

**2017 No. 959**

**NATIONAL HEALTH SERVICE, ENGLAND & WALES**

**The NHS Business Services Authority (Awdurdod  
Gwasanaethau Busnes y GIG) (Establishment and Constitution)  
(Amendment) Order 2017**

*Made* - - - - *3rd October 2017*

*Laid before Parliament* *4th October 2017*

*Laid before the National Assembly for Wales* *4th October 2017*

*Coming into force* - - *1st November 2017*

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, in exercise of the powers conferred on the Secretary of State by sections 28(2) and 273(1) of the National Health Service Act 2006(a), and the Welsh Ministers by sections 22(2), and 204(1) of the National Health Service (Wales) Act 2006(b) make the following Order.

**Citation, commencement and extent**

**1.** This Order—

- (a) may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) (Amendment) Order 2017;
- (b) comes into force on 1st November 2017;
- (c) extends to England and Wales.

**Amendment**

**2.** In the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(c), at article 3 (functions of the Authority), omit paragraphs (h), (i), (j) and (o).

Signed by authority of the Secretary of State for Health.

*O'Shaughnessy*

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- (a) 2006, c.41 Section 271 of the National Health Service Act 2006 provides that the functions of a Minister of the Crown under the Act exercised in this Order are exercisable only in relation to England.
  - (b) 2006, c.42. Section 202 of the National Health Service (Wales) Act 2006 provides that functions of the Welsh Ministers under the Act are exercisable only in relation to Wales.
  - (c) SI 2005/2414, to which relevant amendments were made by SI 2006/632. Both the 2005 and the 2006 Orders now have effect as if made under section 28 of the National Health Service Act 2006 in relation to England, and section 22 of the National Health Service (Wales) Act 2006 in relation to Wales, by virtue of section 4 of, and paragraphs 1 and 2 of Part 1 of Schedule 2 to, the National Health Service (Consequential Provisions) Act 2006 (c. 43).

3rd October 2017

Parliamentary Under-Secretary of State,  
Department of Health

*Vaughan Gething*  
Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers  
2nd October 2017

### 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 (“the principal Order”) in relation to both England and Wales. It removes the obligation on the NHS Business Services Authority (“the BSA”) subject to and in accordance with directions of the Secretary of State to undertake certain of his counter fraud and security management functions in relation to the health service in England. It also removes provision in respect of certain counter fraud functions of the Welsh Ministers that the BSA was required under the principal Order to carry out in relation to the health service in Wales, subject to and in accordance with such directions as might be given by the Welsh Ministers (successors to the National Assembly for Wales for these purposes, by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32)).

Article 2 amends article 3 (functions of the BSA) in the principal Order to omit reference to the functions concerned.

A separate statutory instrument, the NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017, makes provision for the establishment of a new body to undertake certain counter fraud functions of the Secretary of State in relation to the health service in England, and includes provision for continuity in relation to the exercise of functions by the new body which were exercisable by the BSA prior to 1st November 2017.

An impact assessment has not been prepared for this instrument as no impact on the costs of business or the voluntary sector is foreseen.

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