

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2006-07**

**HSS(2)-04-07(p.2a)
HEALTH AND SOCIAL CARE**

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2006-07

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HSS 24 (03)	The Children (Performances) (Amendments) (Wales) Regulations 2007	To remove current limits on the number of performances a child may undertake each year in film, TV or theatre; and to make some other aspects of regulation of such performances less restrictive.	Plenary due 6 March 2007	1. SO 24 2. Standard 3. Wales
HSS 36 (03)	The National Health Service (Pharmaceutical Services) (Wales) Regulations 2005	Changes regarding control of entry rules around controlled areas. The First Minister agreed (29 th June 2004) to consult stakeholders on proposals to make regulatory changes to streamline the “Control of Entry” process (i.e. consideration of applications from pharmacies and the related appeals system) and to inform stakeholders that criteria will be developed to help determine that applications meet the requires Proposals taking into account the outcome of the English review are now being drafted	Timetable not yet fixed	1.SO24/SO22 2. Standard/Executive 3.UKWales

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		for the Minister's consideration.		
HSS 44 (03)	Health Professions Order Consequential Amendments	Amendments required to NHS (Professions Supplementary to Medicine) Reg 1974 and NHS (Speech Therapists) Reg 1974.	Not Known awaiting advice	1.SO24 2.Standard 3.UK
HSS 28 (04)	The National Health Service Complaints Procedure (Wales) Identified on 3 March 2004 for scrutiny	To be exercised as part of the underpinning legislation for new integrated NHS Redress arrangements.	Not expected to be completed until 2008/09	Affirmative Procedure
HSS 36 (04)	The Water Act 2003 (Commencement No3) (Wales) Order 2005 Identified on 23 June 2004 for Scrutiny	To bring into force section 58 of the Water Act for the purpose of introducing water fluoridation consultation regulations in Wales.	Not Known Not planned for this year This position remains unchanged	Negative Resolution
HSS 37 (04)	The Water Fluoridation (Wales Consultation) Regulations 2005	To introduce regulations governing consultation arrangements for any water fluoridation scheme(s) that might be	Not known Not planned for	Affirmative Resolution for first Regulations. Amended /Revised

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	Identified on 23 June 2004 for Scrutiny	introduced in Wales	this year This position remains unchanged	Regulations would be subject to Negative Resolution
HSS 57 (04)	The National Health Service (Pharmaceutical Services) Regulations 2005 Identified on 16 February 2006 for Scrutiny Scrutiny postponed because of other amendments to these Regulations (Minister's letter of 15.2.07 refers)	Formalising through Regulations the new way of supplying oxygen by removing WP10s as a method of prescribing it.	Delayed – unlikely to be before May.	Not known
HSS 58 (04)	The National Health Service (Performers Lists) (Pharmacists) (Wales) 2005	To create a Performers list for Pharmacists	Currently on hold	1. SO 24 2. Standard 3. Wales

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HSS 70 (04)	Shipman Inquiry Regulations 2005 Identified on 12 January 2005 for Scrutiny	Changes to existing regulations because of recommendations made in Shipman IV and Shipman V. An Expert Working Group is being set up to look at all the Shipman, Neale and Ayling recommendations together. Regulations will only be made once the recommendations have been discussed.	Summer 2007	1. Negative Resolution 2. Wales
HSS 02 (05)	Mental Capacity Act (2005) Regulations Identified on 25 May 2005 for Scrutiny Scrutinised on 13 December	To specify the appropriate body to authorise research involving incapacitated person and matters regarding the continuation of research when a consenting person loses capacity. To set out matters regarding the appointment and functions of Independent Mental Capacity Act Advocates (IMCAA) and if deemed necessary to expand the role of IMCAAs To define the meaning of 'NHS Body' for specific sections in the Act	Target date for Plenary 13 March 2007 To take effect from April 2007	1. SO24 2. Standard 3. Wales

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		To set the commencement date of these regulations for Wales (which must coincide with the commencement of the Act)		
HSS 05 (05)	<p>Amendment to The Health, Social Care and Well-being Strategies (Wales) Regulations 2003</p> <p>Identified on 25 May 2005 for Scrutiny</p> <p>To be scrutinised by HSS on 1 March 2007, and by Local Government Public Services Committee (LGPS) on 7 March 2007</p>	<p>To change the operative period of the Health, Social Care and Well-Being Strategies from 5 years to 3 years from April 2008;</p> <p>To revoke the need for consultation on the Needs Assessment;</p> <p>To include equality issues in the list of matters which the strategy must address;</p> <p>To revoke the need for responsible bodies to provide the Assembly with written details why it has not entered into a commissioning group for secondary care service;</p>	<p>Was to take effect from April 2006 – but target coming into force date is now 1 April 2007</p> <p>This timetable has slipped - a Commissioning Task & Finish Group (and 4 sub-groups) has been established to consider changes to commissioning framework. These groups</p>	<p>1. SO24 2. Standard/Executive 3. Wales</p>

