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WELSH STATUTORY INSTRUMENTS

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**2009 No. 1824 (W.165)**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (Restructuring  
of National Health Service Bodies:  
Consequential Amendments) (Wales) Order 2009**

<i>Made</i>	- - - -	<i>8 July 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9 July 2009</i>
<i>Coming into force</i>	- -	<i>1 October 2009</i>

The Welsh Ministers in exercise of the powers conferred by section 203(9) and (10) of the National Health Service (Wales) Act 2006<sup>(1)</sup>, make the following Order:

**Title, Commencement and Application**

**1.**—(1) The title of this Order is the National Health Service (Restructuring of National Health Service Bodies: Consequential Amendments) (Wales) Order 2009 and it comes into force on 1 October 2009.

(2) This Order applies in relation to Wales.

**Revocation of the National Health Service Trusts (Pharmaceutical Services Remuneration — Special Arrangement) Order 1991**

**2.** The National Health Service Trusts (Pharmaceutical Services Remuneration — Special Arrangement) Order 1991<sup>(2)</sup> is revoked in so far as it applies in relation to Wales.

**Amendments to subordinate legislation**

**3.** The Schedule (which contains amendments to subordinate legislation) has effect.

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(1) 2006 (c. 42).  
(2) S.I. 1991/509.

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8 July 2009

*Edwina Hart*  
Minister for Health and Social Services, one of  
the Welsh Ministers

## SCHEDULE 1

## Article 3

### Amendments to Statutory Instruments

#### **National Health Service (Venereal Diseases) Regulations 1974**

**1.—**(1) The National Health Service (Venereal Diseases) Regulations 1974<sup>(3)</sup> are amended as follows.

(2) In regulation 2 (confidentiality of information)—

- (a) for “Regional Health Authority and every District Health Authority” substitute “Local Health Board and NHS Trust”; and
- (b) for “Authority” substitute “Local Health Board or the NHS Trust”.

#### **National Health Service (Charges to Overseas Visitors) Regulations 1989**

**2.—**(1) The National Health Service (Charges to Overseas Visitors) Regulations 1989<sup>(4)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) —

- (a) omit the definition of “Authority”;
- (b) in the appropriate place in the alphabetical order insert the following definition —  
““Local Health Board” has the meaning assigned to it by section 11 of the National Health Service (Wales) Act 2006<sup>(5)</sup>”.

(3) In each of the following regulations for “Authority” in each place it occurs substitute “Local Health Board”—

- (a) regulation 1 (citation, commencement and interpretation);
- (b) regulation 2 (making and recovery of charges);
- (c) regulation 4 (overseas visitors exempt from charges); and
- (d) 8 (repayments).

#### **National Health Service (Optical Charges and Payments) Regulations 1997**

**3.—**(1) The National Health Service (Optical Charges and Payments) Regulations 1997<sup>(6)</sup> are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation) —

- (a) in paragraphs (c) and (f) of the definition of “responsible authority” after the words “NHS Trust” insert “or Local Health Board”;
- (b) in paragraph (b) of the definition of “voucher” after the words “NHS Trust” in each place they occur, insert “or Local Health Board.”.

(3) In paragraph (2) of regulation 2 (charges for glasses and contact lenses) after the words “NHS Trust” insert “, Local Health Board”.

(4) In paragraph (5) of regulation 8 (eligibility — supply of optical appliances) after the words “NHS Trust” in each place they occur insert “or Local Health Board”.

(5) In regulation 10 (issue of vouchers by NHS trusts) —

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(3) S.I. 1974/29.  
(4) S.I. 1989/306.  
(5) 2006 c. 42..  
(6) S.I. 1997/818.

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- (a) for the heading substitute “Issue of Vouchers by NHS Trusts and Local Health Boards”;
  - (b) after the words “NHS Trust” in each place they occur insert “or Local Health Board”.
- (6) In Schedule 1 (voucher letter codes and face values — supply and replacement), in paragraph 10 after the words “NHS Trust” insert “or Local Health Board”.
- (7) In Schedule 2 (prisms, tints, photochromic lenses, small and special glasses and complex appliances) in paragraph (1)(g) after the words “NHS Trust” in each place they occur insert “or Local Health Board”.

### **Water Supply (Water Quality) Regulations 2001**

- 4.—(1) The Water Supply (Water Quality) Regulations 2001<sup>(7)</sup> are amended as follows.
- (2) For “National Public Health Service for Wales” in each place it occurs substitute “Public Health Wales National Health Service Trust”.
- (3) In regulation 2 (interpretation) —
- (a) omit the following definitions —
    - (i) “health authority”, and
    - (ii) “National Public Health Service”;
  - (b) in the appropriate place in the alphabetical order insert the following definition —
 

““Public Health Wales National Health Service Trust” means a National Health Service Trust within the meaning of the National Health Service (Wales) Act 2006<sup>(8)</sup> if, and in so far as, it has the function of providing services in relation to public health in Wales;”.

