

2006 No. []

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The NHS Business Services Authority (Awdurdod Gwasanaethau
Busnes y GIG) (Establishment and Constitution) (Amendment) Order
2006**

<i>Made</i>	- - - -	2006
<i>Laid before Parliament</i>		2006
<i>Coming into force</i>	- -	1st April 2006

The Secretary of State for Health in relation to England, and the National Assembly for Wales in relation to Wales, make the following Order in exercise of the powers conferred by sections 11(1), (2) and (4) and 126(3) and (4) of the National Health Service Act 1977(a) and now vested in them.

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) (Amendment) Order 2006 and shall come into force on 1st April 2006.

(2) In this Order “the principal Order” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(b).

Amendment of article 1 of the principal Order

2. In article 1(2) of the principal Order (citation, commencement and interpretation)—

(a) at the appropriate alphabetical place insert—

““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(c), but excluding any scheme making provision for the early payment of a pension, allowance or gratuity in respect of ill-health;”;

““orthodontic appliance” means a device used in the mouth to move or immobilise the teeth in order to correct or prevent malocclusion;”;

(a) 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) and section 65 of, and paragraphs 4 and 6 of Schedule 4 to, the Health Act 1999 (c.8) (“the 1999 Act”); section 126(3) was amended by section 41(10) of, and paragraph 27 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.47) and section 65(2) of the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”); section 126(4) was amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37(1) and (6) of Schedule 4 to, the 1999 Act, section 67(1) of, and paragraphs 5(1) and (13)(b) of Schedule 5 to, the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), sections 6(3)(c) and 37(1) of, and paragraphs 1 and 10(a) of Schedule 8 to, the National Health Service Reform and Health Care Professions Act 2002 and section 184 of, and paragraphs 7 and 38 of Schedule 11 and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43) (“the 2003 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 2001 Act and section 196 of, and Part 4 of Schedule 14 to, the 2003 Act on a date to be appointed.

(b) S.I. 2005/2414.

(c) 1972. c. 11

““orthodontic treatment” means treatment of, or treatment to prevent, malocclusion of the teeth and jaws, and irregularities of the teeth;”;

““personal dental services agreements” means agreements made under section 28C of the Act for the provision of primary dental services;”;

““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;”;

““specified” means specified in directions;”;

““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.”; and

- (b) for the definition of “NHS Pension Scheme” substitute—

““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;”.

Amendment of article 3 of the principal Order

- 3. For article 3 of the principal Order (functions of the Authority) substitute—

“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; and
 - (v) the NHS Pension Scheme;
- (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^(a) as they had effect on 31st March 2006;
- (h) the management of security in the health service in England;
- (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.”.

Amendment of article 4 of the principal Order

4.—(1) Article 4 of the principal Order (constitution of the Authority) is renumbered as article 4(1).

(2) In article 4(1) of the principal Order in paragraph (1)—

- (a) in sub-paragraph (b) for “four” substitute “five”; and
- (b) in sub- paragraph (c) for “four” substitute “six”.

(3) After article 4(1) add the following paragraph—

“(2) The members mentioned in paragraph (1)(b) above shall include a person with particular experience suited to the interests of Wales.”.

Signed by authority of the Secretary of State for Health

[] 2006

[Name]
[Title]
Department of Health

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

[] 2006

The Presiding Officer of the National Assembly
National Assembly for Wales

(a) S.I. 1992/661.
(b) 1998 c.38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005.

Article 3 confers on the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (“the Authority”), functions previously carried out by the NHS Pensions Agency (Asiantaeth Pensiynau’r GIG), which is abolished by the NHS Pensions Agency (Asiantaeth Pensiynau’r GIG) Abolition Order 2006 S.I. []; the Prescription Pricing Authority, the Dental Vocational Training Authority, the National Health Service Logistics Authority and the Counter Fraud and Security Management Service which are abolished by the Special Health Authorities Abolition Order 2006 S.I. [] and the Dental Practice Board which is abolished by section 181 of the Health and Social Care (Community Health and Standards) Act 2003.

Article 4 amends the constitution of the Authority and in particular provides that the non-officer members of the Authority must include a person with particular experience suited to the interests of Wales.