



Health (Wales) Act 2003

2003 CHAPTER 4

Health Professions Wales

4 Health Professions Wales

- (1) The National Assembly for Wales may by order establish a body corporate, to be known as Health Professions Wales or Proffesiynau Iechyd Cymru (but referred to in this Act as HPW).
- (2) HPW is to have such functions in relation to health care professions and health care support workers as may be conferred on it under this section.
- (3) The Assembly may by order provide for HPW to carry out functions on behalf of the Assembly.
- (4) The Assembly may by order make provision enabling HPW to—
 - (a) enter into arrangements with the Health Professions Council for carrying out functions on behalf of that Council in relation to Wales;
 - (b) enter into arrangements with the Nursing and Midwifery Council for carrying out functions on behalf of that Council in relation to Wales;
 - (c) enter into arrangements with any other body for carrying out functions on behalf of that body in relation to Wales;
 - (d) carry out any such arrangements.
- (5) The reference in subsection (3) to functions of the Assembly does not include a reference to the function of making, confirming or approving subordinate legislation (within the meaning of the [Interpretation Act 1978 \(c. 30\)](#)).
- (6) The carrying out of functions by HPW on behalf of the Assembly or any other body does not affect the responsibility of the Assembly or the body concerned.
- (7) The Assembly may by order make provision about the constitution of HPW (and may in particular make provision similar to that made by Schedule 2).

- (8) “Health care profession” means a profession (whether or not regulated by virtue of any enactment) which is concerned (wholly or partly) with the physical or mental health of individuals.
- (9) “Health care support worker” means a person employed to provide support for one or more members of a health care profession.

5 Further provision about HPW

- (1) The Assembly may by order provide for HPW to charge for any services which it provides in discharging any function.
- (2) The Assembly may by order provide for the transfer to HPW, for the purpose of enabling or assisting it to carry out functions on behalf of the Assembly, of—
- (a) property, rights and liabilities;
 - (b) persons employed in connection with any of those functions.
- (3) The Assembly may make payments to HPW of such amounts, at such times and on such conditions (if any), as it considers appropriate.
- (4) The Assembly may give HPW directions—
- (a) as to the appointment of staff (including any conditions to be fulfilled for appointment);
 - (b) as to the terms and conditions of employment of staff (including provision about the payment of pensions, allowances or gratuities and the payment of compensation for loss of employment);
 - (c) as to the application of any sums received by HPW under subsection (3).
- (5) A direction under subsection (4) must be given in writing.
- (6) HPW must comply with any direction given by the Assembly under subsection (4).
- (7) The Assembly may by order make provision about the accounts or audit of HPW (and may in particular make provision similar to that made by Schedule 2).
- (8) The Assembly may by order abolish HPW.
- (9) The Assembly may by order provide for the transfer of staff of HPW and of any property, rights and liabilities to which HPW is entitled or subject.
- (10) An order under subsection (2) or (9) may in particular—
- (a) provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order;
 - (b) provide for the creation of interests in, or rights over, property transferred or retained or for the creation of new rights and liabilities between the transferor and the transferee;
 - (c) provide for the order to have effect in spite of any provisions (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order.