



Health (Wales) Act 2003

2003 CHAPTER 4

Community Health Councils

1 Community Health Councils in Wales

- (1) ^{F1}
- (2) ^{F2}
- (3) ^{F1}
- (4) ^{F1}

Textual Amendments

- F1** S. 1(1)(3)(4) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))
- F2** S. 1(2) repealed (in accordance with art. 1 of the amending S.I.) by [The National Health Service \(Pre-consolidation Amendments\) Order 2006](#) (S.I. 2006/1407), art. 3, [Sch. 2](#) (with art. 4)

Commencement Information

- I1** S. 1 wholly in force at 1.12.2003; s. 1 not in force at Royal Assent see [s. 10\(2\)](#); s. 1 in force for W. at 20.10.2003 by [S.I. 2003/2660](#), [art. 2](#); s. 1 in force for E. at 1.12.2003 by [S.I. 2003/3064](#), [art. 2](#)

Wales Centre for Health

2 Wales Centre for Health

- (1) There is to be a body corporate to be known as the Wales Centre for Health or Canolfan Iechyd Cymru.
- (2) The Centre is to consist of such number of members appointed by the National Assembly for Wales as the Assembly may determine.
- (3) The Assembly is to appoint one of the members of the Centre as its chairman.

Changes to legislation: There are currently no known outstanding effects for the Health (Wales) Act 2003. (See end of Document for details)

- (4) The Assembly may make payments to the Centre of such amounts, at such times and on such conditions (if any), as it considers appropriate.
- (5) Further provision about the Centre is in Schedule 2.

Commencement Information

I2 S. 2 wholly in force at 1.4.2005; s. 2 not in force at Royal Assent see s. 10(2); s. 2 in force for certain purposes at 20.10.2003 and for all remaining purposes at 1.4.2005 by S.I. 2003/2660, art. 3

3 Functions of the Centre

- (1) The Wales Centre for Health must—
- (a) develop and maintain arrangements for making information about matters related to the protection and improvement of health in Wales available to the public in Wales;
 - (b) undertake and commission research into such matters;
 - (c) contribute to the provision and development of training in such matters.
- (2) The function under subsection (1)(a) must be carried out with a view to ensuring that members of the public in Wales are kept informed about matters which the Centre considers might significantly affect their health.
- (3) The National Assembly for Wales may by regulations make provision about—
- (a) functions relating to the protection and improvement of health in Wales which the Centre is to exercise in addition to those conferred by subsection (1);
 - (b) persons, or groups of persons, to whom information and advice are to be given by the Centre;
 - (c) reports which are to be published by the Centre.
- (4) The Assembly may by order make provision for the transfer to it of any or all of the Centre's functions.
- (5) Where an order under subsection (4) makes provision for the transfer of all of the Centre's functions, the order may include provision for the abolition of the Centre.
- (6) An order under subsection (4) may include provision for the transfer of staff of the Centre and of any property, rights and liabilities to which the Centre is entitled or subject and may in particular—
- (a) provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order;
 - (b) provide for the creation of interests in, or rights over, property transferred or retained or for the creation of new rights and liabilities between the Centre and the Assembly;
 - (c) provide for the order to have effect in spite of any provisions (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.

Changes to legislation: There are currently no known outstanding effects for the Health (Wales) Act 2003. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 3: transfer of functions (1.10.2009) by [The Wales Centre for Health \(Transfer of Functions, Property, Rights and Liabilities and Abolition\) \(Wales\) Order 2009 \(S.I. 2009/2623\)](#), **art. 3**

Commencement Information

- I3** S. 3 wholly in force at 1.4.2005; s. 3 not in force at Royal Assent see s. 10(2); s. 3 in force for certain purposes at 20.10.2003 and for all remaining purposes at 1.4.2005 by [S.I. 2003/2660](#), **art. 3**

Health Professions Wales

4 Health Professions Wales

- (1) The National Assembly for Wales may by order establish a body corporate, to be known as Health Professions Wales or Proffesiynau Iechyd Cymru (but referred to in this Act as HPW).
- (2) HPW is to have such functions in relation to health care professions and health care support workers as may be conferred on it under this section.
- (3) The Assembly may by order provide for HPW to carry out functions on behalf of the Assembly.
- (4) The Assembly may by order make provision enabling HPW to—
 - (a) enter into arrangements with the [^{F3}Health and Care Professions Council] for carrying out functions on behalf of that Council in relation to Wales;
 - (b) enter into arrangements with the Nursing and Midwifery Council for carrying out functions on behalf of that Council in relation to Wales;
 - (c) enter into arrangements with any other body for carrying out functions on behalf of that body in relation to Wales;
 - (d) carry out any such arrangements.
- (5) The reference in subsection (3) to functions of the Assembly does not include a reference to the function of making, confirming or approving subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).
- (6) The carrying out of functions by HPW on behalf of the Assembly or any other body does not affect the responsibility of the Assembly or the body concerned.
- (7) The Assembly may by order make provision about the constitution of HPW (and may in particular make provision similar to that made by Schedule 2).
- (8) “Health care profession” means a profession (whether or not regulated by virtue of any enactment) which is concerned (wholly or partly) with the physical or mental health of individuals.
- (9) “Health care support worker” means a person employed to provide support for one or more members of a health care profession.

