

NATIONAL ASSEMBLY FOR WALES

SUBORDINATE LEGISLATION

2006 No. 54

NATIONAL HEALTH SERVICE ACT 1977

Directions to NHS Bodies on Counter Fraud Measures (Wales) (Amendment) Directions 2006

Made 22 July 2006

Coming into force 24 July 2006

The National Assembly for Wales, acting in exercise of the powers conferred by sections 16BB(4), 17, and 126(4) of the National Health Service Act 1977(1), hereby gives the following Directions:

Commencement, interpretation and application

1.—(1) These Directions come into force on 24 July 2006 and are given to the NHS bodies in Wales.

(2) These Directions apply in relation to Wales.

(3) In these Directions —

“the 2005 Directions” means the Directions to NHS bodies on Counter Fraud Measures 2005.

Amendment of the 2005 Directions

2. The 2005 Direction are amended as follows.

(1) 1977 c.49. Section 16BB(4) was inserted by the National Health Service Reform and Health Care Professions Act 2002 (c.17) and was amended by section 184 of and paragraphs 7 and 10 of Schedule 11 to the Health and Social Care (Community Health and Standards Act 2003 (c.43). Section 17 was substituted by section 12(1) of the Health Act 1999 (c.8) (“the 1999 Act”) and was amended by section 67(1) of and Schedule 5, Part 1, paragraph 5(1) and (3), to the Health and Social Care Act 2001 (c.15). The functions of the Secretary of State under sections 17 (except in some cases not relevant to these directions), and 126(4) are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 as amended by section 66(4) and (5) of the 1999 Act.

3. In paragraph 1(2) (application, commencement and interpretation),—

- (a) In the definition of “the CFSMS” (“*y CFSMS*”) after the word “Service” add “, which was replaced on 1 April 2006 by the NHS Business Services Authority”; and
- (b) insert at the appropriate alphabetical place —
““the NHS BSA” (“*Yr AGB y GIG*”) means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(1);”;
- (c) delete the definition of “the Order” and immediately following the words “Local Health Board;” in the definition of “Chief Executive” insert the word “and” and delete the word “and” at the end of the definition of “Director of Finance” and insert a full stop.

4. In paragraph 2(1) (general), after the words “guidance or advice issued by the CFSMS” add the words “before 1 April 2006 and which has not been revoked by the Counter Fraud and Security Management Service Division of the NHS BSA or which may be issued by the Counter Fraud and Security Management Service Division of the NHS BSA” and after the word “or” add the words “guidance or advice issued by”.

5. In paragraphs 3 (Co-operation with the Counter Fraud and Security Management Service), 4 (Co-operation with the Operational Team (Wales), 5 (Appointment of Local Counter Fraud Specialists), 6 (Responsibilities and functions of the Local Counter Fraud Specialist) and 7 (Responsibilities of NHS bodies in relation to the Local Counter Fraud Specialist) where the words “the CFSMS” occur substitute the words “the Counter Fraud and Security Management Service Division of the NHS BSA” and where the words “the CFSMS’s” occur substitute the words “the MHS BSA’s Counter Fraud and Security Management Service Division’s”.

Signed

Date

Minister for Health and Social Services

(1) S.I. 2005/2414 amended by S.I. 2006/ 632.