



# National Health Service (Wales) Act 2006

## CHAPTER 42

### NATIONAL HEALTH SERVICE (WALES) ACT 2006

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*Status: Point in time view as at 17/06/2021.*

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#### *Medical inspection of pupils*

- 1 The Welsh Ministers must provide for the medical inspection at...
- 2 (1) The Welsh Ministers may, by arrangement with any local...
- 3 An arrangement under paragraph 2(2) may provide for payments by...
- 4 A local authority may not make an arrangement under paragraph...
- 5 (1) Sub-paragraph (2) applies to— (a) each local authority, in...
- 6 In paragraphs 1 to 5 any expression to which a...
- 7 Any charge made under regulations under this Act in respect...

#### *Weighing and measuring of children*

- 7A (1) The Welsh Ministers may, by arrangement with any local...

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7B (1) The Welsh Ministers may by regulations—

*Contraceptive services*

8 The Welsh Ministers must arrange, to such extent as they...

*Provision of vehicles for disabled persons*

9 The Welsh Ministers may provide vehicles (including wheelchairs) for persons...

10 (1) Sub-paragraphs (2) and (3) apply in respect of—

11 Regulations may provide for any incidental or supplementary matter for...

*Provision of a microbiological service by the Welsh Ministers*

12 (1) The Welsh Ministers may— (a) provide a microbiological service...

*Powers of the Welsh Ministers in relation to research*

13 (1) The Welsh Ministers may conduct research, or may assist...

SCHEDULE 2 — Local Health Boards

Part 1 — CONSTITUTION AND MEMBERSHIP

*Status*

1 Each Local Health Board is a body corporate.

2 (1) A Local Health Board must not be regarded as...

*Membership*

3 The members of a Local Health Board are—

4 (1) Regulations may make provision about— (a) the appointment of...

5 Any reference in this Schedule to a committee of a...

6 The validity of any proceedings of a Local Health Board,...

*Staff*

7 (1) A Local Health Board may employ such officers as...

8 (1) The Welsh Ministers may direct a Local Health Board—...

9 In addition to making provision in relation to Strategic Health...

*Remuneration, pensions etc of members*

10 (1) A Local Health Board may pay the chairman, the...

Part 2 — LHB ORDERS

11 (1) An LHB order must specify— (a) the name of...

12 (1) An LHB order may provide for the establishment of...

Part 3 — OTHER MATTERS

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13 (1) Subject to sub-paragraph (3), a Local Health Board may...

*Rights and liabilities*

14 (1) Any rights acquired, or liabilities (including liabilities in tort)...

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*Making accommodation or services available*

- 15 (1) A Local Health Board may— (a) make available at...

*Powers of Local Health Boards to enter into externally financed development agreements*

- 16 (1) The powers of a Local Health Board include power...

*Research*

- 17 (1) A Local Health Board may conduct, commission or assist...

*Training*

- 18 A Local Health Board may— (a) make officers available in...

*Regulations about duties*

- 19 Regulations may make provision in relation to—

*Compulsory acquisition*

- 20 (1) A Local Health Board may be authorised to purchase...

*Dissolution*

- 21 (1) The Welsh Ministers may, if a Local Health Board...

*Transfer of property*

- 22 (1) The Welsh Ministers may by order (referred to in...  
23 (1) Stamp duty is not chargeable in respect of any...

*Transfer of staff*

- 24 (1) The Welsh Ministers may by order transfer to a...  
25 (1) The contract of employment of an employee transferred under...  
26 (1) Where an employee will be transferred by an order...  
27 Where a Local Health Board is dissolved, an order under...

*Interpretation*

- 28 In this Schedule, “NHS trust in Wales” means an NHS...

SCHEDULE 3 — NHS trusts established under section 18  
Part 1 — CONSTITUTION, ESTABLISHMENT, ETC

*Status*

- 1 Each NHS trust is a body corporate.  
2 (1) An NHS trust must not be regarded as the...

*Board of directors*

- 3 (1) Each NHS trust has a board of directors consisting...

*Regulations*

- 4 (1) The Welsh Ministers may by regulations make provision with...

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*Provision to be made by first NHS trust order*

- 5 (1) The first NHS trust order made in relation to...

*Temporary availability of staff etc.*

- 6 (1) An NHS trust order may require a ... Special...

*Establishment of NHS trust prior to operational date*

- 7 (1) An NHS trust order may provide for the establishment...

*Transfer of staff to NHS trusts*

- 8 (1) This paragraph applies to any person who, immediately before...

*Transfer of property and liabilities to NHS trusts*

- 9 (1) The Welsh Ministers may by order transfer, or provide...

*Trust funds and trustees*

- 10 (1) The Welsh Ministers may by order provide for the...

*Pay and allowances*

- 11 (1) An NHS trust must pay— (a) to the chairman...

*Reports and other information*

- 12 (1) For each accounting year an NHS trust must prepare...

- 13 An NHS trust must furnish to the Welsh Ministers such...

Part 2 — POWERS AND DUTIES

*General*

- 14 (1) An NHS trust may do anything which appears to...

