
WELSH STATUTORY INSTRUMENTS

2005 No. 424 (W.42)

NATIONAL HEALTH SERVICE, WALES

**The Health and Social Care (Community Health and Standards)
Act 2003 (Healthcare Inspections) (Wales) Regulations 2005**

Made - - - - - *1 March 2005*
Coming into force - - - - - *31 March 2005*

The National Assembly for Wales, in exercise of the powers conferred on it by section 75(1) and (2) and section 195 of the Health and Social Care (Community Health and Standards) Act 2003⁽¹⁾ makes the following Regulations:—

Title, commencement, application and interpretation

1.—(1) The name of these Regulations is the Health and Social Care (Community Health and Standards) Act 2003 (Healthcare Inspections) (Wales) Regulations 2005 and they come into force on 31 March 2005.

(2) These Regulations apply in relation to Wales only.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Health and Social Care (Community Health and Standards) Act 2003;

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales; and

“service provider” (“*darparwr gwasanaeth*”) means a person who provides, has provided or is to provide healthcare for a Welsh NHS body⁽²⁾.

Power to require an explanation

2.—(1) The Assembly, or a persons authorised by it, may require any of the persons prescribed in paragraph (4) to provide to the Assembly or the persons so authorised (as the case may be) an explanation of—

(a) any documents, records or items inspected, copied or provided under sections 72 to 74 of the Act;

(1) 2003 c. 43. See section 148 of the Act for the definition of “prescribed”.

(2) See section 149 of the Act as to how references to the provision of health care by one person for another person are to be construed. See section 45(2) of the Act for the definition of “health care”. See section 148 of the Act for the definition of “Welsh NHS body”.

- (b) any information provided under those sections; or
- (c) any matters which are the subject of the exercise of any functions of the Assembly under section 70 of the Act,

in circumstances where the Assembly considers the explanation necessary or expedient for the purposes of Chapter 4 of Part 2 of the Act.

- (2) The Assembly or the persons so authorised may require the explanation to be provided —
 - (a) in person (unless the person required to provide the explanation is a body or persons corporate or unincorporate); or
 - (b) in writing.

(3) Where the Assembly or the persons so authorised require the explanation to be provided in person, the explanation must be provided at a time and place specified by the Assembly, and the Assembly must give the person required to provide the explanation reasonable notice of that time and place.

- (4) The persons prescribed are—
 - (a) a Welsh NHS body;
 - (b) a chairman, member, director or employee of a Welsh NHS body;
 - (c) a member of a committee or sub-committee of a Welsh NHS body;
 - (d) a service provider;
 - (e) a chairman, director or employee of a service provider;
 - (f) a person (other than a person prescribed in sub-paragraph (e)) who is assisting a service provider in the provision of health care for a Welsh NHS body;
 - (g) a local authority or a member or officer of a local authority;
 - (h) an elected mayor of a local authority within the meaning of section 39(1) of the Local Government Act 2000⁽³⁾;
 - (i) a person (other than a person prescribed above) who is assisting, has assisted or is to assist a Welsh NHS body in the exercise of its functions.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁴⁾

1 March 2005

John Marek
The Deputy Presiding Officer of the National
Assembly

⁽³⁾ 2000 c. 22.
⁽⁴⁾ 1998 c. 38

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision in relation to the functions of the National Assembly for Wales set out in Chapter 4 of Part 2 (“Chapter 4”) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

Regulation 2 provides for the Assembly, or persons authorised by it, to be able to obtain an explanation of documents or information that the Assembly has obtained in the exercise of its functions under Chapter 4.

A full regulatory impact assessment has not been produced for this instrument because it has no impact on the costs of business.