18)). The 2009 Order also establishes six new Local Health Boards.

The National Health Service Trusts (Dissolution) (Wales) Order 2009 (S.I. 2009/1306 (W.117)) dissolves seven National Health Service Trusts in Wales on 1 October 2009. The Welsh Ambulance Services National Health Trust, as established under the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998 (S.I. 1998/678), and Velindre National Health Service Trust, as established under the Velindre National Health Service Trust (Establishment) Order 1993 (S.I. 1993/2838), remain in existence.

Article 2 of the Order revokes the National Health Service Trusts (Pharmaceutical Services Remuneration – Special Arrangement) Order 1991.

Article 3 of the Order gives effect to the Schedule which makes amendments to miscellaneous subordinate legislation to reflect the new National Health Service structures.

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The National Health Service  
(Restructuring of National Health  
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Amendments) (Wales) Order 2009

*Made* 8 July 2009

*Laid before the National*

*Assembly for Wales* 9 July 2009

*Coming into force* 1 October 2009

The Welsh Ministers in exercise of the powers conferred by section 203(9) and (10) of the National Health Service (Wales) Act 2006(1), make the following Order:

**Title, Commencement and Application**

1.—(1) The title of this Order is the National Health Service (Restructuring of National Health Service Bodies: Consequential Amendments) (Wales) Order 2009 and it comes into force on 1 October 2009.

(2) This Order applies in relation to Wales.

**Revocation of the National Health Service Trusts  
(Pharmaceutical Services Remuneration – Special  
Arrangement) Order 1991**

2. The National Health Service Trusts (Pharmaceutical Services Remuneration – Special Arrangement) Order 1991(2) is revoked in so far as it applies in relation to Wales.

**Amendments to subordinate legislation**

3. The Schedule (which contains amendments to subordinate legislation) has effect.

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(1) 2006 (c.42)

(2) S.I. 1991/509

*Edwina Hart*

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

8 July 2009

## SCHEDULE 1 Article 3

### Amendments to Statutory Instruments

#### **National Health Service (Venereal Diseases) Regulations 1974**

**1.**—(1) The National Health Service (Venereal Diseases) Regulations 1974<sup>(1)</sup> are amended as follows.

(2) In regulation 2 (confidentiality of information) –

- (a) for “Regional Health Authority and every District Health Authority” substitute “Local Health Board and NHS Trust”; and
- (b) for “Authority” substitute “Local Health Board or the NHS Trust”.

#### **National Health Service (Charges to Overseas Visitors) Regulations 1989**

**2.**—(1) The National Health Service (Charges to Overseas Visitors) Regulations 1989<sup>(2)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) –

- (a) omit the definition of “Authority”;
- (b) in the appropriate place in the alphabetical order insert the following definition –  
““Local Health Board” has the meaning assigned to it by section 11 of the National Health Service (Wales) Act 2006<sup>(3)</sup>”.

(3) In each of the following regulations for “Authority” in each place it occurs substitute “Local Health Board” –

- (a) regulation 1 (citation, commencement and interpretation);
- (b) regulation 2 (making and recovery of charges);
- (c) regulation 4 (overseas visitors exempt from charges); and
- (d) 8 (repayments).

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(1) S.I. 1974/29

(2) S.I. 1989/306

(3) 2006 c.42.

### **National Health Service (Optical Charges and Payments) Regulations 1997**

3.—(1) The National Health Service (Optical Charges and Payments) Regulations 1997<sup>(1)</sup> are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation) –

- (a) in paragraphs (c) and (f) of the definition of “responsible authority” after the words “NHS Trust” insert “or Local Health Board”;
- (b) in paragraph (b) of the definition of “voucher” after the words “NHS Trust” in each place they occur, insert “or Local Health Board”.

(3) In paragraph (2) of regulation 2 (charges for glasses and contact lenses) after the words “NHS Trust” insert “, Local Health Board”.

(4) In paragraph (5) of regulation 8 (eligibility – supply of optical appliances) after the words “NHS Trust” in each place they occur insert “or Local Health Board”.

(5) In regulation 10 (issue of vouchers by NHS trusts) –

- (a) for the heading substitute “Issue of Vouchers by NHS Trusts and Local Health Boards”;
- (b) after the words “NHS Trust” in each place they occur insert “or Local Health Board”.

