



# Health and Social Care (Community Health and Standards) Act 2003

## 2003 CHAPTER 43

### PART 2

#### STANDARDS

#### CHAPTER 4

##### NHS HEALTH CARE: FUNCTIONS OF NATIONAL ASSEMBLY FOR WALES

##### *Reviews and investigations*

#### **70**     **Reviews and investigations relating to Wales**

- (1) The Assembly has the function of conducting reviews of, and investigations into, the provision of health care by and for Welsh NHS bodies.
- (2) The Assembly may in particular under this section conduct—
  - (a) a review of the overall provision of health care by and for Welsh NHS bodies;
  - (b) a review of the overall provision of a particular kind of health care by and for Welsh NHS bodies;
  - (c) a review of, or investigation into, the provision of any health care by or for a particular Welsh NHS body.
- (3) The Assembly has the function of conducting reviews of the [F<sup>1</sup> steps taken by a Welsh NHS body for the purpose of discharging a duty under section 12A(1), 20A(1) or 24A(1) of the National Health Service (Wales) Act 2006 (duties to secure quality in the provision of health services).]

[F<sup>2</sup>(3A) Before conducting a review under this section the Assembly must—

- (a) consult the Auditor General for Wales, and

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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Reviews and investigations. (See end of Document for details)

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- (b) take into account any relevant work done or being done by the Auditor General for Wales.]
- (4) In exercising its functions under this section in relation to any health care the Assembly shall be concerned in particular with—
- (a) the availability of, and access to, the health care;
  - (b) the quality and effectiveness of the health care;
  - (c) the financial or other management of the health care and the economy and efficiency of its provision;
  - (d) the availability and quality of information provided to the public about the health care;
  - (e) the need to safeguard and promote the rights and welfare of children; and
  - (f) the effectiveness of measures taken for the purpose specified in paragraph (e) by the body in question and any person who provides, or is to provide, health care for that body,
- and must take into account the standards set out in statements published under section 47.
- (5) For the purposes of this section the Assembly may carry out an inspection of—
- (a) any Welsh NHS body;
  - (b) any other person who provides, or is to provide, health care for a Welsh NHS body (in Wales or elsewhere).
- (6) Where the Assembly conducts a review under this section it must publish a report.

#### Textual Amendments

- F1** Words in s. 70(3) substituted (1.4.2023) by [Health and Social Care \(Quality and Engagement\) \(Wales\) Act 2020 \(asc 1\), s. 29\(2\), Sch. 3 para. 4](#); S.I. 2023/370, art. 3(1)(t)
- F2** S. 70(3A) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 60](#); S.I. 2005/558, art. 2, Sch. 1

#### Commencement Information

- II** S. 70 in force at 1.4.2004 by [S.I. 2004/873, art. 2\(b\)](#)

## 71 Reporting to Secretary of State and regulator

- (1) The Assembly must report to the Secretary of State where, after conducting a review or investigation under section 70, it is of the view that—
- (a) there are significant failings in relation to the provision of health care by or for an English NHS body or cross-border SHA;
  - (b) there are significant failings in the running of an English NHS body or cross-border SHA; or
  - (c) there are significant failings in the running of any body, or the practice of any individual, providing health care for an English NHS body or cross-border SHA.
- (2) A report under subsection (1) may include a recommendation that, with a view to remedying the failings, the Secretary of State take special measures<sup>[F3]</sup> or request another person to take special measures<sup>[F3]</sup> in relation to—
- (a) the English NHS body or cross-border SHA; and

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(b) in a case falling within paragraph (c) of subsection (1), any person, other than a Welsh NHS body, referred to in that paragraph.

<sup>F4</sup>(3) .....

<sup>F4</sup>(4) .....

(5) A report under this section must give the Assembly’s reasons for its view and for any recommendation made.

**Textual Amendments**

**F3** Words in s. 71(2) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 119(a)**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

**F4** S. 71(3)(4) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 119(b)**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

**Commencement Information**

**I2** S. 71 in force at 1.4.2004 by [S.I. 2004/873](#), **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Reviews and investigations.