### **Care Homes (Wales) Regulations 2002**

- 5.—(1) The Care Homes (Wales) Regulations 2002 <sup>(9)</sup> are amended as follows.
- (2) In regulation 3(1) (d) (excepted establishments) —
- (a) at the end of paragraph (i) delete “or”;
  - (b) at the end of paragraph (ii) delete “;” and insert “, or (iii) in a Local Health Board;”.

### **Registration of Social Care and Independent Health Care (Wales) Regulations 2002**

- 6.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002<sup>(10)</sup> are amended as follows.
- (2) In paragraph 3 of Schedule 1 (information to be supplied for registration as a person who carries on an establishment or agency) and paragraph 8 of Schedule 2 (documents to be supplied on an application for registration as a person who carries on an establishment or agency) for the words “except where the applicant is a local authority or NHS trust,” substitute “except where the applicant is a local authority, an NHS trust or a Local Health Board,”.

### **Nurses Agencies (Wales) Regulations 2003**

- 7.—(1) The Nurses Agencies (Wales) Regulations 2003<sup>(11)</sup> are amended as follows.

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(7) S.I. 2001/3911.

(8) 2006 (c. 42).

(9) S.I. 2002/324 (W.37).

(10) S.I. 2002/919 (W.107).

(11) S.I. 2003/2527 (W.242).

(2) In regulation 2 (interpretation) in the appropriate place in the alphabetical order insert the following definition—

““Local Health Board” (*Bwrdd Iechyd Lleol*)” has the meaning assigned to it by section 11 of the National Health Service (Wales) Act 2006;”.

(3) In regulation 3 (excepted agencies) —

(a) after the words “an NHS trust” insert “and a Local Health Board”;

(b) after the words “other NHS trusts” insert “and other Local Health Boards”.

(4) In regulation 19(2)(iii) and (3)(c) (review of quality of care), for the words “any local authority or NHS trust” substitute “any local authority, NHS trust or Local Health Board”.

### **National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007**

**8.**—(1) The National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(**12**) are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate place in the alphabetical order insert the following definition —

““Local Health Board” (*Bwrdd Iechyd Lleol*) has the meaning assigned to it by section 11 of the Act;”.

(3) In regulation 11 (repayments) —

(a) in paragraph (1)(a), after the words “NHS Trust” in each place they occur, insert “or Local Health Board”; and

(b) in paragraph (2), after the words “NHS Trust” insert “, Local Health Board”.

### **Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008**

**9.**—(1) The Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008(**13**) are amended as follows.

(2) In regulation 12 (powers to require declarations and self-assessments, as part of accountable officers' monitoring and auditing arrangements or otherwise), for paragraph (2) substitute the following —

“(2) HIW may request an appropriate periodic declaration and an appropriate self-assessment from —

(a) an NHS Trust, or a person registered with that NHS Trust who provides health care; and

(b) a Local Health Board.”.

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(12) S.I. 2007/1104 (W.116).

(13) S.I. 2008/3239 (W.286).

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## EXPLANATORY NOTE

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

This Order, which applies in relation to Wales, makes amendments to various provisions within specified subordinate legislation. The amendments are consequential upon the establishment of a new structure for the provision of the National Health Service within Wales from 1 October 2009.

The Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. [2009/778 \(W.66\)](#)) (the “2009 Order”) dissolves twenty-one of the existing twenty-two Local Health Boards in Wales on 1 October 2009 and provides for Powys Teaching Local Health Board to continue in its current form as established under the Local Health Boards (Establishment) (Wales) Order 2003 (S.I. [2003/148 \(W.18\)](#)). The 2009 Order also establishes six new Local Health Boards.

The National Health Service Trusts (Dissolution) (Wales) Order 2009 (S.I. [2009/1306 \(W.117\)](#)) dissolves seven National Health Service Trusts in Wales on 1 October 2009. The Welsh Ambulance Services National Health Trust, as established under the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998 (S.I. [1998/678](#)), and Velindre National Health Service Trust, as established under the Velindre National Health Service Trust (Establishment) Order 1993 (S.I. [1993/2838](#)), remain in existence.

Article 2 of the Order revokes the National Health Service Trusts (Pharmaceutical Services Remuneration — Special Arrangement) Order 1991.

Article 3 of the Order gives effect to the Schedule which makes amendments to miscellaneous subordinate legislation to reflect the new National Health Service structures.