WELSH STATUTORY INSTRUMENTS

2007 No. 961 (W.85)

HEALTH SERVICE, WALES

The References to Health Authorities Order 2007

Made - - - -	*20 March 2007*
Coming into force - -	*1 April 2007*

The National Assembly for Wales, in exercise of the power conferred on it by section 75 of the Health Act 2006(**1**) hereby makes the following Order:

Title, commencement and interpretation

1.—(1) The title of this Order is the References to Health Authorities Order 2007 and the Order comes into force on 1 April 2007.

(2) In this Order "subordinate legislation" has the same meaning as in the Interpretation Act 1978(**2**).

Extent

2. A modification by this Order of an enactment has the same extent as the enactment modified.

Modifications of Acts of Parliament

3. The enactments specified in the Schedule are amended as there specified.

Modifications of references to Health Authorities in subordinate legislation

4. All references in subordinate legislation to a Health Authority or Health Authorities are to be treated as references to a Local Health Board or Local Health Boards as appropriate, unless the context otherwise requires.

(**1**) 2006 c. 28.
(**2**) 1978 (c. 30).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**).

D. Elis-Thomas
20 March 2007 The Presiding Officer of the National Assembly

(**3**) 1998 c. 38.

SCHEDULE

Article 3

Modifications to Acts of Parliament relating to the abolition of Welsh Health Authorities and creation of Local Health Boards

Acts of Parliament

National Assistance Act 1948 (c. 29)

1. In section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), in subsection (1C) for "Health Authority" there is substituted "Local Health Board".

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

2. In Part 1 of Schedule 2 to the Reserve and Auxiliary forces (Protection of Civil Interests) Act 1951 (capacities in respect of which payments may be made under Part 5 and paying authorities), in paragraph 15 for "Health Authority", in each place where it occurs, there is substituted "Local Health Board".

Landlord and Tenant Act 1954 (c. 56)

3. In section 57 of the Landlord and Tenant Act 1954 (modification on grounds of public interest of rights under Part 2), in subsection (6) for "Health Authority" there is substituted "Local Health Board".

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

4. In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which this act applies), paragraph (1)(f) is omitted.

Leasehold Reform Act 1967 (c. 88)

5. In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsections (5)(d) and (6)(c) for "Health Authority" there is substituted "Local Health Board".

Health Services and Public Health Act 1968 (c. 46)

6.—(1) The Health Services and Public Health Act 1968 is amended as follows.

(2) In section 63 (provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare) —

(a) in subsection (1)(a) the words "Health Authority" are omitted;

(b) in subsection (2)(b) for "Health Authority" there is substituted "Local Health Board";

(c) in subsection (5A) the words "Health Authority" are omitted in both places where they occur; and

(d) in subsection (5B) paragraph (a) is omitted.

(3) In section 64 (financial assistance by the Minister of Health and the Secretary of State to certain voluntary organisations), in subsection (3)(b) for "Health Authority" there is substituted "Local Health Board".

Local Authority Social Services Act 1970 (c. 42)

7. In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions), in the entry for the Children Act 1989 for "health authorities" there is substituted "Local Health Boards".

Local Government Act 1972 (c. 70)

8.—(1) The Local Government Act 1972 is amended as follows.

(2) In section 113 (placing of staff of local authorities at disposal of other local authorities) —

(a) in subsections (1A), (1A)(a) and (1A)(b) for "Health Authority", in each place where it occurs, there is substituted "Local Health Board"; and

(b) in subsection (4) after the words "In subsection (1A) above", insert ""Local Health Board" means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006,".

Health and Safety at Work etc Act 1974 (c. 37)

9. In section 60 of the Health and Safety at Work etc Act 1974 (supplementary), in subsection 1 for "Health Authority" there is substituted "Local Health Board".

House of Commons Disqualification Act 1975 (c. 24)

10.—(1) The House of Commons Disqualification Act 1975 is amended as follows.

(2) In schedule 1 (offices disqualifying for membership), in Part 3 (other disqualifying offices) —

(a) in the entry beginning "Chairman or any member, not being also an employee of any Strategic Health Authority, Health Authority or Special Health Authority" the words "Health Authority" are omitted; and

(b) in the appropriate alphabetical position there is inserted —

"Chairman or any member, not being also an employee, of a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.".

Welsh Development Agency Act 1975 (c. 70)

11. In section 21C of the Welsh Development Agency Act 1975 (powers to advise on land matters), in subsection (2)(f) for "Health Authority" there is substituted "Local Health Board".

Race Relations Act 1976 (c. 74)

12.—(1) The Race Relations Act 1976 is amended as follows.

(2) In Schedule 1A (bodies and other persons subject to a general statutory duty), in Part 1 (original categories of bodies and other persons) —

(a) in paragraph 5 the words "or a Health Authority" are omitted; and

(b) after paragraph 5 there is inserted —

"**5A.** A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.".

Mental Health Act 1983 (c. 20)

13.—(1) The Mental Health Act 1983 is amended as follows.

(2) In section 23 (discharge of patients) —

(a) in subsection (3) for "Health Authority", in both places where it occurs, there is substituted "Local Health Board";

(b) in subsection (4) after "trust", in each place where it occurs, there is inserted ", board";

(c) in subsection (5) in the words before paragraph (a) after "trust", in both places where it occurs, there is inserted ", board"; and

(d) in subsection (5)(a) —

(i) for "Health Authority", in both places where it occurs, there is substituted "Local Health Board";

(ii) for "or trust" in both places where it occurs, there is substituted, ", trust or board"; and

(iii) for "such members (of the authority, trust, committee or sub-committee" there is substituted, "such members (of the authority, trust, board, committee or sub-committee".

(3) In section 24 (visiting and examination of patients), in subsection (3) for "Health Authority", in both places where it occurs, there is substituted "Local Health Board".

(4) In section 25A (application for supervision), in subsections (6), (7) and (8) for "Health Authority", in each place where it occurs, there is substituted "Local Health Board".

(5) In section 25C (supervision applications: supplementary), in subsection (6) for "Health Authority" there is substituted "Local Health Board".

(6) In section 25F (reclassification of patient subject to after-care under supervision), in subsection (1) for "Health Authority" there is substituted "Local Health Board".

(7) In section 32 (regulations for the purposes of Part 2), in subsection (3) —

(a) for "Health Authorities" there is substituted "Local Health Board"; and

(b) after "managers" there is inserted ", boards,".

(8) In section 39 (information as to hospitals) —

(a) in subsection (1) for "Health Authority" in each place where it occurs, there is substituted "Local Health Board";

(b) in subsection 1(b) for "any other" substitute "the National Assembly for Wales or any other";

(c) in subsection (1) before the words "have or can reasonably" insert "or National Assembly for Wales"; and

(d) in subsection (1) before the words "shall comply with any such request" insert "or National Assembly for Wales".

(9) In section 117 (after-care) in subsections (2), (2A) and (3) for "Health Authority", in each place where it occurs, there is substituted "Local Health Board".

(10) In section 134 (correspondence of patients), in subsection 3(e) for "Health Authority" there is substituted "Local Health Board".

(11) In section 139 (protection for acts done in pursuance of this act), in subsection (4) for "Health Authority" there is substituted "Local Health Board".

(12) In section 140 (notification of hospitals having arrangements for reception of urgent cases), for "Health Authority", in each place where it occurs, there is substituted "Local Health Board".

(13) In section 145 (interpretation), in subsection (1) —

(i) in the appropriate alphabetical position there is inserted —