

## LEGISLATION COMMITTEE – SUBORDINATE LEGISLATION RECORD

**Legislation Committee numbers:**

LC64

**Titles:**

The Health Act 1999  
(Commencement No.2)  
(Wales) Order 2000

**Associated Documents :**

- Report of the Legal Adviser

LC64(R)

**Legislation Committee consideration (date)**

14 March 2000

**Urgency procedures (if applicable)**

Coming into Force:

2000

**Any further comments:**



**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. It might thus have been better if the term had been given in full in both texts.

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.

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.

### **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"

J H TURNBULL

Legal Adviser

Legislation Committee

Ref: LAD 01-01-060

9 March 2000

**National Assembly for Wales**

**Cynulliad Cenedlaethol Cymru**

**OFFERYNNAU**

**STATUDOL**

**STATUTORY INSTRUMENTS**

**2000 No. (W. ) (C. )**

**2000 Rhif (Cy. )(C. )**

**Y GWASANAETH IECHYD GWLADOL,  
CYMRU**

**NATIONAL HEALTH SERVICE, WALES**

**Gorchymyn Deddf Iechyd 1999  
(Cychwyn Rhif 2) (Cymru) 2000**

**The Health Act 1999 (Commencement  
No. 2) (Wales) Order 2000**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r  
Gorchymyn)*

**EXPLANATORY NOTE**

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

Mae'r Gorchymyn hwn yn dod â darpariaethau pellach Deddf Iechyd 1999 i rym mewn perthynas â Chymru.

Mae'r Gorchymyn yn darparu ar gyfer cychwyn y darpariaethau sydd -

a. yn dileu'r cronfeydd a ddelir gan YC (adran 1);

b. yn caniatáu ar gyfer diwygio'r gynrychiolaeth ar Bwyllgorau Deintyddol a Meddygol Lleol; ac

c. yn gwneud diwygiadau manwl i ddeddfwriaeth y Gwasanaeth Iechyd Gwladol o ganlyniad i'r uchod, er mwyn cymryd i ystyriaeth bellach y diwygiadau i'r darpariaethau ynghylch sefydlu Ymddiriedolaethau NHS ac i'r pwerau ar gyfer gwneud cyfarwyddiadau a gychwynnwyd gan Orchymyn Deddf Iechyd 1999 (Cychwyn Rhif 1) (Cymru) 1999 ac mewn perthynas â thalu am nwyddau a gwasanaethau penodol a gyflawnir heblaw o dan gontract NHS.

This Order brings into force further provisions of the Health Act 1999 in relation to Wales.

The Order provides for the commencement of provisions which -

a. abolish GP fund-holding (section 1);

b. allow for amendment of representation on Local Dental and Medical Committees; and

c. make detailed amendments to National Health Service legislation in consequence of the above, to take further account of the amendments to NHS Trust establishment provisions and direction-making powers commenced by the Health Act 1999 (Commencement No. 1) (Wales)

Order 1999 and in relation to payment for certain goods and services carried out otherwise than under a NHS contract.

## **NODYN AM Y GORCHMYNION CYCHWYN BLAENOROL**

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn.)

Daethpwyd â darpariaethau canlynol Deddf Iechyd 1999 i rym, neu maent i ddod i rym, mewn perthynas â Chymru drwy orchymyn cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

Yn ogystal â'r darpariaethau a restrir isod, daethpwyd ag amryw ddarpariaethau eraill i rym mewn perthynas â Lloegr drwy orchymynion cychwyn O.S.1999/2177, 2342, 2540 a 2793 ac mewn perthynas â'r Alban drwy orchymyn cychwyn O.S.A. 1999/90.

## **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

(This note is not part of the Order.)

The following provisions of the Health Act 1999 have been, or are to be, brought into force in relation to Wales by commencement order made before the date of this Order.

In addition to the provisions listed below, various other provisions of the Act have been brought into force in relation to England by commencement orders S.I.1999/2177, 2342, 2540 and 2793 and in relation to Scotland by commencement order S.S.I. 1999/90.

