

SCHEDULES

SCHEDULE 1

Section 1

SCHEDULE 7A TO BE INSERTED IN THE NATIONAL HEALTH SERVICE ACT 1977

“SCHEDULE 7A

Section 20A

FURTHER PROVISIONS ABOUT COUNCILS UNDER SECTION 20A

- 1 It is the duty of a Council—
 - (a) to represent the interests in the health service of the public in its district; and
 - (b) to perform such other functions as may be conferred on it by regulations under paragraph 2.

- 2 The National Assembly for Wales may by regulations make provision about—
 - (a) the membership of Councils (including the election by members of a Council of a member to chair the Council);
 - (b) the proceedings of Councils;
 - (c) the staff, premises and expenses of Councils;
 - (d) the discharge of any function of a Council by a committee of the Council or by a joint committee appointed with another Council;
 - (e) the appointment, as members of a committee or joint committee, of persons who are not members of the Council or Councils concerned;
 - (f) the consultation of Councils by Health Authorities, Local Health Boards, Strategic Health Authorities, Primary Care Trusts and NHS trusts with respect to such matters, and on such occasions, as may be prescribed;
 - (g) the consideration by Councils of matters relating to the operation of the health service within their districts, and the giving of advice by Councils to Health Authorities, Local Health Boards and NHS trusts on such matters;
 - (h) the preparation and publication of reports by Councils;
 - (i) matters to be included in any such report;
 - (j) the furnishing and publication by Health Authorities, Local Health Boards and NHS trusts of comments on reports of Councils;
 - (k) the provision of information (including descriptions of information which are or are not to be provided) to Councils by Health Authorities, Local Health Boards, Strategic Health Authorities, Primary Care Trusts or NHS trusts;
 - (l) the provision of information (including descriptions of information which are or are not to be provided) by Councils to other persons (including other Councils);
 - (m) the provision by Councils on behalf of the Assembly of the independent advocacy services required to be provided under section 19A of this Act;
 - (n) the functions to be exercised by Councils in addition to those exercisable otherwise by virtue of this Schedule.

- 3 (1) The Assembly may make regulations requiring—

Status: This is the original version (as it was originally enacted).

- (a) Health Authorities;
 - (b) Local Health Boards;
 - (c) Strategic Health Authorities;
 - (d) Primary Care Trusts;
 - (e) local authorities;
 - (f) NHS trusts;
 - (g) persons providing services under Part 2 of this Act or under arrangements under section 28C of this Act; or
 - (h) persons providing piloted services under pilot schemes established under section 28 of the Health and Social Care Act 2001 (c. 15), or providing LP services under an LPS scheme established under Schedule 8A to this Act,
- to allow members of a Council authorised by or under the regulations to enter and inspect, for the purposes of any of the Council's functions, premises owned or controlled by those referred to in paragraphs (a) to (h).
- (2) The Assembly may also make regulations requiring any other person who owns or controls premises where services are provided as mentioned in sub-paragraph (1) (g) or (h) to allow members of a Council authorised by or under the regulations to enter and inspect the premises for the purposes of any of the Council's functions.
- (3) The regulations may in particular make provision as to—
- (a) cases and circumstances in which access is to be permitted;
 - (b) limitations or conditions to which access is to be subject.
- 4 The Assembly may by regulations—
- (a) provide for the establishment of a body—
 - (i) to advise Councils with respect to the performance of their functions, and to assist Councils in the performance of their functions; and
 - (ii) to perform such other functions as may be prescribed; and
 - (b) provide for the membership, proceedings, staff, premises and expenses of that body.
- 5 The Assembly may pay to members of Councils and any body established under paragraph 4 such travelling and other allowances (including compensation for loss of remunerative time) as it may determine.”.

SCHEDULE 2

Section 2

WALES CENTRE FOR HEALTH: FURTHER PROVISION

Status

- 1 The Wales Centre for Health is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Centre's property is not to be regarded as property of, or held on behalf of, the Crown.

Exercise of functions

- 2 The Centre must carry out its functions effectively, economically and efficiently.

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- 3 Anything authorised or required to be done by the Centre may be done by any member or member of staff of the Centre who, or any committee or sub-committee of the Centre which, is authorised for the purpose by the Centre (whether generally or specially).

Assembly directions

- 4 The Assembly may give directions—
- (a) as to the appointment of staff (including any conditions to be fulfilled for appointment);
 - (b) as to the terms and conditions of employment of staff (including provision about the payment of pensions, allowances or gratuities and the payment of compensation for loss of employment);
 - (c) as to the application of any sums received by the Centre under section 2(4).
- 5 Directions under paragraph 4 may include a direction that the Centre employ any person who is or was employed by a National Health Service trust and is specified in the direction.
- 6 If it appears to the Assembly that there has been a serious failure by the Centre to perform any function which it considers should have been performed by the Centre, the Assembly may give the Centre such directions as it may consider appropriate for remedying that failure.
- 7 Directions under paragraph 6 must include a statement summarising the reasons for giving them.
- 8 A direction under this Schedule must be given in writing.
- 9 The Centre must comply with any direction given by the Assembly under this Schedule.

