
WELSH STATUTORY INSTRUMENTS

2003 No. 993

**Commission For Health Improvement
(Functions) (Wales) Regulations 2003**

PART I

GENERAL

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Commission for Health Improvement (Functions) (Wales) Regulations 2003 and shall come into force on 3rd April 2003.

(2) These Regulations apply to Wales only.

(3) In these Regulations —

“the Act” (“*y Ddeddf*”) means the Health Act 1999;

“the 1977 Act” (“*Ddeddf 1977*”) means the National Health Service Act 1977;

“the 1997 Act” (“*Ddeddf 1997*”) means the National Health Service (Primary Care) Act 1997⁽¹⁾;

“the Audit Commission” (“*y Comisiwn Archwilio*”) means the Audit Commission for Local Authorities and the National Health Service in England and Wales⁽²⁾;

“clinical governance arrangements” (“*trefniadau llywodraethu clinigol*”) means —

(a) in the case of an NHS trust, or a service provider, arrangements for monitoring and improving the quality of health care⁽³⁾ for which they have responsibility;

(b) in the case of a Local Health Board, arrangements for the purpose of monitoring and improving the quality of health care which is provided to individuals in their area;

“clinical governance review” (“*adolygiad llywodraethu clinigol*”) means a review conducted by the Commission under section 20(1)(b) of the Act or regulation 2(c) of the Functions Regulations;

“the Commission” (“*y Comisiwn*”) means the Commission for Health Improvement established by section 19 of the Act;

“financial year” (“*blwyddyn ariannol*”) means the period of 12 months ending with 31st March;

“Functions Regulations” (“*Rheoliadau Swyddogaethau*”) means the Commission for Health Improvement (Functions) Regulations 2000⁽⁴⁾;

“general review” (“*adolygiad cyffredinol*”) means a review conducted by the Commission under section 20(1)(d) of the Act⁽⁵⁾;

(1) 1997 c. 46.

(2) The Audit Commission was continued in being by section 1 of the Audit Commission Act 1998 (c. 18).

(3) See sections 18(4) and 20(7) of the 1999 Act for the definition of “health care”.

(4) S.I. 2000/662 as amended by S.I. 2000/797 and S.I. 2002/2469.

(5) Section 20(1)(d) was amended by section 20(1) and (2) of the 2002 Act.

“health care profession” (“*proffesiwn gofal iechyd*”) means a profession to which section 60(2) of the Act applies;

“health care professional” (“*gweithiwr proffesiynol gofal iechyd*”) means a person who is registered as a member of a health care profession;

“health service inquiry” (“*ymchwiliad gwasanaeth iechyd*”) means an inquiry, held or established by the National Assembly for Wales or an NHS body, into any matter relating to the management, provision and quality of health care for which NHS bodies or service providers have responsibility;

“investigation” (“*ymchwiliad*”) means an investigation by the Commission pursuant to section 20(1)(c) of the Act⁽⁶⁾ or regulation 2(e) of the Functions Regulations;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“national service review” (“*adolygiad gwasanaeth gwladol*”) means a general review that relates to particular types of health care for which NHS bodies or service providers have responsibility;

“Part II services” (“*gwasanaethau Rhan II*”) means general medical services, general dental services, general ophthalmic services or pharmaceutical services under Part II of the 1977 Act;

“relevant Local Health Board” (“*Bwrdd Iechyd Lleol perthnasol*”) means, in relation to a service provider —

- (a) where the service provider provides services in the area of only one Local Health Board, that Local Health Board, or
- (b) where the service provider provides services in the area of two or more Local Health Boards, each of those Local Health Boards;

“relevant premises” (“*safle perthnasol*”) means relevant premises as defined by section 23(6) of the Act;

“service provider” (“*darparydd gwasanaeth*”) means a person, other than an NHS body⁽⁷⁾, who —

- (a) provides Part II services;
- (b) provides services in accordance with a pilot scheme under the 1997 Act; or
- (c) provides services in accordance with arrangements under section 28 of the Health and Social Care Act 2001⁽⁸⁾;

“validation review” (“*adolygiad dilysu*”) means a review under section 20(1)(da)⁽⁹⁾ of the Act.

(4) In these Regulations, references to health care for which a person has responsibility are to be construed in accordance with section 20(5) of the Act.

⁽⁶⁾ Section 20(1)(c) was amended by Schedule 1, paragraph 49, of the 2002 Act.

⁽⁷⁾ See section 20(7) of the Act for the definition of “NHS body”; the definition was amended by Schedule 1, paragraph 49, to the 2002 Act.

⁽⁸⁾ c.15.

⁽⁹⁾ Section 20(1)(da) was inserted by section 12(2)(c) of the 2002.