<b>Darpariaeth</b>	<b>Dyddiad Cychwyn</b>	<b>Rhif yr O.S.</b>
a.12	1.12.99	1999/3184 (W.42) (C.82)
a.13 i 18	1.11.99	1999/3184 (W.42) (C.82)
a.19	1.11.99	1999/2793 (C.69)
a.20 (yn rhannol)	1.11.99	1999/2793 (C.69)
a.23 to 25	1.11.99	1999/2793 (C.69)
a.28 (yn rhannol)	1.11.99	1999/3184 (W.42) (C.82)
a.41	1.4.2000	1999/2793 (C.69)



a.42 to 44	1.10.99	1999/2540 (C.64)
a.65(1) (yn rhannol)	1.11.99	1999/3184 (W.42) (C.82)
(yn rhannol)	1.11.99	1999/2793 (C.69)
(yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
(yn rhannol)	4.1.2000	1999/2342 (C.60)
(yn rhannol)	1.4.2000	1999/2342 (C.60)
(yn rhannol)	1.4.2000	1999/2793 (C.69)
a.65(2) (yn rhannol)	1.11.99	1999/2793 (C.69)
(yn rhannol)	1.4.2000	1999/2793 (C.69)
Atodlen 2	1.11.99	1999/2793 (C.69)
Atodlen 4		
paragraff 4 (yn rhannol)	1.11.99	1999/3184 (W.42) (C.82)
(yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
(yn rhannol)	1.4.2000	1999/2793 (C.69)
paragraff 5	1.12.99	1999/3184 (W.42) (C.82)
paragraff 6	1.12.99	1999/3184 (W.42) (C.82)
paragraff 9 (yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 12 (yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 15 (yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 26	1.12.99	1999/3184 (W.42) (C.82)
paragraff 27(b)	1.4.2000	1999/2793 (C.69)
paragraff 30 (yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 31 (yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 32	1.12.99	1999/3184 (W.42) (C.82)

paragraff 34(b)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 37 (yn rhannol)	1.11.99	1999/3184 (W.42) (C.82)
(yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 38 (yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
(yn rhannol)	1.4.2000	1999/2793 (C.69)
paragraff 39	1.12.99	1999/3184 (W.42) (C.82)
paragraffau 65 to 69	1.4.2000	1999/2793 (C.69)
paragraff 73	1.4.2000	1999/2342 (C.60)
paragraff 74 (yn rhannol)	1.11.99	1999/2793 (C.69)
(yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
(yn rhannol)	4.1.2000	1999/2342 (C.60)
(yn rhannol)	1.4.2000	1999/2342 (C.60)
paragraff 75	1.12.99	1999/3184 (W.42) (C.82)
paragraff 76(a) (yn rhannol)	1.11.99	1999/2793 (C.69)
(yn rhannol)	4.1.2000	1999/2342 (C.60)
paragraff 76(b)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 79	1.11.99	1999/3184 (W.42) (C.82)
paragraff 81 (yn rhannol)	1.11.99	1999/2793 (C.69)
paragraff 82	1.4.2000	1999/2342 (C.60)
paragraff 83 (yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
paragraff 85 (yn rhannol)	4.1.2000	1999/2342 (C.60)
paragraff 86	1.4.2000	1999/2342 (C.60)
paragraff 88 (yn rhannol)	1.12.99	1999/3184 (W.42) (C.82)
Atodlen 5 (yn rhannol)	1.11.99	1999/2793 (C.69)

(yn rhannol) 1.4.2000 1999/2793 (C.69)

**Provision**

**Date of Commencement**

**S.I. No.**

s.12	1.12.99	1999/3184(W.42) (C.82)
ss.13 to 18	1.11.99	1999/3184 (W.42) (C.82)
s.19	1.11.99	1999/2793 (C.69)
s.20 (partially)	1.11.99	1999/2793 (C.69)
ss.23 to 25	1.11.99	1999/2793 (C.69)
s.28 (partially)	1.11.99	1999/3184 (W.42) (C.82)
s.41	1.4.2000	1999/2793 (C.69)
ss.42 to 44	1.10.99	1999/2540 (C.64)
s.65(1) (partially)	1.11.99	1999/3184 (W.42) (C.82)
(partially)	1.11.99	1999/2793 (C.69)
(partially)	1.12.99	1999/3184 (W.42) (C.82)
(partially)	4.1.2000	1999/2342 (C.60)
(partially)	1.4.2000	1999/2342 (C.60)
(partially)	1.4.2000	1999/2793 (C.69)
s.65(2) (partially)	1.11.99	1999/2793 (C.69)
(partially)	1.4.2000	1999/2793 (C.69)
Schedule 2	1.11.99	1999/2793 (C.69)
Schedule 4		