*NHS contracts*

- 15 (1) In addition to carrying out its other functions, an...

*Research*

- 16 An NHS trust may undertake and commission research and make...

*Training*

- 17 An NHS trust may— (a) provide training for persons employed...

*Joint exercise of functions*

- 18 An NHS trust may enter into arrangements for the carrying...

*Payment for accommodation or services*

- 19 (1) According to the nature of its functions, an NHS...

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*Additional income*

20 (1) For the purpose of making additional income available in...

*Provision of accommodation and services outside England and Wales*

21 An NHS Trust may arrange for the provision of accommodation...

*Conferral of further powers by order*

22 The Welsh Ministers may by order confer specific powers on...

*Powers of NHS trusts to enter into externally financed development agreements*

23 (1) The powers of an NHS trust include power to...

*Agreements under section 50 or 64*

24 An NHS trust may provide services under an agreement made...

*Staff*

25 (1) An NHS trust may employ such staff as it...

*Pensions, etc.*

26 (1) An NHS trust may, for or in respect of...

*Compulsory acquisition*

27 (1) An NHS trust may be authorised to purchase land...

Part 3 — DISSOLUTION

28 (1) The Welsh Ministers may by order dissolve an NHS...

29 (1) If an NHS trust is dissolved under paragraph 28,...

30 (1) If an NHS trust is dissolved under paragraph 28,...

31 An NHS trust may not be dissolved or wound up...

Part 4 — MISCELLANEOUS

*Use and development of consecrated land and burial grounds*

32 Section 128 of the Town and Country Planning Act 1971...

*Instruments etc.*

33 (1) The fixing of the seal of an NHS trust...

*Interpretation*

34 In this Schedule— “provide” includes manage, “operational date” has the...

SCHEDULE 4 — Financial provision about NHS trusts established under section 18

*Originating capital of NHS trusts*

1 (1) Each NHS trust has an originating capital of an...

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### *Financial obligations of NHS trusts*

- 2 (1) Each NHS trust must ensure that its revenue is...

#### *Borrowing*

- 3 (1) For the purpose of its functions an NHS trust...

#### *Guarantees of borrowing*

- 4 (1) The Welsh Ministers may guarantee, in such manner and...

#### *Limits on indebtedness*

- 5 The aggregate of all sums borrowed by NHS trusts which...

#### *Additional public dividend capital*

- 6 The Welsh Ministers may, with the consent of the Treasury,...

#### *Supplementary payments*

- 7 (1) The Welsh Ministers may make a payment to an...

#### *Surplus funds*

- 8 (1) If it appears to the Welsh Ministers that any...

#### *Investment*

- 9 (1) An NHS trust has power to invest money held...  
10 Any direction under section 19 with respect to the maximum...

### SCHEDULE 5 — Special Health Authorities established under section 22

#### *Corporate status*

- 1 Each Special Health Authority is a body corporate.

#### *Pay and allowances*

- 2 (1) The Welsh Ministers may pay to—

#### *Staff*

- 3 (1) A Special Health Authority may employ such officers as...  
4 (1) The Welsh Ministers must, before they make regulations under...

#### *Miscellaneous*

- 5 Provision may be made by regulations as to—  
6 Regulations made under this Schedule may make provision (including provision...  
7 A Special Health Authority may pay subscriptions, of such amounts...  
8 A Special Health Authority has power to accept gifts of...  
9 (1) The Welsh Ministers may by order provide for the...  
10 The proceedings of a Special Health Authority are not invalidated...  
11 (1) A Special Health Authority may— (a) make available at...  
12 (1) Any rights acquired, or liabilities (including liabilities in tort)...



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13 Provision may be made by regulations with respect to the...

#### SCHEDULE 6 — Pilot schemes

##### *How pilot schemes may be initiated*

1 (1) A pilot scheme may be made—

##### *Preliminary steps to be taken*

2 (1) Before making a pilot scheme, the Local Health Board...

##### *Approval*

3 (1) If proposals for a pilot scheme are submitted under...

##### *Preliminary approval*

4 (1) This paragraph applies if a Local Health Board proposes...

##### *Effect of proposals on existing services*

5 (1) Proposals for a pilot scheme submitted under paragraph 2,...

##### *Guidance*

6 The Welsh Ministers may issue guidance about the criteria by...

##### *Making a scheme*

7 (1) If the Welsh Ministers approve proposals for a pilot...

#### SCHEDULE 7 — LPS schemes

##### *Provision of local pharmaceutical services*

1 (1) Local Health Boards may establish LPS schemes.

##### *Designation of priority neighbourhoods or premises*

2 (1) The Welsh Ministers may make regulations allowing a Local...

##### *Regulations*

3 (1) The Welsh Ministers may make regulations with respect to...

#### SCHEDULE 8 — Further provision about the expenditure of Local Health Boards

##### *General ophthalmic . . . services expenditure*

1 (1) In section 174 and 175 and this Schedule, “general...

##### *Main expenditure*

2 (1) In section 174 “ main expenditure ”, in relation...

3 (1) For each financial year, the Welsh Ministers must apportion...

