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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1390 (W.140)**

**NATIONAL HEALTH SERVICE, WALES  
LOCAL GOVERNMENT, WALES**

The National Health Service Bodies and  
Local Authority Partnership Arrangements  
(Wales) (Amendment) Regulations 2004

Made - - - - 18th May 2004

Coming into force - - 31st May 2004

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by section 31 of the Health Act 1999(1) and section 126(4) of the National Health Service Act 1977(2) and now vested in the National Assembly for Wales and of all other powers enabling it in that behalf:

**Name and commencement**

1. These Regulations are called the National Health Service Bodies and Local Authority Partnership Arrangements (Wales) (Amendment) Regulations 2004 and come into force on 31st May 2004.

**Amendment of the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000**

2.—(1) The National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000(3) are amended as follows.

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- (1) [1999 c. 8](#). Functions of the Secretary of State under section 31 of the Act are exercisable by the National Assembly for Wales by virtue of the amendment to Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. [1999/672](#) made by section 66(5)(c) of the Act (*see* article 2(a) of the Order and section 22(1) of the Government of Wales Act 1998 (c. 38)). *See* section 62(1) and (4) of the Act as to the power to make regulations and as to the application of section 126 of the National Health Service Act 1977 ([1977 c. 49](#)) to the power to make regulations.
- (2) [1977 c. 49](#). Functions of the Secretary of State under section 126(4) of the Act are made exercisable by the National Assembly for Wales by virtue of the inclusion of the Act (with exceptions) in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. [1999/672](#) (*see* article 2(a) of the Order and section 22(1) of the Government of Wales Act 1998 (c. 38)).
- (3) S.I. [2000/2993 \(W.193\)](#).

(2) In regulations 2(1), 3(1)(a), 4(3), 7(2) and 9(2) for “Health Authority”, substitute “Local Health Board”(4).

(3) After regulation 10(2), insert —

“(2A) Where a local authority is operating executive arrangements or alternative arrangements, a joint committee formed under paragraph (2) may include any member of the authority whether or not the member is also a member of the executive or the Board of the authority.”.

(4) After regulation 10(4), add —

“(4) In paragraph (2A) —

“Alternative arrangements” (“*trefniadau amgen*”) has the same meaning as in Part II of the Local Government Act 2000(5);

“Board” (“*Bwrdd*”) has the same meaning as in the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001(6);

“executive” (“*gweithrediaeth*”) and “executive arrangements” (“*trefniadau gweithrediaeth*”) have the same meaning as in Part II of the Local Government Act 2000.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7)

18th May 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(4) Health Authorities in Wales were abolished by the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003, S.I. 2003/813 (W.98). Local Health Boards were established by the Local Health Boards (Establishment) (Wales) Order 2003, S.I. 2003/148 (W.18).

(5) 2000 c. 22. S.I. 2001/2284 (W.173) (as amended) provides in regulation 4 for the form of alternative arrangements in Wales. Regulation 4 of S.I. 2001/2284 has been amended by S.I. 2002/810 (W.90) and S.I. 2001/3711 (W.307).

(6) S.I. 2001/2284.

(7) 1998 c. 38.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The National Assembly for Wales made the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000 (the “2000 Regulations”) under section 31 of the Health Act 1999 and section 126(4) of the National Health Service Act 1977.

The 2000 Regulations provide a framework for partnership arrangements between National Health Service bodies and local authorities. In particular the 2000 Regulations prescribe the national health service bodies to which they apply, and provide for the formation of joint committees to take responsibility for the management of those partnership arrangements.

Regulation 2(2) amends the 2000 Regulations by substituting references to Local Health Boards for the existing references to Health Authorities.

Regulation 2(3) and 2(4) amend the 2000 Regulations to provide that where a local authority is operating executive arrangements or alternative arrangements under Part II of the Local Government Act 2000, any member of that authority may sit on the joint committee, whether or not that member is also a member of the authority’s executive or Board.