paragraph 4 (partially)	1.11.99	1999/3184 (W.42) (C.82)
(partially)	1.12.99	1999/3184 (W.42) (C.82)
(partially)	1.4.2000	1999/2793 (C.69)
paragraph 5	1.12.99	1999/3184 (W.42) (C.82)
paragraph 6	1.12.99	1999/3184 (W.42) (C.82)
paragraph 9 (partially)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 12 (partially)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 15 (partially)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 26	1.12.99	1999/3184 (W.42) (C.82)
paragraph 27(b)	1.4.2000	1999/2793 (C.69)
paragraph 30 (partially)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 31 (partially)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 32	1.12.99	1999/3184 (W.42) (C.82)
paragraph 34(b)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 37 (partially)	1.11.99	1999/3184 (W.42) (C.82)
(partially)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 38 (partially)	1.12.99	1999/3184 (W.42) (C.82)
(partially)	1.4.2000	1999/2793 (C.69)
paragraph 39	1.12.99	1999/3184 (W.42) (C.82)
paragraphs 65 to 69	1.4.2000	1999/2793 (C.69)
paragraph 73	1.4.2000	1999/2342 (C.60)
paragraph 74 (partially)	1.11.99	1999/2793 (C.69)
(partially)	1.12.99	1999/3184 (W.42) (C.82)
(partially)	4.1.2000	1999/2342 (C.60)

(partially)	1.4.2000	1999/2342 (C.60)
paragraph 75	1.12.99	1999/3184 (W.42) (C.82)
paragraph 76(a) (partially)	1.11.99	1999/2793 (C.69)
(partially)	4.1.2000	1999/2342 (C.60)
paragraph 76(b)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 79	1.11.99	1999/3184 (W.42) (C.82)
paragraph 81 (partially)	1.11.99	1999/2793 (C.69)
paragraph 82	1.4.2000	1999/2342 (C.60)
paragraph 83 (partially)	1.12.99	1999/3184 (W.42) (C.82)
paragraph 85 (partially)	4.1.2000	1999/2342 (C.60)
paragraph 86	1.4.2000	1999/2342 (C.60)
paragraph 88 (partially)	1.12.99	1999/3184 (W.42) (C.82)
Schedule 5 (partially)	1.11.99	1999/2793 (C.69)
(partially)	1.4.2000	1999/2793 (C.69)

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## **STATUTORY INSTRUMENTS**

## **OFFERYNNAU STATUDOL**

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**2000 Rhif (Cy. )**

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**2000 No. [ ] (W. [ ]) (C. [ ])**

**Y GWASANAETH IECHYD GWLADOL,  
CYMRU**

**Gorchymyn Deddf Iechyd 1999  
(Cychwyn Rhif 2) (Cymru) 2000**

Wedi'i wneud 2000

Mae Cynulliad Cenedlaethol Cymru'n gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adran 63(1) a 66(2) o Ddeddf Iechyd 1999(a):

**Enwi, cychwyn a chymhwyso**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Iechyd 1999 (Cychwyn Rhif 2) (Cymru) 2000.

(2) Yn y Gorchymyn hwn -

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd 1999;

ystyr "Deddf 1977" ("*the 1977 Act*") yw Deddf y Gwasanaeth Iechyd Gwladol 1977<sup>(b)</sup>

(3) Mae'r Gorchymyn hwn yn gymwys i Gymru.

**Diwrnod penodedig**

**NATIONAL HEALTH SERVICE, WALES**

**The Health Act 1999 (Commencement  
No. 2) (Wales) Order 2000**

Made 2000

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by sections 63(1) and 66(2) of the Health Act 1999(a):

**Citation, interpretation and application**

1.-(1) This Order may be cited as the Health Act 1999 (Commencement No.2) (Wales) Order 2000.