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		<p>To update references to other strategies and plans, such as the Children Act 2004 and Children and Young People's Plans;</p> <p>To remove the duty for Children and Young People's Plans (formerly Children's Services Plans) together with Community Care Plans and Health, Social Care and Well-being Strategy</p>	<p>reported to the Director of Strategy at the end of March 2006. A new Commissioning Framework has been developed that strengthens the role of the Health, Social Care and Well-being Strategies.</p>	
HSS 24 (05)	LHB (Constitution, Membership & Procedures)(Amendment)(Wales)2006 (NB This title is provisional) Identified on 5 October	Amendment of LHB (Constitution, Membership & Procedures)(Wales) Regs 2003 to address appointment and tenure issues	Coming into Force 1 April 2007	<ol style="list-style-type: none"> 1. SO24 2. Standard 3. Wales

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	2005 for Scrutiny Scrutinised on 7 February 2007			
HSS 49 (05)	The Local Health Board Medical Services (Amendment) Directions 2006	The Directions will contain consequential amendments to take account of GMS amendments within the Independent Prescribers Regulations 2005 – HSS 71(04) above refers	1 June 2007	Directions – neither affirmative nor negative resolution
HSS 51 (05)	The Alternative Provider Medical Services (Wales) (Amendment) Directions 2006	The Directions will contain consequential amendments to take account of GMS amendments within the Independent Prescribers Regulations 2005 – HSS 71(04) above refers	1 June 2007	Directions – neither affirmative nor negative resolution
HSS 3 (06)	Adoption Agencies (Wales) Amendment Regulations 2006	To provide an exemption for agencies which promote and facilitate inter-agency placements	Unknown	1. SO24 2. Standard 3. Wales
HSS 9 (06)	The Care Standards Act 2000 - National Minimum	To possibly introduce a limited number of relaxations to the NMS for care homes for	Recent letter to Chair from	1.SO29 2.Standard

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	Standards (NMS) for care homes for Younger Adults and for Older People Identified on 19 January 2006 for Scrutiny	younger adults as they apply to small care homes only, i.e. those with fewer than three residents. This follows a similar exercise undertaken in 2004 for the NMS for care homes for older people, again as they applied to small care homes only.	Minister confirmed proposals held in abeyance due to wider potential changes to National Minimum Standards	3.Wales
HSS 21 (06)	The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes Y GIG) (Directions) (Wales) 2006	Consequential amendments to take account of amendments to the NHSBSA (Amendment) Regulations 2006 HSS 59 (05) – more detailed Directions to replace Directions issued on 31.3.06 (previous ref HSS 11/06 referred)	1 April 2007	1. SO 29.3 2. Standard 3. Wales
HSS 23 (06)	NHS (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations Scrutinised on 15 November 2006	To abolish the prescription charge	Approved in Plenary on 23 rd January 2007 – coming into force on 1 April 07	1. SO24 2. Standard 3.Wales

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SUBORDINATE LEGISLATION PROGRAMME 2006-07**

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HSS 24 (06)	The National Health Service (Travelling Expenses and Remission of Charges) Regulations 2006 Identified on 15 June 2006 for Scrutiny To be scrutinised on 1 March 2007	To consolidate the existing Regulations and make amendments to capital limits as a consequence of uprating in The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2007 and the National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2007 (HSS 2 (07))	Due to be made on 28 March 2007 and come into force on 1 April 2007, with uprating to come into force on 9 April 2007	1. SO24 2. Standard 3. Wales
HSS 27 (06)	International Health Regulations (HR) 2005	The IHR are the means by which the World Health Organisation aims to prevent and control the international spread of disease and protect health. The Department of Health is looking to implement the IHR with changes to primary legislation. Wales will be required to prepare the Secondary legislation required to fulfil the requirements of IHR 2005 The changes to the legislation needed to implement the IHR 2005 was due to be included in the now withdrawn 2006-7 H&SC Bill. The Department of Health is	Confirmation that the legislation will be included in this Bill is unlikely until the new year.	1. 2. 3.UK

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		currently considering how to introduce the legislation and will be formally bidding that the necessary primary legislation will be included in the carry over Health and Social Care Regulation and reform Bill.		
HSS 31 (06)	The Smoke-Free Premises etc (Wales) Regulations 2007 Identified for Scrutiny on 28 September 2006 Scrutinised on 30 November 2006	Regulations to make enclosed public places and workplaces smoke-free, in line with the provisions of Chapter 1 of the Health Act 2006.	Approved by Plenary on 30 January; to be made once Smoke-Free (Penalties and Discounted Amounts) Regulations have been made by Secretary of State for Health; coming into force 2 April 2007	1. SO24 2. Standard 3. Wales
HSS 32	Local Authority Adoption Services (Wales) Regulations	Provide a regulatory framework for local Authority adoption services.	Plenary 28 March 2007	1. SO24 2. Standard