3A (1) The Welsh Ministers may designate any element of the...

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### *Interpretation*

- 4 (1) In this Schedule— “designated” means designated in writing by...

### SCHEDULE 9 — Accounts and audit

#### *NHS bodies*

- 1 The following are NHS bodies for the purposes of this...

#### *Accounts to be kept by NHS bodies*

- 2 (1) Each NHS body must keep proper accounts and proper...

#### *Preparation of annual accounts*

- 3 (1) Each NHS body must prepare in respect of each...

#### *Transmission of annual accounts*

- 4 Section 61(1) of the Public Audit (Wales) Act 2004 (c....

#### *Summarised accounts of NHS bodies*

- 5 (1) This paragraph applies in relation to NHS bodies that...

#### *Exceptions for accounts of charitable trusts*

- 6 (1) For the purposes of this paragraph a “relevant charitable...

#### *Exceptions for accounts of non-charitable trusts*

- 7 (1) For the purposes of this paragraph a “relevant non-charitable...

### SCHEDULE 10 — Further provision about Community Health Councils

- 1 Each Community Health Council must — (a) represent the interests...  
 2 Regulations may make provision about— (a) the membership of Councils...  
 2A Regulations made under paragraph 2(a) may make provision about—  
 3 (1) The Welsh Ministers may make regulations requiring—  
 4 The Welsh Ministers may by regulations— (a) provide for the...  
 5 The Welsh Ministers may pay to members of Councils and...

### SCHEDULE 11 — Exempt information relating to health services

#### Part 1 — DESCRIPTIONS OF EXEMPT INFORMATION

- 1 Information relating to a particular employee, former employee or applicant...  
 2 Information relating to any particular occupier or former occupier of,...  
 3 Information relating to any particular applicant for, or recipient or...  
 4 Information relating to any particular applicant for, or recipient or...  
 5 The amount of any expenditure proposed to be incurred by...  
 6 Any terms proposed or to be proposed by or to...  
 7 The identity of a relevant body (as well as of...  
 8 Information relating to any consultations or negotiations, or contemplated consultations...  
 9 Any instructions to counsel and any opinion of counsel (whether...  
 10 Information relating to a particular person who was included in...

*Status: Point in time view as at 17/06/2021.*

*Changes to legislation: National Health Service (Wales) Act 2006 is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- 11 Information relating to a particular person who is, or was...
- 12 Information relating to a particular person who—
- 13 (1) Information relating to a particular person who—
- 14 Information relating to any particular employee, former employee, or applicant...
- 15 Information relating to the physical or mental health of a...
- Part 2 — QUALIFICATIONS
- 16 Information relating to a person of a description specified in...
- 17 Information falling within paragraph 5 of Part 1 is exempt...
- 18 Information falling within paragraph 6 of Part 1 is exempt...
- 19 Information falling within paragraph 8 of Part 1 is exempt...
- Part 3 — INTERPRETATION
- 20 In this Schedule— “disposal”, in relation to property, includes the...

#### SCHEDULE 12 — Section 33 arrangements: transfer of staff

##### *Application of Schedule*

- 1 This Schedule applies where, under any arrangements under regulations under...

##### *Orders transferring staff*

- 2 (1) The Welsh Ministers may by order transfer to the...

##### *Effect of order on contracts of employment*

- 3 (1) The contract of employment of an employee transferred by...

##### *Effect of order on pension rights*

- 4 (1) An order under paragraph 2 may provide that, in...

##### *Divided employments*

- 5 (1) Where an employee will be transferred by an order...

#### SCHEDULE 13 — Further provision about standing advisory committees

- 1 Regulations may make provision with respect to—
- 2 The Welsh Ministers must appoint a secretary to each standing...
- 3 Each standing advisory committee may appoint such sub-committees as it...
- 4 Any such sub-committee may include persons who are not members...
- 5 Each standing advisory committee must elect one of the members...
- 5A But regulations under paragraph 1(b) may make provision about the...
- 6 Each standing advisory committee has power to regulate its own...
- 7 The proceedings of a standing advisory committee are not invalidated...
- 8 The Welsh Ministers may make such payments in respect of...
- 9 The Welsh Ministers may pay to the members of a...
- 10 Payments under this Schedule are subject to such conditions as...

#### SCHEDULE 14 — Further provision about advisory committees for Wales

- 1 (1) Sub-paragraph (2) applies where the Welsh Ministers are satisfied...
- 2 The Welsh Ministers may, by notice in writing served on...
- 3 A committee recognised under section 190 or this Schedule must—...

*Status: Point in time view as at 17/06/2021.*

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- 4 The Welsh Ministers may defray such expenses incurred by a...

#### SCHEDULE 15 — Further provision about local social services authorities

##### *Care of mothers and young children*

- 1 Further provision about local social services authorities

##### *Prevention, care and after-care*

- 2 Further provision about local social services authorities
- 2A Further provision about local social services authorities

##### *Research*

- 3 Further provision about local social services authorities

**Status:**

Point in time view as at 17/06/2021.

**Changes to legislation:**

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