

# **THE NATIONAL ASSEMBLY FOR WALES**

## **LEGISLATION COMMITTEE REPORT**

### **The Health Act 1999**

#### **(Commencement No.2) (Wales) Order 2000**

#### **Background**

The provisions of the Health Act 1999 are to be brought into force by Commencement Order.

The function of making Commencement Orders is, in respect of certain provisions of the Act, vested in the National Assembly for Wales. The provisions in question broadly relate to the abolition of fund-holding practices, the introduction of Primary Care Trusts, amendment of the legislation concerning national health service Trusts, introduction of a duty of quality, and "partnership" provision for co-operation between health service bodies and local authorities.

One Commencement Order has already been made by the Assembly, to commence the provisions amending the legislation concerning national health service Trusts.

The present Order commences provisions which abolish fund-holding practices and which make amendments concerning local dental and medical committees. The commencement also includes provisions which make consequential amendments to Acts concerning the national health service.

#### **Standing Order 11.5**

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention under SO 11.5.

There are, however, a few comments on the Order to which attention is drawn.

#### **Comments on the Order**

#### **Explanatory Note, opening paragraph**

It is thought that the Welsh text may be slightly misleading in giving the impression that the Act

makes further provision rather than that the Order commences further provision. The form –

"pellach o Ddeddf"

might have been better.

### **Explanatory Note, paragraph (a)**

Although the abbreviation GP is well known in English, the Welsh equivalent "YC" may not be so readily understood.

Also, it is noted that whilst "NHS" is used in the Welsh text of this Order "GIG" has been used in other instruments. Having said this, however, the point made above in relation to YC/GP would then arise.

### **Explanatory Note, paragraph (b)**

Paragraph (a) indicates that the provision referred to is in section 1 of the Act. It might have been helpful if similar information had been given in relation to paragraph (b) since it appears that the provision referred to in that paragraph is similarly to be found in just one section.

### **Explanatory Note, paragraph (c)**

Paragraph (c) is a little difficult to follow because of its length. It might have been of more assistance to the reader if it had been split into three separate parts ie –

Amendments in consequence of (a) and (b),

Amendments to take further account of the No.1 Order, and

Amendments in relation to payment for goods and services carried out otherwise than under a national health service contract.

### **Note as to earlier Commencement Orders**

Inclusion of this note is in accordance with the "Statutory Instrument Practice" and enables users to identify the provisions which have already been commenced.

It is noted, however, that in the Welsh text of the list, the W prefix has been used in the SI

number. The Welsh text should use the Cy. prefix.

It is understood that consideration had been given to the possibility of providing one bilingual table rather than two separate tables, but with the note having been prepared in the present format, time constraints prevented re-formatting. A bilingual table could be achieved by putting the wording in bilingual form for initial references, followed by "ditto" marks. This is something which should be considered for the future.

### **Statutory Instrument heading**

On the front page of the actual text of the Order, the Welsh text has omitted the letter C for the commencement order number.

### **Order Schedule – Section 11**

The brackets which open in front of "except" have not been closed.

### **Order Schedule – Schedule 4 paragraph 27(a)**

Since paragraph 27(a) only provides for the substitution of paragraphs (b) to (d) it seems that the entry could have been confined to the following –

"except in so far as the substituted paragraphs relate to Primary Care Trusts"

**M GERMAN OBE AM**

Chair, Legislation Committee

14<sup>th</sup> March 2000