Regulations

- 10 The Assembly may by regulations make provision—
- (a) about the appointment of the chairman and other members of the Centre (including any conditions to be fulfilled for appointment and provision about disqualification);
 - (b) about the tenure of office of the chairman of the Centre (including the circumstances in which he ceases to be chairman or may be removed or suspended from office);
 - (c) about the tenure of office as a member of the Centre of the chairman or of other members of the Centre (including the circumstances in which they cease to be members or may be removed or suspended from office);
 - (d) about the appointment, constitution of and exercise of functions by a committee or sub-committee of the Centre (including provision for the inclusion in a committee or sub-committee of persons who are not members of the Centre, or in a sub-committee of persons who are not members of the committee);
 - (e) about the proceedings of the Centre, or of any committee or sub-committee.

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Members

- 11 The Centre must, if required to do so by the Assembly, pay the chairman and other members of the Centre and any member of a committee or sub-committee who is not a member of the Centre such remuneration, and such travelling and other allowances, as the Assembly may determine.
- 12 The Centre must, if required to do so by the Assembly—
- (a) pay to or in respect of any person who is or has been the chairman or other member of the Centre or a member of a committee or sub-committee such pension, allowances or gratuities as the Assembly may determine; or
 - (b) make such payments as the Assembly may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of any such person.
- 13 Where—
- (a) a person ceases to hold office as chairman or other member of the Centre or as a member of a committee or sub-committee; and
 - (b) the Assembly determines that there are special circumstances which make it appropriate for that person to receive compensation,
- the Centre must make a payment by way of compensation of such amount as the Assembly may determine.

Chief executive

- 14 (1) The Centre must appoint a person as chief executive.
- (2) The person appointed under sub-paragraph (1)—
- (a) may be appointed only with the consent of the Assembly;
 - (b) is to be appointed on such terms and conditions as the Assembly may determine.
- 15 The Centre must, if required to do so by the Assembly—
- (a) pay to or in respect of any person who is or has been the chief executive of the Centre such pension, allowances or gratuities as the Assembly may determine; or
 - (b) make such payments as the Assembly may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of any such person.
- 16 Where—
- (a) a person ceases to hold office as the chief executive of the Centre; and
 - (b) the Assembly determines that there are special circumstances which make it appropriate for that person to receive compensation,
- the Centre must make a payment by way of compensation of such amount as the Assembly may determine.

Other staff

- 17 (1) The Centre may appoint such other staff as it considers appropriate.
- (2) Staff appointed under this paragraph are to be appointed on such terms and conditions as the Centre may determine.

- 18 The Centre may—
- (a) pay to or in respect of any person who is or has been a member of staff such pension, allowances or gratuities as the Centre considers appropriate; or
 - (b) make such payments as the Centre considers appropriate towards provision for the payment of a pension, allowance or gratuity to or in respect of any such person.

- 19 Where—
- (a) a person ceases to be a member of staff; and
 - (b) the Centre determines that there are special circumstances which make it appropriate for that person to receive compensation,
- the Centre may make a payment by way of compensation of such amount as it considers appropriate.

General powers

- 20 (1) The Centre may do anything which it considers necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) co-operating with other public authorities;
 - (b) acquiring and disposing of land and other property; and
 - (c) entering into contracts.

Charging of fees

- 21 The Centre may charge such fees as it considers appropriate for the provision of advice, information or assistance to any person.

Arrangements for assistance

- 22 (1) The Centre may make arrangements with such persons as it considers appropriate to assist it in the discharge of any function.
- (2) Arrangements may include the payment of fees to such persons.

Accounts

- 23 (1) The Centre must keep proper accounting records.
- (2) The Centre must prepare accounts for each financial year in such form as the Assembly may determine.

Audit

- 24 (1) The accounts prepared by the Centre for any financial year must be submitted to the Auditor General for Wales before the end of such period after the end of the financial year as the Assembly may direct.
- (2) The Auditor General for Wales must—
- (a) examine and certify accounts submitted to him under sub-paragraph (1); and
 - (b) lay before the Assembly a copy of them as certified by him together with his report on them.

Status: This is the original version (as it was originally enacted).

Examinations into use of resources

- 25 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Centre has used its resources in carrying out its functions.
- (2) Sub-paragraph (1) is not to be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Centre.
- (3) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this paragraph.
- (4) The Auditor General for Wales and the Comptroller and Auditor General may cooperate with, and give assistance to, each other in connection with the carrying out of examinations in respect of the Centre under this paragraph or section 7 of the [National Audit Act 1983 \(c. 44\)](#) (economy, etc. examinations).

