
EXPLANATORY NOTE

(This note is not part of the Regulations)

This is the second commencement order made by the National Assembly for Wales under the Health and Social Care (Community Health and Standards) Act 2003 (“the Act”). It brings certain provisions of the Act connected to Wales into force on 1st April 2004.

Article 2(a) brings into force section 47 of the Act which allows the Assembly to prepare and publish statements of standards in relation to the provision of health care by and for Welsh NHS bodies.

Article 2(b) commences Chapter 4 of Part 2 of the Act which provides for the Assembly to conduct reviews of and investigations into the provision of health care by and for Welsh NHS bodies and which confers upon the Assembly rights of entry and powers to require information and explanations in connection with such reviews and investigations.

Article 2(c) commences Chapter 6 of Part 2 of the Act, which provides for the National Assembly to conduct reviews, investigations and inspections into the way in which Welsh local authorities discharge their social services functions.

Article 2(d) commences other provisions of the Act concerning Wales. These are: (i) section 109, which requires the Assembly to have particular regard to the need to safeguard and promote children’s rights and welfare in the exercise of its social care regulatory and inspection functions; (ii) section 142, which requires the Assembly to publish annual reports about its social and health care regulatory and inspection functions; (iii) section 143, which empowers the Assembly to use information obtained in the exercise of one of its social or health care regulatory or inspection functions for the purposes of another of those functions; (iv) section 144 which makes provision about health or social care inquiries held under the Government of Wales Act 1998; and (v) section 145, which requires the Assembly and the Commission for Healthcare Audit and Inspection to co-operate with each other.

Article 2(e) commences certain provisions of the Act in relation to Wales. These are: (i) section 106, which clarifies the definition of “independent medical agency” in the Care Standards Act 2000; (ii) section 108, which amends the powers of inspection provisions of the Care Standards Act 2000; and (iii) section 111, which amends the Children Act 1989 so as to require reports to be published following inspections of boarding schools and colleges.