WELSH STATUTORY INSTRUMENTS

2004 No. 1019 (W.116) (C.46)

NATIONAL HEALTH SERVICE,WALES

The Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) (Amendment) Order 2004

Made - - - - *31st March 2004 at 4:45 p.m.*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 195(1)(b) and 199 of the Health and Social Care (Community Health and Standards) Act 2003(**1**), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) (Amendment) Order 2004.

(2) This Order comes into force at 6 p.m. on 31st March 2004.

(3) In this Order, "the Order" means the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No 1) (Wales) Order 2004(**2**).

Amendments to the Order

2.—(1) In article 1(2) of the Order (citation, commencement, interpretation and application), after "the commencement of", insert "the provisions referred to in".

(2) In article 2(2) of the Order (appointed days for provisions relating to primary medical services), there shall be deleted the words "in so far as it relates to new section 16CC(1), of the 1977 Act" and "and in so far as it relates to section 16CC(3), (5) and (6)".

(3) In article 4(2) of the Order (consequential amendments relating to primary medical services and general medical services coming into force on 1st April 2004)—

(a) in sub-paragraph (b), for "paragraph (iii) and (iv) below" there shall be substituted "paragraphs (c) and (d) below", and

(b) sub-paragraph (l) shall be omitted.

(**1**) 2003 c. 43.
(**2**) S. I. 2004/480(W.49) (C.19).

(4) In article 5(1) of the Order (repeals relating to primary medical services and general medical services), for "provisions of" there shall be substituted "repeals of the enactments mentioned in".

(5) In article 5(2) of the Order

(a) in sub-paragraphs (d), (e), (i), (l), (m), (o), (q), (r) and (s), for "so far as it relates" there shall be substituted "relation";

(b) in sub-paragraph (d), delete "the words in paragraph 3(1)(g)," and for "paragraphs 6A and 6B" there shall be substituted "paragraphs 1(2)(d), 2(2)(c), 6A and 6B";

(c) in sub-paragraph (i), for "he" there shall be substituted "the";

(d) in sub-paragraph (m), for "paragraphs 18 to 24" there shall be substituted "paragraphs 18 to 23 of Schedule 1";

(e) for sub-paragraph (p) there shall be substituted

"(p) in relation to the 1997 Act, Part 1 and section 40(3), in so far as they relate to personal medical services, and sections 23(1), 25(1) and 32, Schedule 1 and Schedule 2, paragraphs 6, 8 to 11, 71, 80 and 81;"; and

(f) in sub-paragraph (r), for "paragraph 11(3)" there shall be substituted "paragraphs 5(4) to (6) and 11(3)".

(6) For article 6(4)(f) of the Order (transitional provisions applying until the coming into force of section 172(1) of the Act), there shall be substituted—

"(ee) section 43C(3) (indemnity cover) shall be read as if in the definition of "Part II services", the words "general dental services," were inserted before the words "general ophthalmic services";

(f) section 43D (supplementary lists) shall be read as if—

(i) in subsection (1), after the words "general ophthalmic services" there were inserted ",general dental services,", and

(ii) in subsection (10), for the words "paragraphs (a) to (e), a supplementary list" there were substituted "paragraphs (b) to (e), a supplementary list, a list under section 28X";".

(7) In article 6(4)(i) of the Order

(a) in sub-paragraph(ii), for " "under a general dental services contract" " there shall be substituted " "under a general dental services contract entered into by him" ";

(b) in sub-paragraph (iii), for "(4)(iii)" there shall be substituted "(4)(a)(iii)" and after "omitted" there shall be inserted "and as if, in sub section (4)(b), the words "Local Health Board" were inserted after "Primary Care Trust".

(8) In article 6(4)(p) of the Order, there shall be substituted—

"(p) Schedule 9A (the Family Health Services Appeal Authority) shall be read as if—

(i) in paragraph 6 there were inserted before paragraph (c) the following paragraph—

"(bb) dental practitioner providing general dental services, or performing personal dental services under section 28C arrangements;", and

(ii) in paragraph 10(aa), for the words "paragraph 6(c) or (d) above", there were substituted the words "paragraph 6(bb), (c) or (d) above"."

(9) For article 6(9) of the Order, there shall be substituted—

"(9) In relation to Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), paragraph 7 shall be read as if the words "or primary dental services" were omitted and as if there were inserted at the end "or personal