

**HEALTH AND SOCIAL SERVICES PORTFOLIO  
SUBORDINATE LEGISLATION PROGRAMME 2003/04**

**HSS(2)-07-03(p.4a)  
HEALTH AND SOCIAL CARE**

**HSS(2)-07-03(p.4a)**

**2003 - 2004**

	<b>NAME/WORKING TITLE</b>	<b>PURPOSE</b>	<b>PROJECTED MONTH LEGISLATION TO BE MADE</b>	<b>1.STANDING ORDER 2. PROCEDURE – 3. WALES / UK OR EUROPE</b>
HSS 1(03)	NHS (England and Wales) (National Blood Authority) (Establishment and Constitution) (Amendment) Order 2003	Establishing the National Blood Authority	Not Known	1. SO 23 2. Standard 3. England and Wales
HSS 3(03)	NHS (Pharmaceutical Services) amend (Wales) Regulations 2003	Pharmacist Reward Scheme - intended effect is to reduce prescription fraud by encouraging pharmacists to identify and report fraudulent prescription forms by simplifying the current reward scheme and an increase in their reward payment, introducing one combined retention and reporting reward payment	December 2003	1. SO 22 2. Standard 3. UK
HSS 4(03)	Care Standards Act 2000 (Commencement No.12) (Wales) Order 2003	The Care Standards Act 2000 makes provision for the Welsh Assembly government to set regulations for safeguarding and promoting the welfare of vulnerable people in a wide range of settings. The Act provides the primary legislative powers to enable the National Assembly to reform the current regulatory system and act as regulator for a	Autumn	1. SO 22 2. 3.

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		comprehensive range of social care and independent healthcare settings in Wales. The Act gives the Assembly powers to make regulations governing the conduct of services regulated under the Act and to issue national minimum standards applicable to those services, to which the regulatory authorities and providers must have regard.		
HSS 7(03)	NHS (Primary Care) Act 1997 (Commencement) (Wales) Order 2003	Commences section 41(10) and paragraph 28 of Schedule 2 of the Act to enable Dental Practice Board to be directed to provide for the functions of health bodies in respect of the recovery of <b>dental</b> charges and issue and recovery of penalty charges under the NHS Act 1977	December 2003 <b>previously</b> November 2003	1. SO 22 2. Standard 3. Wales
HSS 8(03)	Community Health Council (Wales) Regulations 2004 <b>(Identified for further consideration 16/07/03 and 08/10/03)</b>	Strengthen CHCs in Wales and give them important new functions and set up a new All-Wales Statutory Body for CHC	December 2003	1. SO 22 2. Standard 3. Wales
HSS 9(03)	Carmarthenshire, Ceredigion and Mid Wales and North Glamorgan NHS Trusts Amendment Orders <b>(Identified for further consideration 16/07/03)</b>	To increase the number of Non-Executive Directors for these NHS Trusts by one additional member to bring the Establishment Orders into line with the number of Non-Executive Directors on the Trust Boards	January 2004 at the earliest	1. SO 22 2. Standard 3. Wales

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HSS 10 (03)	NHS (Local Pharmaceutical Schemes) (Wales) Regs 2003 <b>(Identified for further consideration 08/10/03)</b>	To enable a Local Health Board to negotiate different local arrangements for the provision of community pharmacy services, outside the restrictions of the existing legal framework in part II of the NHS Act	April 04	1. SO 22 2. Standard 3. Wales (Regulations already made in England)
HSS 11 (03)	Adult Placement Schemes (Wales) Regulations 2003 <b>(Identified for further consideration 08/10/03)</b>	To introduce a regulatory regime for adult placements schemes. Adult placements offer people aged 18+ an alternative and highly flexible form of accommodation and support - an opportunity to live or stay in an ordinary domestic setting as part of an adult placement carers family. An adult placement scheme is a scheme which is responsible for recruiting, assessing, training and supporting, and arranging payments to adult placement carers; for taking referrals, matching and placing service users with adult placement carers, and for supporting and monitoring the placement. In Wales such schemes are operated by local authorities. Adult placement carers are regulated under the Care Homes (Wales) Regulations 2002. These regulations will introduce a regulatory framework for adult	Early 2004 <b>Previously</b> December 2003	1. SO 22 2. Standard 3. Wales

