

SL(6)338 – Health and Social Care (Quality and Engagement) (Wales) Act 2020 (Consequential, Supplementary and Incidental Amendments and Revocations) (Secondary Legislation) Regulations 2023

Background and Purpose

The Health and Social Care (Quality and Engagement) (Wales) Act 2020 (Consequential, Supplementary and Incidental Amendments and Revocations) (Secondary Legislation) Regulations 2023 (“the Regulations”) are made under section 28 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”).

The 2020 Act established the Citizen Voice Body for Health and Social Care, Wales (“the Body”). The Body’s general objective, in exercising its functions, is to represent the interests of the public in respect of health and social services. The 2020 Act also provides for the abolition of the Community Health Councils.

These Regulations make consequential, supplementary and incidental amendments to, and provide for the revocation of, secondary legislation to reflect the establishment of the Body and the commencement of its substantive functions, and the abolition of the Community Health Councils, provided for in the 2020 Act.

The majority of the provisions in the Regulations come into force on 1 April 2023 to coincide with the date upon which the Citizen Voice Body for Health and Social Care, Wales will become fully operational, and the Community Health Councils will be abolished. The remainder of the provisions in the Regulations will come into force on 1 July 2023, which is the date upon which relevant bodies must have regard to the code of practice on access to premises published by the Welsh Ministers under section 19 of the 2020 Act. The code of practice on access concerns (a) requests made by the Citizen Voice Body for access to premises for the purpose of seeking the views of individuals in respect of health services or social services, and (b) where access to those premises has been agreed, engagement with individuals at those premises for that purpose.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd



is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the following explanation under heading 5 of the Explanatory Memorandum as to why there has been no formal consultation on the Regulations:

“No consultation has been undertaken specifically on these Regulations, which principally make technical provision so as to ensure that the objectives of the 2020 Act can be properly fulfilled and to further ensure that the 2020 Act works in harmony with existing legislation. Consultation has already been undertaken on policy embodied in the 2020 Act, and also on the proposed code of practice on access to premises (which specifically refers to primary care providers being subject to it) and therefore it was not considered necessary or proportionate to undertake further consultation.”

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the following explanation under heading 6 of the Explanatory Memorandum as to why there has been no regulatory impact assessment in respect of the Regulations:

“A regulatory impact assessment has not been prepared in respect of these Regulations, as they make consequential and technical amendments to existing legislation, and do not impose or reduce costs for business, charities or voluntary bodies or the public sector. This is in line with the policy set out in the Welsh Ministers’ Code of Practice for carrying out Regulatory Impact Assessments for subordinate legislation.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

21 March 2023



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee