

---

STATUTORY INSTRUMENTS

---

**2005 No. 2414**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

The NHS Business Services Authority  
(Awdurdod Gwasanaethau Busnes y GIG)  
(Establishment and Constitution) Order 2005

*Made* - - - - 29th August 2005  
*Laid before Parliament* 2nd September 2005  
*Coming into force* - - 1st October 2005

The Secretary of State for Health in relation to England, and the National Assembly for Wales in relation to Wales, in exercise of the powers conferred by sections 11(1), (2) and (4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977 <sup>M1</sup>, and now vested in them and of all other powers enabling them in that behalf hereby make the following Order:

**Marginal Citations**

**M1** 1977 c. 49; section 11 was amended by section 2(1) of, and paragraph 2 of Schedule 1 to, the [Health Authorities Act 1995 \(c. 17\)](#) (“the 1995 Act”) and section 65 of, and paragraphs 4 and 6 of Schedule 4 to, the [Health Act 1999 \(c. 8\)](#) (“the 1999 Act”); sub-paragraph (7) was inserted in paragraph 9 of Schedule 5 by section 1 of, and paragraph 7(2) of Schedule 1 to, the [National Health Service and Community Care Act 1990 \(c. 19\)](#) and amended by section 2(1) of, and paragraph 60(b) of Schedule 1 to, the 1995 Act and section 1(3) of, and paragraphs 1, 34(1) and (3)(b) of Schedule 1 to, the [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#) (“the 2002 Act”). The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, [S.I. 1999/672](#) (“the 1999 Order”); see the entry in Schedule 1 of the 1999 Order for the National Health Service Act 1977, as amended by section 66(4) and (5)(a) of the 1999 Act, section 67(1) of, and paragraph 12(1) and (3) of Schedule 5 to, the [Health and Social Care Act 2001 \(c. 15\)](#) (“the 2001 Act”) and section 196 of, and Part 4 of Schedule 14 to, the [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#) on a date to be appointed.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005 and shall come into force on 1st October 2005.

(2) In this Order—

“the Act” means the National Health Service Act 1977;

“appropriate authority” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the National Assembly for Wales;

“the Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by this Order;

“the European Health Insurance Card” means the European Health Insurance Card established pursuant to Regulation (EC) No 631/2004;

“the NHS Bursary Scheme” means the NHS Bursary Scheme established pursuant to section 63 of the Health Services and Public Health Act 1968; and

[<sup>F1</sup>“NHS Injury Benefits Scheme” means any scheme making provision for benefits for health staff in respect of injury or disease and established pursuant to section 10 of the Superannuation Act 1972, but excluding any scheme making provision for the early payment of a pension, allowance or gratuity in respect of ill-health;]

[<sup>F2</sup>“the NHS Pension Scheme” means any scheme making provision for pensions, allowances, gratuities or compensation for premature retirement for health staff and established pursuant to section 10 or section 24 of the Superannuation Act 1972, but excluding the NHS Injury Benefits Scheme;]

[<sup>F1</sup>“orthodontic appliance” means a device used in the mouth to move or immobilise the teeth in order to correct or prevent malocclusion;]

[<sup>F1</sup>“orthodontic treatment” means treatment of, or treatment to prevent, malocclusion of the teeth and jaws, and irregularities of the teeth;]

[<sup>F1</sup>“personal dental services agreements” means agreements made under section 28C of the Act for the provision of primary dental services;]

[<sup>F1</sup>“relevant primary dental services” means services provided under—

- (a) section 16CA(2) of the Act ;
- (b) a general dental services contract; or
- (c) a personal dental services agreement;]

[<sup>F3</sup>“the Social Care Bursary Scheme” means the Social Care Bursary Scheme established pursuant to section 67(4)(a) of the Care Standards Act 2000;]

[<sup>F1</sup>“specified” means specified in directions;]

[<sup>F1</sup>“treatment” means all proper and necessary dental treatment which a provider of relevant primary dental services usually undertakes for a patient and which the patient is willing to undergo, including examination, diagnosis, advice on and planning of treatment, preventive care and treatment, periodontal treatment, conservative treatment, surgical treatment, the supply and repair of dental appliances and orthodontic appliances, orthodontic treatment, the taking of radiographs, the provision of sedation in connection with such treatment, the supply of listed drugs and the issue of prescriptions whether or not provided on referral to the provider of relevant primary dental services.]

### Textual Amendments

- F1** Words in art. 1(2) inserted (1.4.2006) by The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) (Amendment) Order 2006 (S.I. 2006/632), arts. 1(1), **2(a)**
- F2** Words in art. 1(2) substituted (1.4.2006) by The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) (Amendment) Order 2006 (S.I. 2006/632), arts. 1(1), **2(b)**
- F3** Words in art. 1(2) inserted (18.5.2007) by The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Amendment Order 2007 (S.I. 2007/1201), arts. 1(1), **2**

### Establishment of the Authority

2. There is hereby established a Special Health Authority which shall be known as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG).

### [<sup>F4</sup>Functions of the Authority

3. Subject to and in accordance with such directions as the appropriate authority may give to the Authority, the Authority shall perform such functions in connection with—

- (a) the administration of—
- (i) schemes relating to the provision of assistance with NHS charges;
  - (ii) the European Health Insurance Card;
  - (iii) the NHS Bursary Scheme in England;
  - (iv) the NHS Injury Benefit Scheme; <sup>F5</sup>...
  - (v) the NHS Pension Scheme; [<sup>F6</sup>and]
  - [<sup>F7</sup>(vi) the Social Care Busary Scheme in England;]
- (b) the assessment of the performance of dentists providing services under general dental services contracts and personal dental services agreements;
- (c) assisting
- (i) the Secretary of State in relation to specified Department of Health programmes; and
  - (ii) specified Special Health Authorities in the exercise of their functions,

by the provision of business services and facilities and the supply of staff;

- (d) the collation and provision of information about relevant primary dental services, pharmaceutical services and local pharmaceutical services;
- (e) the development and promotion of arrangements for the clinical governance of services provided under general dental services contracts and personal dental services agreements;
- (f) examining, checking and pricing of prescriptions for drugs, listed drugs, medicines and listed appliances supplied as part of pharmaceutical services or local pharmaceutical services;
- (g) the maintenance of records in respect of vocational training numbers allocated in England to dentists under regulation 5A of the National Health Service (General Dental Services) Regulations as they had effect on 31<sup>st</sup> March 2006;
- (h) the management of security in the health service in England;

**Status:** Point in time view as at 18/05/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005. (See end of Document for details)

- (i) the prevention, detection and investigation of fraud, corruption and unlawful activities against or affecting the health service in England and the Secretary of State in relation to her responsibilities for the health service in England including investigations for the purposes of proceedings;
- (j) the prevention and detection of fraud in relation to general dental services contracts, personal dental services agreements, pharmaceutical services and local pharmaceutical services in Wales;
- (k) the processing of payments to providers of goods or services, (or both), to the health service;
- (l) the procurement and supply of products and services for the purposes of the health service in England;
- (m) the provision of documentation relating to general dental services contracts and personal dental services agreements to the providers of those services;
- (n) refunding payments made in respect of charges for treatment for relevant primary dental services;
- (o) the responsibility for all policy and operational matters relating to the matters within paragraphs (h) and (i);
- (p) specified functions in relation to the rights and responsibilities of Primary Care Trusts under general dental services contracts or personal dental services agreements; and
- (q) such other functions

as the appropriate authority may direct.]