Changes to legislation: There are currently no known outstanding effects for the Health (Wales) Act 2003. (See end of Document for details)

Textual Amendments

F3 Words in s. 4(4)(a) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 56\(c\)](#); S.I. 2012/1319, art. 2(4)

5 Further provision about HPW

- (1) The Assembly may by order provide for HPW to charge for any services which it provides in discharging any function.
- (2) The Assembly may by order provide for the transfer to HPW, for the purpose of enabling or assisting it to carry out functions on behalf of the Assembly, of—
 - (a) property, rights and liabilities;
 - (b) persons employed in connection with any of those functions.
- (3) The Assembly may make payments to HPW of such amounts, at such times and on such conditions (if any), as it considers appropriate.
- (4) The Assembly may give HPW 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 HPW under subsection (3).
- (5) A direction under subsection (4) must be given in writing.
- (6) HPW must comply with any direction given by the Assembly under subsection (4).
- (7) The Assembly may by order make provision about the accounts or audit of HPW (and may in particular make provision similar to that made by Schedule 2).
- (8) The Assembly may by order abolish HPW.
- (9) The Assembly may by order provide for the transfer of staff of HPW and of any property, rights and liabilities to which HPW is entitled or subject.
- (10) An order under subsection (2) or (9) may in particular—
 - (a) provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order;
 - (b) provide for the creation of interests in, or rights over, property transferred or retained or for the creation of new rights and liabilities between the transferor and the transferee;
 - (c) provide for the order to have effect in spite of any provisions (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.

Changes to legislation: There are currently no known outstanding effects for the Health (Wales) Act 2003. (See end of Document for details)

Supplementary and general provisions

6 Powers of National Assembly for Wales under amended Acts

- (1) In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), any reference to an Act which is amended by this Act is (as from the time when the Act is so amended) to be treated as a reference to the Act as amended by this Act.
- (2) Subsection (1) does not affect the power to make further Orders varying or omitting any such reference in that Schedule.

7 Minor and consequential amendments and repeals

- (1) Schedule 3 contains minor and consequential amendments.
- (2) The enactments specified in Schedule 4 are repealed to the extent specified.

Commencement Information

- I4** [S. 7](#) partly in force; [s. 7](#) not in force at Royal Assent see [s. 10\(2\)](#); [s. 7](#) in force for W. for certain purposes at 20.10.2003 and [s. 7\(1\)](#) in force for all remaining purposes at 1.4.2005 by [S.I. 2003/2660](#), [arts. 2, 3\(2\)](#); [s. 7](#) in force for E. for certain purposes at 1.12.2003 by [S.I. 2003/3064](#), [art. 2](#)

8 Orders and regulations

- (1) A power to make regulations or an order under this Act is exercisable by statutory instrument.
- (2) Regulations or an order under this Act may make different provision for different purposes or for different cases.
- (3) Regulations or an order under this Act may make—
 - (a) any appropriate consequential, incidental or supplementary provision; or
 - (b) any appropriate transitory, transitional or saving provision,including provision amending or repealing any provision made by or under an enactment.

9 Financial provision

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.

10 Short title, commencement and extent

- (1) This Act may be cited as the Health (Wales) Act 2003.
- (2) This Act (apart from this section, section 8 and section 9) comes into force on such day as the National Assembly for Wales may by order appoint.
- (3) Different days may be appointed for different purposes.
- (4) Sections 1 to 5 (including Schedules 1 and 2) extend to England and Wales only.

*Changes to legislation: There are currently no known outstanding effects
for the Health (Wales) Act 2003. (See end of Document for details)*

- (5) The extent of any amendment or repeal made by this Act is the same as that of the enactment amended or repealed.

Subordinate Legislation Made

- P1** [S. 10\(2\)](#) power partly exercised: different dates appointed for specified provisions and purposes by [{S.I. 2003/2660}](#), arts. 2-4; 1.12.2003 appointed for specified provisions (E.) by [{S.I. 2003/3064}](#), art. 2

Changes to legislation:

There are currently no known outstanding effects for the Health (Wales) Act 2003.