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WELSH STATUTORY INSTRUMENTS

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**2023 No. 299 (W. 44)**

**NATIONAL HEALTH SERVICE, WALES  
SOCIAL CARE, WALES**

The Health and Social Care (Quality and Engagement)  
(Wales) Act 2020 (Consequential, Supplementary  
and Incidental Amendments and Revocations)  
(Secondary Legislation) Regulations 2023

*Made* - - - - 9 March 2023  
*Laid before Senedd Cymru* 10 March 2023  
*Coming into force in accordance with regulation 1(2)  
and (3)*

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 28(1) (a), (2) and (3) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020<sup>(1)</sup>.

**Title and coming into force**

1.—(1) The title of these Regulations is the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (Consequential, Supplementary and Incidental Amendments and Revocations) (Secondary Legislation) Regulations 2023.

(2) Subject to paragraph (3), these Regulations come into force on 1 April 2023.

(3) The following regulations come into force on 1 July 2023—

- (a) regulation 2,
- (b) regulation 9(5)(c), (e), (f) and (g),
- (c) regulation 9(6)(c), (e), (f) and (g),
- (d) regulation 9(7)(c).

### **Amendments to the National Health Service (General Ophthalmic Services) Regulations 1986**

2.—(1) The National Health Service (General Ophthalmic Services) Regulations 1986(2) are amended as follows.

(2) In Schedule 1 (terms of service), after paragraph 2 insert—

“2A. Code of practice on access to premises

A contractor must have regard to the code of practice on access to premises prepared and published by the Welsh Ministers under section 19(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”) (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services (within the meaning of those terms in section 21 of the 2020 Act).”

### **Amendments to the National Health Service (Service Committees and Tribunal) Regulations 1992**

3.—(1) The National Health Service (Service Committees and Tribunal) Regulations 1992(3) are amended as follows.

(2) For regulation 32(1)(d)(ii) (service of documents) substitute—

“(ii) the Citizen Voice Body for Health and Social Care, Wales (“the Body”) established under section 12(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 or any person acting on its behalf, by delivering it or sending it by post to the Body’s chief executive or board secretary at its principal office,”.

(3) In Schedule 2, in paragraph 8(b)(iv) (constitution of discipline committees), after “Act” insert “or the Citizen Voice Body for Health and Social Care, Wales, established under section 12(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020”.

### **Amendments to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

4.—(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(4) are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “CHC”.

(3) In Schedule 6, omit paragraph 88 (entry and inspection by members of Community Health Councils).

### **Amendments to the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005**

5.—(1) The NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(5) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of “health service body”, in paragraph (a)—

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- (2) S.I. 1986/975, to which there are amendments not relevant to these Regulations.
- (3) S.I. 1992/664; relevant amending instruments are S.I. 1996/703, S.I. 2002/2469, S.I. 2003/1937, S.I. 2004/1016 (W. 113), S.I. 2004/1771, S.I. 2006/562 and S.I. 2012/1909.
- (4) S.I. 2004/478 (W. 48); relevant amending instruments are S.I. 2006/358 (W. 36), S.I. 2006/945 (W. 94), S.I. 2007/205 (W. 19), S.I. 2007/289, S.I. 2008/1329 (W. 138), S.I. 2008/1425 (W. 147), S.I. 2010/22, S.I. 2010/231, S.I. 2010/234, S.I. 2010/729 (W. 70), S.I. 2010/1647 (W. 155), S.I. 2012/1479, S.I. 2012/1916, S.I. 2013/235, S.I. 2013/898 (W. 102), S.I. 2014/2291 (W. 226), S.I. 2016/90, S.I. 2016/1221 (W. 292), S.I. 2019/149 (W. 34), S.I. 2019/1094, S.I. 2020/1073 (W. 241) and S.I. 2022/634.
- (5) S.I. 2005/2531; relevant amending instruments are S.I. 2005/3491, S.I. 2006/640, S.I. 2006/945 (W. 94), S.I. 2010/22, S.I. 2010/2538, S.I. 2011/2581, S.I. 2012/1641, S.I. 2013/235 and S.I. 2015/137.

- (a) omit “or”, and
- (b) after “Community Health Council,” insert “or the Citizen Voice Body for Health and Social Care, Wales, established under section 12(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020,”.

#### **Amendments to the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005**

6.—(1) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(6) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of “health service body”, in paragraph (a)—

- (a) for “or” substitute “,”, and
- (b) after “Community Health Council,” insert “or the Citizen Voice Body for Health and Social Care, Wales, established under section 12(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020,”.

