

*These notes refer to the Health and Social Care (Quality and Engagement)
(Wales) Act 2020 (c.1) which received Royal Assent on 1 June 2020*

HEALTH AND SOCIAL CARE (QUALITY AND ENGAGEMENT) (WALES) ACT 2020

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Miscellaneous and general

Section 24 – Vice-chairs of boards of directors of NHS Trusts

67. This section amends Part 1 of Schedule 3 to the National Health Service (Wales) Act 2006 to enable the Welsh Ministers, if they consider it appropriate, to appoint a vice-chair to the board of an NHS Trust.
68. Subsections (3) and (4) make consequential amendments in connection with the main proposition in subsection (2). In the case of subsection (3), these amendments are necessary to allow the Welsh Ministers to make regulations about the qualifications and tenure of office of a vice chair (including the circumstances in which they cease to hold office or may be removed or suspended). The amendments made by subsection (4) are necessary to require an NHS Trust to pay remuneration and other allowances to a vice-chair.

Section 25 – Regulations

69. This section explains that powers to make regulations are to be exercised by statutory instrument (which means that certain procedural and other requirements contained in the Statutory Instruments Act 1946 apply in relation to the regulations).
70. Subsection (3) provides that the affirmative procedure will apply to regulations made under section 26 if the regulations amend or repeal any enactment contained in primary legislation (section 26 contains a power to make transitional etc. provision necessary for the purposes of the Act). This means that any such regulations are subject to the express approval of the Senedd.
71. Subsection (4) provides that all other regulations are subject to annulment in pursuance of a resolution of the Senedd, including regulations made under section 26 that do not amend or repeal primary legislation.

Section 26 – Interpretation

72. This section defines key terms used in the Act, including “regulations”, “Local Health Board”, and “NHS Trust”.

Section 27– Minor and consequential amendments

73. This section introduces Schedule 3 which sets out minor and consequential amendments relating to the duty of quality and the Citizen Voice Body.

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74. **Part 2** of Schedule 3 sets out consequential amendments related to the abolition of the Community Health Councils and the Board of Community Health Councils in Wales and creation of the Citizen Voice Body.

Section 28 – Power to make transitional etc. provision

75. This section enables the Welsh Ministers to make regulations to provide for any consequential, supplementary or incidental provision, or any transitional, transitory or saving provisions in the circumstances set out in subsection (1).

Section 29 – Coming into force

76. This section makes provision about when and how the Act comes into force.
77. Subsection (1) provides that this section and section 30 come into force the day after the day the Act receives Royal Assent.
78. The other provisions of the Act will come into force on a day specified in a commencement order (or orders) made by the Welsh Ministers under subsection (2). By virtue of subsection (3), the Welsh Ministers will have power to specify different dates for different purposes and include transitional, transitory and savings provision in any commencement order.