
WELSH STATUTORY INSTRUMENTS

1999 No. 3184 (W.42) (C.82)

NATIONAL HEALTH SERVICE, WALES

**The Health Act 1999 (Commencement
No.1) (Wales) Order 1999**

Made - - - - 28th October 1999

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by sections 63(1), 66(2) and 67(2) of the Health Act 1999⁽¹⁾:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Health Act 1999 (Commencement No.1) (Wales) Order 1999.

(2) In this Order —

“the 1977 Act” means the National Health Service Act 1977⁽²⁾ (“Deddf 1977”);

“the 1990 Act” means the National Health Service and Community Care Act 1990⁽³⁾ (“Deddf 1990”).

“the Act” means the Health Act 1999 (“y Ddeddf”);

(3) This Order applies to Wales.

Appointed days

2.—(1) 1st November 1999 is the day appointed for the coming into force, to the extent there specified, of each provision of the Act specified in Schedule 1 to this Order.

(2) 1st December 1999 is the day appointed for the coming into force, to the extent there specified, of each provision of the Act specified in Schedule 2 to this Order.

Saving provision

3. Notwithstanding the repeals effected by paragraph 83(1) and (4) of Schedule 4 to the Act by virtue of this Order, any directions to NHS Trusts in Wales given under paragraph 6 of Schedule 2 to the 1990 Act which are in force immediately before 1st December 1999 shall be treated as if they had been given under, and for the purposes of, section 17 of the 1977 Act.

(1) 1999 c. 8.
(2) 1977 c. 49.
(3) 1990 c. 19

Status: *This is the original version (as it was originally made).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

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

28th October 1999

Dafydd Elis Thomas
The Presiding Officer

SCHEDULE 1

Article 2(1)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST NOVEMBER 1999

- Section 13 (NHS Trust establishment orders)
- Section 14 (NHS Trusts : exercise of powers)
- Section 15 (Public dividend capital of NHS Trusts)
- Section 16 (Conversion of initial loans of existing NHS Trusts)
- Section 17 (Borrowing by NHS Trusts)
- Section 18 (Duty of Quality) except so far as it relates to a Primary Care Trust
- Section 28 (Plans for improving health etc.) except in so far as it relates to a Primary Care Trust
- Section 65(1) (Amendments of enactments) (in so far as it relates to the provisions of Schedule 4 to the Act specified below)
- Schedule 4 –
 - paragraph 4 (in so far as it relates to paragraph 37 below)
 - paragraph 37(5) and (6) and paragraph 37(1) in so far as it relates to them
 - paragraph 79(2)(a) and (c) and paragraph 79(1) in so far as it relates to them

SCHEDULE 2

Article 2(2)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST DECEMBER 1999

- Section 12 (Directions)–
 - subsection (1) to the extent that it relates to the insertion of new sections 16D and 17 of the 1977 Act except in so far as they relate to Primary Care Trusts and section 28 of the Act
 - subsection (2)
 - subsection (3) and (4), in so far as they relate to subsection (1)
 - subsection (5)
- Section 65(1) (Amendments of enactments) (in so far as it relates to the provisions of Schedule 4 to the Act specified below)
- Schedule 4 –
 - paragraph 4 (in so far as it relates to any of the paragraphs 5 to 39 specified below)
 - paragraph 5
 - paragraph 6
 - paragraph 9 (to the extent that it relates to the insertion of new section 16 of the 1977 Act except in so far as it relates to Primary Care Trusts)
 - paragraph 12(3)(b) and paragraph 12(1) in so far as it relates to it
 - paragraph 15
 - paragraph 26
 - paragraph 30(2) and paragraph 30(1) in so far as it relates to it
 - paragraph 31(3) and paragraph 31(1) in so far as it relates to it
 - paragraph 32

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paragraph 34(b)

paragraph 37(4) (in so far as it relates to the insertion of new sections 16D and 17 of the 1977 Act by section 12(1) of the Act) and

paragraph 37(1) in so far as it relates to it paragraph 38(3) (to the extent that it inserts subsection (1A) of section 128 of the 1977 act except in so far as that subsection relates to section 17A of the 1977 act and Primary Care Trusts) and

paragraph 38(1) in so far as it relates to it

paragraph 39 paragraph 74 (in so far as it relates to any of the paragraphs 75 to 83 below)

paragraph 75

paragraph 76(b)

paragraph 83(4) and paragraph 83(1) in so far as it relates to it

paragraph 88(5) and paragraph 88(1) in so far as it relates to it

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Health Act 1999 in relation to Wales.

The Order provides for the commencement of provisions which—

- (a) extend the National Assembly's direction-making powers in relation to NHS Trusts (section 12);
- (b) simplify the powers to make NHS Trust establishment orders and clarify powers for NHS Trusts to provide new hospitals and facilities not previously managed by a Health Authority (section 13);
- (c) make amendments to the NHS Trust financial regime relating to income generation, capital and borrowing (sections 14 – 16);
- (d) introduce a new duty of quality so that Health Authorities and NHS Trusts put in place arrangements to monitor and improve the quality of health care for patients (section 18);
- (e) create a duty on Health Authorities to prepare plans for improving health and the provision of health care (section 28);
- (f) make detailed amendments to National Health Service legislation in consequence of the above and in relation to Health Authorities and the exercise of their functions (Schedule 4).