#### **Amendments to the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006**

7.—(1) The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006(7) are amended as follows.

(2) In Schedule 3—

- (a) omit paragraph 36 (requests for information from Community Health Councils),
- (b) in paragraph 44(3) (entry and inspection by the Local Health Board) omit “45 or” and “, members of a Community Health Council”, and
- (c) omit paragraph 45 (entry and inspection by members of Community Health Councils).

#### **Amendments to the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006**

8.—(1) The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(8) are amended as follows.

(2) In Schedule 3—

- (a) omit paragraph 37 (requests for information from Community Health Councils),
- (b) in paragraph 44(3) (entry and inspection by the Relevant Body) omit “45 or” and “, members of a Community Health Council”, and
- (c) omit paragraph 45 (entry and inspection by members of Community Health Councils).

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(6) [S.I. 2005/2415](#); relevant amending instruments are [S.I. 2005/3491](#), [S.I. 2006/633](#), [S.I. 2006/945 \(W. 94\)](#), [S.I. 2010/22](#), [S.I. 2010/2538](#), [S.I. 2011/2581](#), [S.I. 2012/1641](#), [S.I. 2013/235](#) and [S.I. 2015/137](#).

(7) [S.I. 2006/490 \(W. 59\)](#), amended by [S.I. 2009/462](#); there are other amending instruments, but none are relevant to these Regulations.

(8) [S.I. 2006/489 \(W. 58\)](#), amended by [S.I. 2009/462](#); there are other amending instruments, but none are relevant to these Regulations.

## Amendments to the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020

9.—(1) The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020(9) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “Community Health Council”, and
- (b) at the appropriate place insert—

““Citizen Voice Body” (“*Corff Llais y Dinesydd*”) means the Citizen Voice Body for Health and Social Care, Wales, established under section 12(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020;”.

(3) In regulation 7(1)(h) (consultation on pharmaceutical needs assessments), for “any Community Health Council for its area” substitute “the Citizen Voice Body”.

(4) In Schedule 3—

- (a) in paragraph 4(2)(c) (notice of proposed determination in respect of controlled localities), for “the Community Health Council for the area” substitute “the Citizen Voice Body”, and
- (b) in paragraph 9(1)(e) (persons and bodies to be notified), for “any Community Health Council serving the area of the Local Health Board” substitute “the Citizen Voice Body”.

(5) In Schedule 5—

- (a) in paragraph 2(c)(ii) (incorporation of provisions), for “, and” substitute “.”,
- (b) omit paragraph 2(d) (incorporation of provisions),
- (c) after paragraph 2 insert—

**“2A. Code of practice on access to premises**

An NHS pharmacist who provides pharmaceutical services must have regard to the code of practice on access to premises prepared and published by the Welsh Ministers under section 19(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”) (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services (within the meaning of those terms in section 21 of the 2020 Act).”.

- (d) omit paragraph 28(3)(a)(vii) (clinical governance),
- (e) in paragraph 28(3)(a)(viii) (clinical governance) omit “and”,
- (f) in paragraph 28(3)(a)(ix) (clinical governance), after “Equality Act 2010,” insert “and”,
- (g) after paragraph 28(3)(a)(ix) (clinical governance) insert—

“(x) a requirement that the NHS pharmacist must have regard to the code of practice on access to premises prepared and published by the Welsh Ministers under section 19(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”) (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services (within the meaning of those terms in section 21 of the 2020 Act).”.

(6) In Schedule 6—

- (a) in paragraph 1(c)(ii) (incorporation of provisions), for “, and” substitute “.”,
- (b) omit paragraph 1(d) (incorporation of provisions),
- (c) after paragraph 1 insert—

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(9) [S.I. 2020/1073 \(W. 241\)](#), to which there are amendments not relevant to these Regulations.

**“1A. Code of practice on access to premises**

An NHS appliance contractor who provides pharmaceutical services must have regard to the code of practice on access to premises prepared and published by the Welsh Ministers under section 19(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”) (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services (within the meaning of those terms in section 21 of the 2020 Act).”

- (d) omit paragraph 17(3)(a)(vii) (clinical governance),
- (e) in paragraph 17(3)(a)(viii) (clinical governance) omit “and”,
- (f) in paragraph 17(3)(a)(ix) (clinical governance), after “Equality Act 2010,” insert “and”,
- (g) after paragraph 17(3)(a)(ix) (clinical governance) insert—

“(x) a requirement that the NHS appliance contractor must have regard to the code of practice on access to premises prepared and published by the Welsh Ministers under section 19(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”) (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services (within the meaning of those terms in section 21 of the 2020 Act).”