#### Textual Amendments

- F4** Art. 3 substituted (1.4.2006) by [The NHS Business Services Authority \(Awdurdod Gwasanaethau Busnes y GIG\) \(Establishment and Constitution\) \(Amendment\) Order 2006 \(S.I. 2006/632\)](#), arts. 1(1), **3**
- F5** Word in art. 3(a)(iv) omitted (18.5.2007) by virtue of [The NHS Business Services Authority \(Awdurdod Gwasanaethau Busnes y GIG\) \(Establishment and Constitution\) Amendment Order 2007 \(S.I. 2007/1201\)](#), arts. 1(1), **3(a)**
- F6** Word in art. 3(a)(v) inserted (18.5.2007) by [The NHS Business Services Authority \(Awdurdod Gwasanaethau Busnes y GIG\) \(Establishment and Constitution\) Amendment Order 2007 \(S.I. 2007/1201\)](#), arts. 1(1), **3(b)**
- F7** Art. 3(a)(vi) added (18.5.2007) by [The NHS Business Services Authority \(Awdurdod Gwasanaethau Busnes y GIG\) \(Establishment and Constitution\) Amendment Order 2007 \(S.I. 2007/1201\)](#), arts. 1(1), **3(c)**

#### Constitution of the Authority

4.—<sup>F8</sup>(1) The Authority shall consist of—

- (a) a chairman;
- (b) not less than two and not more than <sup>F9</sup>five] members who are not officers of the Authority in addition to the chairman; and
- (c) not more than <sup>F10</sup>six] members who are officers of the Authority including the persons who for the time being hold the office of chief executive and director of finance.

<sup>F11</sup>(2) The members mentioned in paragraph (1)(b) above shall include a person with particular experience suited to the interests of Wales.]

### Textual Amendments

- F8** Art. 4(1): art. 4 renumbered as art. 4(1) (1.4.2006) by [The NHS Business Services Authority \(Awdurdod Gwasanaethau Busnes y GIG\) \(Establishment and Constitution\) \(Amendment\) Order 2006 \(S.I. 2006/632\)](#), arts. 1(1), **4(1)**
- F9** Word in art. 4(1)(b) substituted (1.4.2006) by [The NHS Business Services Authority \(Awdurdod Gwasanaethau Busnes y GIG\) \(Establishment and Constitution\) \(Amendment\) Order 2006 \(S.I. 2006/632\)](#), arts. 1(1), **4(2)(a)**
- F10** Word in art. 4(1)(c) substituted (1.4.2006) by [The NHS Business Services Authority \(Awdurdod Gwasanaethau Busnes y GIG\) \(Establishment and Constitution\) \(Amendment\) Order 2006 \(S.I. 2006/632\)](#), arts. 1(1), **4(2)(b)**
- F11** Art. 4(2) added (1.4.2006) by [The NHS Business Services Authority \(Awdurdod Gwasanaethau Busnes y GIG\) \(Establishment and Constitution\) \(Amendment\) Order 2006 \(S.I. 2006/632\)](#), arts. 1(1), **4(3)**

### Remuneration of members

**5.** The Authority is hereby specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the Act (definition of “relevant authority” for the purposes of paying remuneration to members of certain Special Health Authorities).

Signed by authority of the Secretary of State for Health

*Jane Kennedy*  
Minster of State, Department of Health

<sup>M2</sup>Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

### Marginal Citations

- M2** 1998 c. 38.

**Status:** Point in time view as at 18/05/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005. (See end of Document for details)

---

## EXPLANATORY NOTE

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

This Order provides for the establishment and constitution of a Special Health Authority, to be known as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (“the Authority”), to exercise functions, in England and Wales, in connection with the processing of payments made to providers of goods and services to the health service, the development of, and planning for the coordination of, business and regulatory services within specified parts of the health service and such other functions as, in relation to England, the Secretary of State and, in relation to Wales, the National Assembly for Wales may direct it to perform.

Article 2 of the Order establishes the Authority, the functions of which are described in article 3 and are to be specified more particularly in directions given by the Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales. Provision is also made for the constitution of the Authority (article 4) and for the remuneration of its members (article 5).

**Status:**

Point in time view as at 18/05/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005.