Examinations by the Comptroller and Auditor General

- 26 (1) For the purpose of enabling him to carry out examinations into, and report to Parliament on, the finances of the Centre, the Comptroller and Auditor General—
- (a) is to have a right of access at all reasonable times to all such documents in the custody or under the control of the Centre, or of the Auditor General for Wales, as he may reasonably require for that purpose; and
- (b) is to be entitled to require from any person holding or accountable for any of those documents any assistance, information or explanation which he reasonably thinks necessary for that purpose.
- (2) The Comptroller and Auditor General must—
- (a) consult the Auditor General for Wales; and
- (b) take into account any relevant work done or being done by the Auditor General for Wales,
- before he acts in reliance on sub-paragraph (1) or carries out an examination in respect of the Centre under section 7 of the National Audit Act 1983 (economy, etc. examinations).

Further provision about accounts and audit

- 27 The Assembly may by regulations make such further provision about the accounts or audit of the Centre as it considers appropriate.

Evidence

- 28 A document purporting to be duly executed under the seal of the Centre or signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Reports and information

- 29 (1) As soon as practicable after the end of each financial year the Centre must report to the Assembly on the exercise of its functions during the year.
- (2) The Centre must publish the report made under sub-paragraph (1).

- (3) The Centre must also provide the Assembly with such other information relating to the exercise of the Centre’s functions as the Assembly may request.

SCHEDULE 3

Section 7

MINOR AND CONSEQUENTIAL AMENDMENTS

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 1 In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960, after paragraph (l) insert—
“(m) the Wales Centre for Health;”.

House of Commons Disqualification Act 1975 (c. 24)

- 2 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975, insert at the appropriate place—
“The Wales Centre for Health.”.

National Health Service Act 1977 (c. 49)

- 3 In section 18(1A) of the National Health Service Act 1977, omit the “or” at the end of paragraph (a), and paragraph (c).
4 In section 98 of that Act, omit subsection (2A).

Community Health Councils (Access to Information) Act 1988 (c. 24)

- 5 In section 1(1) of the Community Health Councils (Access to Information) Act 1988, for “established in accordance with section 20” substitute “continued in existence by or established under section 20A”.

National Health Service and Community Care Act 1990 (c. 19)

- 6 In section 4(2) of the National Health Service and Community Care Act 1990, after paragraph (e) insert—
“(ee) the Wales Centre for Health;”.

Welsh Language Act 1993 (c. 38)

- 7 In section 6(1)(i) of the Welsh Language Act 1993, for “established in accordance with section 20” substitute “continued in existence by or established under section 20A”.
8 After section 6(1)(i) of that Act, insert—
“(ia) the Wales Centre for Health;”.

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Government of Wales Act 1998 (c. 38)

- 9 In section 27(7) of the Government of Wales Act 1998, omit paragraph (b) and the “but” preceding it.
- 10 In section 118(2) of that Act, before the “and” at the end of paragraph (j) insert—
“(ja) the Wales Centre for Health,”.
- 11 In section 144 of that Act, in subsection (8)(a), after “the Welsh Administration Ombudsman,” insert “the Wales Centre for Health,”.
- 12 In Schedule 5 to that Act—
(a) in paragraph 13, omit “for a district wholly in Wales”;
(b) after paragraph 45 insert—
The Wales Centre for Health.”.
- 13 In paragraph 14(2) of Schedule 9 to that Act, after paragraph (g) insert—
“(ga) the Wales Centre for Health,”.

Freedom of Information Act 2000 (c. 36)

- 14 In Part 3 of Schedule 1 to the Freedom of Information Act 2000, in paragraph 41, for “established under section 20” substitute “continued in existence by or established under section 20A”.
- 15 In Part 6 of that Schedule, insert at the appropriate place—
“The Wales Centre for Health.”.

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

- 16 In section 22 of the National Health Service Reform and Health Care Professions Act 2002, omit subsection (4).

SCHEDULE 4

Section 7

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
National Health Service Act 1977 (c. 49)	In section 18(1A), the “or” at the end of paragraph (a), and paragraph (c). Section 20. Section 98(2A). Schedule 7.
Health and Social Security Act 1984 (c. 48)	Section 6(2). In Schedule 3, paragraph 15.
National Health Service and Community Care Act 1990 (c. 19)	In Schedule 9, paragraph 18(13).

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Health Authorities Act 1995 (c. 17)	In Schedule 1, paragraphs 11, 50(b) and 62.
Government of Wales Act 1998 (c. 38)	In section 27(7), paragraph (b) and the “but” preceding it. In paragraph 13 of Schedule 5, the words “for a district wholly in Wales”.
Health Act 1999 (c. 8)	In Schedule 4, paragraph 40.
National Health Service Reform and Health Care Professions Act 2002 (c. 17)	Section 3(5)(a) and (c). Section 22(4). In Schedule 5, paragraph 24. In Schedule 8, paragraph 11.