(7) In Schedule 7—

- (a) in paragraph 2(c)(ii) (incorporation of provisions), for “, and” substitute “.”,
- (b) omit paragraph 2(d) (incorporation of provisions),
- (c) after paragraph 2 insert—

**“2A. Code of practice on access to premises**

A doctor who provides pharmaceutical services must have regard to the code of practice on access to premises prepared and published by the Welsh Ministers under section 19(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”) (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services (within the meaning of those terms in section 21 of the 2020 Act).”

## **Revocations**

**10.** The Community Health Council (Establishment of Carmarthenshire Community Health Council, Transfer of Functions and Abolition of Llanelli/Dinefwr and Carmarthen/Dinefwr Community Health Councils) Order 2006(**10**) is revoked.

**11.** The Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010(**11**) is revoked.

**12.** The Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010(**12**) is revoked.

**13.—**(1) The instruments listed in Part 1 of the Schedule are revoked.

(2) The provisions listed in Part 2 of the Schedule are revoked.

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(10) S.I. 2006/942 (W. 91).

(11) S.I. 2010/288 (W. 37), amended by S.I. 2013/235, S.I. 2013/898 (W. 102), S.I. 2015/137, S.I. 2015/509 (W. 43), S.I. 2016/481, S.I. 2019/349 (W. 83), S.I. 2020/493 (W. 116), S.I. 2020/1073 (W. 241) and S.I. 2022/634.

(12) S.I. 2010/289 (W. 38), amended by S.I. 2015/507 (W. 42) and S.I. 2019/349 (W. 83).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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9 March 2023

*Eluned Morgan*  
Minister for Health and Social Services, one of  
the Welsh Ministers

## SCHEDULE

Regulation 13

### Additional revocations

#### PART 1

1. The Community Health Councils (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2015(**13**).
2. The Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) (Amendment) Order 2015(**14**).
3. The Community Health Councils (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2020(**15**).

#### PART 2

4. Article 85(2)(b) of the General Medical Services Transitional and Consequential Provisions (Wales) (No. 2) Order 2004(**16**).
5. Paragraph 13 of Schedule 1 to the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004(**17**).
6. Paragraph 4 of Schedule 2 to the General Dental Services, Personal Dental Services and Abolition of the Dental Practice Board Transitional and Consequential Provisions Order 2006(**18**).
7. Article 2(a) of the Equality Act 2010 (Specification of Relevant Welsh Authorities) Order 2011(**19**).
8. Articles 6 and 7 of the Local Health Boards (Area Change) (Wales) (Miscellaneous Amendments) Order 2019(**20**).
9. Article 6(6) of the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004(**21**).
10. Article 3 of the Public Services Ombudsman for Wales (Jurisdiction and Transitional Provisions and Savings) Order 2006(**22**).
11. Paragraph 17 of the Schedule to the References to Health Authorities Order 2007(**23**).

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(13) S.I. 2015/509 (W. 43).

(14) S.I. 2015/507 (W. 42).

(15) S.I. 2020/493 (W. 116).

(16) S.I. 2004/1016 (W. 113), to which there are amendments not relevant to these Regulations.

(17) S.I. 2004/1771, to which there are amendments not relevant to these Regulations.

(18) S.I. 2006/562, to which there are amendments not relevant to these Regulations.

(19) S.I. 2011/1063 (W. 154).

(20) S.I. 2019/349 (W. 83).

(21) S.I. 2004/480 (W. 49), amended by S.I. 2004/1019 (W. 116) and S.I. 2006/345 (W. 42).

(22) S.I. 2006/363 (W. 49).

(23) S.I. 2007/961 (W. 85), to which there are amendments not relevant to these Regulations.

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## EXPLANATORY NOTE

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

These Regulations are made under section 28 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (asc 1) (“the 2020 Act”).

The 2020 Act established the Citizen Voice Body for Health and Social Care, Wales (“the Body”). The Body’s general objective, in exercising its functions, is to represent the interests of the public in respect of health and social services. The 2020 Act also provides for the abolition of the Community Health Councils.

These Regulations make consequential, supplementary and incidental amendments to, and provide for the revocation of, secondary legislation to reflect the establishment of the Body and the commencement of its substantive functions, and the abolition of the Community Health Councils, provided for in the 2020 Act.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.