

*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

### TERRITORIAL APPLICATION: WALES

7. NHS foundation trusts have the principal purpose of delivering goods and services for the purposes of the health service in England. They must, however, also be authorised to provide goods and services for “purposes relating to the provision of health care” and this includes the provision of goods and services for the purposes of the health service in Wales.
8. By virtue of [paragraph 3\(2\) of Schedule 1](#) to the Act, NHS foundation trusts may define an area for a public constituency as including electoral areas in Wales.
9. In relation to functions concerning the review and investigation of health care, Part 2 contains some Wales only provisions (in [sections 68](#) to [73](#)) in addition to some provisions that apply both to England and Wales. In addition, [sections 90](#) to [99](#) provide for social care functions that apply only to the Assembly.
10. [Part 3](#) (recovery of NHS charges) as for the existing road traffic scheme is not devolved in respect of Wales and will be operated by the Secretary of State on behalf of both England and Wales. However, [section 195\(3\)](#) requires that the Secretary of State consult the Assembly before making any regulations relating to the scheme under Part 3.
11. The dental and medical provisions in Part 4 apply to Wales and powers to make subordinate legislation are exercisable in relation to Wales by the Assembly.
12. The provisions for the replacement of the Welfare Food Scheme in Part 5 do not transfer all the functions in relation to Welfare Food Scheme as regards Wales. However, this Act gives the Assembly powers to prescribe the range of foods and descriptions of advice in relation to the operation of the scheme in Wales and a power of direction over bodies administering part or all of the scheme in relation to matters relating to the operation of the scheme or part of a scheme in Wales with the consent of the Secretary of State.
13. [Part 5](#) provides for the amendment to the Protection of Children Act 1999 (“POCA”) and Care Standards Act 2000 (“CSA 2000”) and these changes will apply equally to England and Wales. In addition, the appointments provisions in Part 5 will apply to Wales as they allow for a Special Health Authority to make appointments, for which the Secretary of State has responsibility, to certain bodies which cover Wales and England. However, appointments that are the responsibility of Ministers in the devolved administrations will remain the responsibility of those Ministers. Finally, the abolition of the Public Health Laboratory Service Board in [section 190](#) applies to Wales.
14. Annex C provides further detail on the provisions that affect the powers of the Assembly.