

*These notes refer to the Health and Social Care (Community Health and Standards) Act 2003 (c.43) which received Royal Assent on 20 November 2003*

# **HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003**

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## **EXPLANATORY NOTES**

**ANNEX C:: TABLE OF EFFECTS OF THE ACT IN RELATION TO WALES**

<b>Provision</b>	<b>Effect</b>
<b>Part 2</b>	
<b>Section 47</b>	Provides powers for the Assembly to prepare and publish its own statements of standards relating to health care provided by or for Welsh NHS bodies.
<b>Section 54(4)</b>	Provides that the CHAI must report to the Assembly where there are significant failings in health care provided by or for a Welsh NHS body or the running of such body or a person or body providing care for the Welsh NHS body.
<b>Section 54(3)</b>	Provides that the Assembly may request that the CHAI provide it with advice and information on health care provided for or by a Welsh NHS body.
<b>Section 57</b>	In carrying out reviews and investigations generally, the Assembly is required under <i>section 70</i> to be concerned with the efficiency of the provision of health care.
<b>Section 58(3))</b>	Provides that the Assembly must give agreement for any regulations made by the Secretary under Section 58(1) (prescribing additional functions for the CHAI) which functions relate specifically to the provision of health care by or for Welsh NHS bodies.
<b>Section 59</b>	The Assembly may, after consulting CHAI, require CHAI by regulations to publish statements of criteria to be used by CHAI relating to certain functions.
<b>Section 62</b>	Empowers the Assembly, by Regulations to specify functions in respect of which CHAI may charge a Welsh NHS body fees and to provide for the manner in which CHAI publish fees.
<b>Section 70</b>	Confers on the Assembly, and persons authorised by the Assembly, the function of conducting reviews of, and investigations into, the provision of health care by and for Welsh NHS bodies.
<b>Section 71</b>	Provides that if the Assembly, in carrying out reviews and investigations, discovers significant failings in the provision of health care on the part of English NHS bodies or cross-border NHS bodies, or the running of such bodies (or persons providing care for such bodies), it shall report its findings to the Secretary of State and further may make recommendations. Further where the Assembly discovers significant failings relating to NHS foundation trusts, it shall report them to the Independent Regulator and may make recommendations.
<b>Section 72</b>	Provides the Assembly with the power to inspect premises in furtherance of its review and inspection functions under Section 70.
<b>Section 73</b>	Provides the Assembly with supplementary powers to its right of entry: inspection, copying and removal of documents and records and other items and the right to interview person in private. Introduces an offence of obstructing the Assembly from exercising its powers of entry and inspection.
<b>Section 74</b>	Confers a regulation making power on the Assembly to require persons to produce specified information, documents and records.
<b>Section 75</b>	Confers a regulation making power on the Assembly to require persons to explain documents or matters relating to the exercise of the Assembly's functions.

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<b>Provision</b>	<b>Effect</b>
<b>Section 92</b>	Gives the Assembly the general function of encouraging improvements in the provision of Welsh Local Authority social services.
<b>Section 93</b>	Enables the Assembly to review studies and research made by others on Welsh Local Authority social services and make and publish a report.
<b>Section 94</b>	Confers on the Assembly the function of conducting reviews of, and investigations into, the discharge of social services functions by local authorities in Wales. Subsection (6) provides for the Assembly, by regulations, to require a local authority in Wales to pay a fee to the Assembly in respect of the exercise of those functions.
<b>Section 95</b>	Enables the Assembly to undertake or promote comparative studies (for improving economy, efficiency and effectiveness in the provision of social services and for improving the management of social services).
<b>Section 96</b>	Enables the Assembly to make regulations to confer additional functions on itself but only where those functions correspond with functions conferred on the CSCI by the Act or by the Secretary of State.
<b>Section 97</b>	Sets out the matters with which the Assembly shall be concerned in the exercise of its functions.
<b>Section 98</b>	Confers on the Assembly, and persons authorised by the Assembly, the power to enter and inspect premises.
<b>Section 99</b>	Enables persons authorised by the Assembly to inspect and take copies of documents or records.
<b>Section 100</b>	Gives the Assembly the power to require information, documents or records from certain persons in relation to social services functions. Introduces an offence of obstructing the Assembly from exercising its powers of entry and inspection.
<b>Section 101</b>	Confers on the Assembly the power to make regulations to require persons to explain documents, or matters relating to the exercise of the Assembly's functions.
<b>Section 109</b>	Confers a duty on the Assembly to have particular regard to the need to safeguard and promote the rights and welfare of children in the exercise of its functions.
<b>Section 113(2)</b>	Provides that the Assembly may make regulations on the complaints procedure in relation to complaints made about Welsh NHS bodies' healthcare functions.
<b>Section 114(3)</b>	Provides that the Assembly may make regulations on the complaints procedure in relation to complaints made about Welsh local authorities' social services functions.
<b>Section 142</b>	Provides that the Assembly must make an annual report on the way it has exercised its health care and social services functions.
<b>Section 143</b>	Enables the Assembly to use any information it obtains in exercising its health and social care reviewing functions and other functions for the purposes of all of those functions.

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<b>Provision</b>	<b>Effect</b>
<b>Section 144</b>	Enables the Assembly to hold an inquiry into any matter connected with its health care or social care functions.
<b>Section 145</b>	Provides that the Assembly and the CHAI must co-operate to ensure the efficient and effective discharge of any relevant functions.
<i>Schedule 6 , paragraph 9(2) and (4)</i>	Enables the Assembly to make payments and/or loans to the CHAI on such terms and conditions as it may determine.
<i>Schedule 9, paragraph 10(2)</i>	Enables the Assembly to undertake duties alongside the Audit Commission.
<b>Part 4</b>	
<b>Section 166</b>	Gives the Assembly certain regulation making powers in respect of primary dental services.
<b>Section 167</b>	Inserts a new section 16CB into the 1977 Act which provides for the Assembly to prescribe functions for itself in relation to dental public health.
<b>Section 168</b>	Makes provision for the new general dental services contract and confers regulation and direction making powers on the Assembly in relation to GDS.
<b>Section 169</b>	Enables the Assembly to make an order to make transitional provision in respect of certain persons providing dental services.
<b>Section 170</b>	Gives the Assembly certain regulation making powers in respect of primary medical services.
<b>Section 171</b>	Makes provision for the new general medical services contract and confers regulation and direction making powers on the Assembly in relation to GMS.
<b>Section 172</b>	Enables the Assembly to make an order to make transitional provision in respect of certain persons providing medical services.
<b>Section 173</b>	Gives the Assembly certain regulation making powers in respect of arrangements under section 28C of the 1977 Act.
<b>Section 174</b>	Provides for the abolition of pilot schemes in England and Wales under the National Health Service (Primary Care) Act.
<b>Section 175</b>	Provides for regulations to specify who may perform any primary dental or medical service.
<b>Section 178</b>	Enables the Assembly to make provision for the rights and liabilities of a LHB under a general dental services contract to transfer to a Special Health Authority.
<b>Section 179</b>	Inserts new <i>section 79</i> in the 1977 Act and confers various regulation making powers on the Assembly in relation to dental charging.
<b>Part 5</b>	
<b>Section 185(2)</b>	Provides that the Secretary of State must consult the Assembly before establishing or varying a Welfare Food Scheme.
<b>Section 185(7)</b>	Confers powers on the Assembly to prescribe the descriptions of food in relation to the operation of the scheme in Wales.
<b>Section 185(9)</b>	Enables the Assembly, with the agreement of the Secretary of State, to give directions to a body administering a Welfare Food Scheme in

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<b>Provision</b>	<b>Effect</b>
	relation to matters relating to the operation of a scheme or part of a scheme in Wales.
<b>Section 188</b>	Provides that the Secretary of State must first consult the Assembly before directing a Special Health Authority to undertake his appointments function to a body for which appointments are made jointly or concurrently with the Assembly.