(6) In Schedule 1 (voucher letter codes and face values – supply and replacement), in paragraph 10 after the words “NHS Trust” insert “or Local Health Board”.

(7) In Schedule 2 (prisms, tints, photochromic lenses, small and special glasses and complex appliances) in paragraph (1)(g) after the words “NHS Trust” in each place they occur insert “or Local Health Board”.

### **Water Supply (Water Quality) Regulations 2001**

4.—(1) The Water Supply (Water Quality) Regulations 2001<sup>(2)</sup> are amended as follows.

(2) For “National Public Health Service for Wales” in each place it occurs substitute “Public Health Wales National Health Service Trust”.

(3) In regulation 2 (interpretation) –

- (a) omit the following definitions –
  - (i) “health authority”, and
  - (ii) “National Public Health Service”;
- (b) in the appropriate place in the alphabetical order insert the following definition –

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<sup>(1)</sup> S.I. 1997/818

<sup>(2)</sup> S.I. 2001/3911

“Public Health Wales National Health Service Trust” means a National Health Service Trust within the meaning of the National Health Service (Wales) Act 2006<sup>(1)</sup> if, and in so far as, it has the function of providing services in relation to public health in Wales;”.

### **Care Homes (Wales) Regulations 2002**

5.—(1) The Care Homes (Wales) Regulations <sup>(2)</sup> are amended as follows.

- (2) In regulation 3(1) (d) (excepted establishments) –
- (a) at the end of paragraph (i) delete “or”;
  - (b) at the end of paragraph (ii) delete “;” and insert “, or (iii) in a Local Health Board;”.

### **Registration of Social Care and Independent Health Care (Wales) Regulations 2002**

6.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002<sup>(3)</sup> are amended as follows.

(2) In paragraph 3 of Schedule 1 (information to be supplied for registration as a person who carries on an establishment or agency) and paragraph 8 of Schedule 2 (documents to be supplied on an application for registration as a person who carries on an establishment or agency) for the words “except where the applicant is a local authority or NHS trust,” substitute “except where the applicant is a local authority, an NHS trust or a Local Health Board,”.

### **Nurses Agencies (Wales) Regulations 2003**

7.—(1) The Nurses Agencies (Wales) Regulations 2003<sup>(4)</sup> are amended as follows.

(2) In regulation 2 (interpretation) in the appropriate place in the alphabetical order insert the following definition—

““Local Health Board” (*Bwrdd Iechyd Lleol*)” has the meaning assigned to it by section 11 of the National Health Service (Wales) Act 2006;”.

- (3) In regulation 3 (excepted agencies) –
- (a) after the words “an NHS trust” insert “and a Local Health Board”;
  - (b) after the words “other NHS trusts” insert “and other Local Health Boards”.

(4) In regulation 19(2)(iii) and (3)(c) (review of quality of care), for the words “any local authority or

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(1) 2006 (c.42)  
(2) S.I. 2002/324 (W.37)  
(3) S.I. 2002/919 (W.107)  
(4) S.I. 2003/2527 (W.242)

NHS trust” substitute “any local authority, NHS trust or Local Health Board”.

**National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007**

8.—(1) The National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(1) are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place in the alphabetical order insert the following definition –

““Local Health Board” (*Bwrdd Iechyd Lleol*) has the meaning assigned to it by section 11 of the Act;”.

(3) In regulation 11 (repayments) –

(a) in paragraph (1)(a), after the words “NHS Trust” in each place they occur, insert “or Local Health Board”; and

(b) in paragraph (2), after the words “NHS Trust” insert “, Local Health Board”.

**Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008**

9.—(1) The Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008(2) are amended as follows.

(2) In regulation 12 (powers to require declarations and self-assessments, as part of accountable officers’ monitoring and auditing arrangements or otherwise), for paragraph (2) substitute the following –

“(2) HIW may request an appropriate periodic declaration and an appropriate self-assessment from –

(a) an NHS Trust, or a person registered with that NHS Trust who provides health care; and

(b) a Local Health Board.”.

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(1) S.I. 2007/1104 (W.116)

(2) S.I. 2008/3239 (W.286)