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HEALTH AND SOCIAL CARE**

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(06)	2006 Identified on 28 September 2006 for Scrutiny Scrutinised on 7 February 2007			3. Wales
HSS 33 (06)	Children and Adoption Act 2006 (Commencement No 1) (W) Order 2007	Power to charge in relation to section 83 cases and regulations made under section 1 of the Adoption (Intercountry Aspects) Act 1999 apply	Coming into force 1 April 2007	1. SO24 2. Standard 3. Wales
HSS 40 (06)	The references to Health Authorities (Wales) Order 2007	To amend references to Health Authority/ies in various pieces of legislation as a result of the abolition of Health Authorities	1 April 2007	1. SO24 2. Standard 3.
HSS 41 (06)	Placement of Children and Miscellaneous (Wales) Regulations 2007	The changes proposed to this and the three sets of regulations that follow are interrelated. As such they should be considered as a package, which alongside	1 July 2007	1. SO24 & SO29 2. Standard 3. Wales

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	<p>Children's Homes (Wales Amendment) Regulations 2007</p> <p>Local Health Boards (Functions) (Wales Amendments) Regulations 2007</p> <p>Review of Children Cases (Wales) Regulations 2007</p> <p>Identified for Scrutiny on 5 July 2006</p> <p>Scrutinised on 13 December 2006</p>	<p>statutory guidance to be issued under the CA2004, aim arrangements for the placement, health, education and wellbeing of looked after children.</p> <p>Details are included with the feasibility report tabled by Business Unit on 31 May 2006 and debated in plenary on 7 June 2006</p> <p>The proposed changes also amend the responsible commissioner arrangements for certain categories of children placed away from their home area.</p> <p>The proposals aim to deliver on commitments made by the Minister for H&SS in his feasibility report tabled by Business Unit on 31 May and debated in Plenary on 7 June.</p> <p>The instruments were identified for scrutiny on 5 July 2006 for scrutiny on 13</p>		<p>The regulations and statutory guidance will be issued under Children Act 2004 and Local Authority Social Services Act 1970</p>

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		December to comply with SO 31 requirements.		
HSS 43 (06)	The Health Act 2006 (Commencement No 1 and Transitional Provisions) (Wales) Order 2007	To bring into force all the provisions of the Health Act 2006 relating to (1) smoke-free premises, places and vehicles, in so far as they are not already in force; (2) counter fraud functions in relation to the health service in Wales, in so far as they are not already in force; and (3) accounts and audit provisions in relation to Welsh NHS bodies in so far as they are not already in force.	Legislation made on 30 January 2007 and due to come into force on 2 April 2007	1. SO24 2. Standard 3. Wales
HSS 46 (06)	The Primary Medical Services (Directed Enhanced Services) (Amendment) (Wales) Directions 2007	Dependent on negotiations on the GMS contract for 2007/09, there may be amendments to these Directions	1 April 2007	1. SO29 2. 3. Wales
HSS 47 (06)	National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2007	To bring into force changes proposed by the Department of Health in Relation to certain categories of overseas visitors	Further amendments proposed by DoH. Exact date	1. SO24 2. Standard 3. UK/Wales

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			still unknown but will be during 2007.	
HSS 1(07)	National Health Service (Amendment) (Regulations) Wales NHS Sight Test Fees	To uplift the fees for NHS sight test fees	March 2007	1.SO24 2. Accelerates 3. Wales
HSS 3(07)	The Care Standards Act (2000) To Committee on 1 March 2007 in accordance with SO 31.5	To make regulations to apply to prescribed persons providing dental services privately	scheduled for plenary 14 March 2007.	Subject to Stage 2 SO 31approval –
HSS 4(07)	The General Ophthalmic Services (Payments for Continuing Education and Training (Wales) (Amendment) Directions 2007	Updating rate paid for CET year commencing 1st January 2005	March 2007	1. SO 29 2. Accelerated 3. Wales
HSS 5(07)	Special Guardianship (Amendment)(Wales)	These regs introduce the requirement to undertake CRB checks on special	Coming into force on 1 October	SO 24

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SUBORDINATE LEGISLATION PROGRAMME 2006-07**

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HEALTH AND SOCIAL CARE**

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	Regulations 2007	guardians.	2007	Negative Resolution Wales
HSS 6(07)	The Approval and Visiting of Post Qualifying Courses for Social Workers (Wales) Rules 2007	These are Rules made by the Care Council for Wales under sections 63(1)(3)(6), 66(1)(2) and 71(1)(2)(3) of the Care Standards Act 2000. They provide the framework under which the Council can approve post-qualifying courses for social workers. Before the Rules come into force they must be approved by the Minister for Health and Social Services (CSA 71(4))	March 2007	SO 30
HSS 7 (07)	The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2007	Dependent on negotiations on the GMS contract for 2007/09, and subject to whether the Doctors and Dentists Review Body make a recommendation for an uplift, (not known until the end of this month at the earliest) there may be amendments to these Directions	1 April 2007	1. SO29 2. 3. Wales

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SUBORDINATE LEGISLATION PROGRAMME 2006-07**

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		Legislation made under SO29		
	The Primary Medical Services (Influenza Immunisation Scheme for Poultry Workers) (Wales) Directions 2007	Retrospective notification to HSSC that this legislation has been made.	Came into force on 17 January 2007	1. SO 29.6
HSS 8(07)	The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2007	To maintain the status quo regarding payments made to pharmacy and appliance contractors based on the Drug Tariff	1 April 2007 – Committee has been informed by letter of these Regulations	1. SO 29 2. Accelerated 3. Wales