

2005 No. []

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

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

<i>Made</i> - - - -	2005
<i>Laid before Parliament</i>	2005
<i>Coming into force</i> - -	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⁽¹⁾, and now vested in them and of all other powers enabling them in that behalf hereby make the following Order:

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;

⁽¹⁾ 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.

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

“the NHS Pension Scheme” means the National Health Service Pension Scheme for England and Wales.

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).

Functions of the Authority

3. Subject to and in accordance with such directions as the appropriate authority may give to the Authority(2), the Authority shall perform such functions relating to—

- (a) the processing of payments to providers of goods and services to the health service;
- (b) the development of, and planning for the co-ordination of, business and regulatory services relating to the—
 - (i) provision of general dental services, personal dental services and pharmaceutical services;
 - (ii) administration of the NHS Pensions Scheme;
 - (iii) administration of the NHS Bursary Scheme in England;
 - (iv) administration of the European Health Insurance Card; and
 - (v) prevention, detection and investigation of fraud, corruption and unlawful activities and the management of security in relation to the National Health Service; and
- (c) such other functions,

as the appropriate authority may direct.

Constitution of the Authority

4. The Authority shall consist of—

- (a) a chairman;
- (b) not less than two and not more than four members who are not officers of the Authority in addition to the chairman; and
- (c) not more than four 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.

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

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Department of Health

(2) See, in particular, sections 16D, 17 and 18 of the National Health Service Act 1977 (c.49); section 16D was inserted by section 12(1) of the 1999 Act and amended by sections 1(3), 3(1) and (2) of, and paragraphs 1 and 6(a) of Schedule 1 to, the 2002 Act; section 17 was inserted by section 12(1) of the 1999 Act and amended by section 67(1) of, and paragraph 5(1) and (3) of Schedule 5 to, the 2001 Act (c.15) and section 1(3) of, and paragraphs 1 and 7 of Schedule 1 to, the 2002 Act; section 18 was amended by sections 2(1), 5(1) and 3(8) of, and paragraph 9(b) and (c)(ii) of Schedule 1 and Schedule 3 to, the 1995 Act, section 12(3) and (4) of the 1999 Act and sections 1(3), 3(1), (5)(a) and (b) and 37(2) of, and paragraphs 1 and 9 of Schedule 1 and Part 1 of Schedule 9 to, the 2002 Act.

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

The Presiding Officer of the National Assembly

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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).

(3) 1998 c.38.