
WELSH STATUTORY INSTRUMENTS

2000 No. 1035 (W. 66)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Functions of Health Authorities and Administration Arrangements)
(Wales) Amendment Regulations 2000

Made - - - - 30th March 2000
Coming into force - - 1st April 2000

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 16D, 17, 18(1) and (1A) and 126(4) of the National Health Service Act 1977(1):

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Health Service (Functions of Health Authorities and Administration Arrangements)(Wales) Amendment Regulations 2000 and shall come into force on 1st April 2000.

(2) In these Regulations “the principal Regulations” means the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996(2).

(3) These Regulations shall apply to Wales only.

Amendment of principal Regulations

2.—(1) The principal Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 4 (restrictions on the exercise of functions by Health Authorities) after paragraph (3A) there is inserted the following paragraph—

“**3B)** –

(1) 1977 c. 49. Sections 16D, 17 and 18(1) and (1A) were substituted by the Health Act 1999(c. 8)(“the 1999 Act”), section 12. Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6). The functions under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

(2) S.I.1996/708 was amended by S.I.1998/646, 1999/628, 1999/1902 and 2000/267.

Status: This is the original version (as it was originally made).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

(1) In exercising the functions of the National Assembly for Wales under section 4 of the Act(3) a Health Authority in Wales may enter into an NHS contract for the provision of high security psychiatric services with the following providers only—

- (a) Ashworth Hospital Authority, Broadmoor Hospital Authority or Rampton Hospital Authority(4) or
- (b) an approved NHS trust

and may not arrange with any other person or body (including voluntary organisations) for that person or body to provide such services.

(2) For the purposes of paragraph (1)(b) “an approved NHS trust” means a trust approved under paragraph 10(2) and (3) of Schedule 2 to the 1990 Act(5)_

- (a) in Wales, by the National Assembly for Wales, and
- (b) in England, by the Secretary of State.”.

(3) The amendments to Schedule 1 to the principal Regulations made by the National Health Service (Functions of Health Authorities and Administration Arrangements) Amendment Regulations 2000(6) shall have effect in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7).

30th March 2000

D. Elis Thomas
The Presiding Officer of the National Assembly

(3) Section 4 of the National Health Service Act 1977 is substituted by the 1999 Act, section 41(1) which comes into force on 1st April 2000 (see [S.I. 1999/2793](#)).

(4) See [S.I. 1966/488](#) and [489](#) which were amended by [S.I. 2000/90](#).

(5) Paragraph 10(2) and (3) of Schedule 2 to the 1990 Act is inserted by the 1999 Act, section 41(3) which comes into force on 1st April 2000 (see [1999/2793](#)).

(6) [S.I.2000/267](#).

(7) [1998 c. 38](#).

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations amend the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 by providing for health authorities in Wales to exercise the National Assembly's function of providing hospital facilities pursuant to section 4 of the National Health Service Act 1977. The relevant services are in relation to persons who are liable to be detained under the Mental Health Act 1983 and who are considered to require treatment under conditions of high security on account of their dangerous, violent or criminal propensities.

The exercise of the function of providing such high security psychiatric services is limited by these Regulations to NHS contracts with Ashworth, Broadmoor or Rampton Hospital Authority or an NHS trust in Wales approved by the National Assembly, or in England approved by the Secretary of State.