(2) In this Order –

"the Act" ("*y Ddeddf*") means the Health Act 1999;

"the 1977 Act" ("*Deddf 1977*") means the National Health Service Act 1977<sup>(b)</sup>;

(3) This Order applies to Wales.

**Appointed day**

2. -(1) 1 Ebrill 2000 yw'r diwrnod penodedig y daw darpariaethau'r Ddeddf a bennir yn yr Atodlen i'r Gorchymyn hwn i rym i'r graddau a bennir yno.

(2) Er bod paragraff (1) yn dod â diddymiad paragraffau 19 a 20 o Atodlen 2 i Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990<sup>(c)</sup> i rym, bydd y darpariaethau hynny yn parhau i gael effaith mewn perthynas â nwyddau neu wasanaethau a ddarparwyd cyn y diddymu.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998<sup>(ch)</sup>

2000 Llywydd

## **ATODLEN Erthygl 2(1)**

**Darpariaethau'r Ddeddf sy'n dod i rym ar 1 Ebrill 2000**

Adran 1 (Diddymu'r gyfraith ynglŷn â phractisiau sy'n dal cronfeydd)

2. (1) 1<sup>st</sup> April 2000 is the day appointed for the coming into force, to the extent there specified, of each provision of the Act specified in the Schedule to this Order.

(2) Notwithstanding the bringing into force by paragraph (1) of the repeal of paragraphs 19 and 20 of Schedule 2 to the National Health Service and Community Care Act 1990<sup>(c)</sup>, those provisions shall continue to have effect in relation to goods or services provided prior to the repeal.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(d)</sup>

2000 Presiding Officer

## **SCHEDULE Article 2(1)**

**Provisions of the Act coming into force on 1 April 2000**

Section 1 (Repeal of law about fund-holding practices)

Adran 11 (Pwyllgorau Cynrychioliadol Lleol) (ac eithrio bod y cyfeiriadau yn is-adran (3) o adran 44 o Ddeddf 1977 a fewnosodwyd gan is-adran (4), at drefniadau a wnaed o dan adran 28C o Ddeddf 1977 yn cael eu dwyn i rym at ddibenion cynlluniau peilot yn unig o dan Ran I o Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997

Section 11 (Local Representative Committees) (except that the references in subsection (3) of section 44 of the 1977 Act inserted by subsection (4), to arrangements made under section 28C of the 1977 Act are brought into force for the purposes only of pilot schemes under Part I of the National Health Service (Primary Care) Act 1997

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Adran 65(1) (Diwygio deddfiadau) (i'r graddau y mae'n ymwneud â darpariaethau Atodlen 4 i'r Ddeddf a bennir isod)

Section 65(1) (Amendments of enactments) (in so far as it relates to the provisions of Schedule 4 to the Act specified below)

Atodlen 4 -

Schedule 4 –

paragraph 4 (in so far as it relates to paragraphs 8, 24 and 27(a) below)

paragraff 4 (i'r graddau y mae'n ymwneud â pharagraffau 8, 24 a 27(a) isod)

paragraph 8 (in so far as it relates to fund-holding practices)

paragraff 8 (i'r graddau y mae'n ymwneud â phractisiau deiliad-cronfa)

paragraff 24

paragraph 24



paragraff 27(a) (i'r graddau y mae'n golygu amnewid paragraffau (b) i (d) o adran 91(3) o Ddeddf 1977 ac eithrio i'r graddau y mae'r paragraffau hynny'n ymwneud ag Ymddiriedolaethau Gofal Sylfaenol)

paragraff 71(a) a (b)

paragraff 74 (i'r graddau y mae'n ymwneud â pharagraffau 83(6) ac 84 isod)

paragraff 83(6)

paragraff 84

paragraff 85(4)

paragraff 90

paragraph 27(a) (to the extent that it effects the substitution of paragraphs (b) to (d) of section 91 (3) of the 1977 Act except in so far as those paragraphs relate to Primary Care Trusts)

paragraph 71(a) and (b)

paragraph 74 (in so far as it relates to paragraphs 83(6) and 84 below)

paragraph 83(6)

paragraph 84

paragraph 85(4)

paragraph 90