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		placement schemes using powers in the Care Standards Act 2002.  Adult Placement Schemes are presently covered by National Assembly Section 7 Policy and Practice Guidance issued in August 2002.		
HSS 12 (03)	National Minimum Standards for Adult placements schemes 2003 <b>(Identified for further consideration 08/10/03)</b>	To introduce national minimum standards for adult placement schemes	Early 2004 <b>Previously</b> December 2003	1. SO 27 2. Standard 3. Wales
HSS 13 (03)	Domiciliary Care Agencies (Wales) Regulation 2003 <b>(Identified for further consideration 16/07/03 and 08/10/03)</b>	Regulatory framework for Domiciliary Care Agencies under the CSA 2000	February 2004	1. SO 22 2. Standard 3. Wales
HSS 14 (03)	The Adoption and Children Act 2002 (Independent Review Officers) (Amendment) (Wales) Regulations 2003	The regulations will require all local authorities to appoint Independent Reviewing Officers in place to chair	March 2004	1. SO22 2. Standard 3. UK
HSS 15 (03)	The Childminding and Day Care (Amendment) (Wales) Regulations 2003 <b>(Identified for further consideration 08/10/03)</b>	Use of Executive Procedure in respect of amendments to The Childminding and Day Care Regulations 1. Manager's suitability for childcare 2. No longer require employment history	<b>Made</b> November 2003	1. SO 22 2. Executive 3. Wales

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	(To be removed)	<p>or financial references from volunteers</p> <p>3. Financial viability of childcare providers will no longer be regulated</p> <p>Use of Executive Procedure in respect of new regulations to provide for the power of waiver for CSIW if applicants for registration as childminders or day care providers would otherwise be automatically disqualified.</p> <p>Use of Executive Procedure to amend the supporting National Minimum Standards, the deadline for obtaining Level 3 qualification to be put back to April 2008.</p>		
HSS 16 (03)	The Adoption and Children Act 2002 (Advocacy for Complaints) (Wales) Regulations 2004	The regulations amend the Children Act 1989 and require local authorities to introduce advocacy services for looked after children, care leavers and children in need making a complaint under sections under the Children Act.	March 2004	<p>1. SO 22</p> <p>2. Standard</p> <p>3. UK</p>
HSS 17 (03)	The Childminding and Day Care (Suspension of Registration) (Wales) Regulations 2004 <b>(Identified for further consideration 08/10/03)</b>	To enable the Inspectorate to suspend the registration of childcare setting pending an investigation, as an alternative to immediate cancellation	April 2004	<p>1. SO 22</p> <p>2. Standard</p> <p>3. Wales</p>
HSS 19	The Protection of Children and Vulnerable Adults and	<b>Withdrawn</b>	January 2004	<p>1. SO 22</p> <p>2. _____</p>

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(03)	<del>Care Standards Tribunal (Amendment) (Wales) Regulations 2004</del>	<b>(to be removed)</b>		<del>3.---</del>
HSS 20 (03)	Childcare in Schools (Wales) Regulations 2004 <b>(Identified for further consideration 08/10/03)</b>	To make provision for the registration and inspection of childcare provided by the governing bodies of schools	April 2004	1. SO 22 2. Standard 3. Wales
HSS 24 (03)	The Children (Performances) (Amendments) (Wales) Regulations 2003	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.	June 2004 <b>Previously</b> December 2003	1. SO 22 2. Standard 3. Wales
HSS 25 (03)	Private and Voluntary Healthcare (Amendment) (Wales) Regulations 2004	Brings into force powers to lay down National Minimum Standards for Independent Medical Agencies	Not known	1. SO 22 2. 3.
HSS 26 (03)	Independent Medical Agencies National Minimum Standards	Lays down the National Minimum Standards for Independent Medical Agencies	Not known	1. SO 27 2. 3.
HSS 27 (03)	Small Care Homes for Older People National Minimum Standards <b>(Identified for further consideration 08/10/03)</b>	Lays down the National Minimum Standards for Small Care Homes for older people	March 2004	1. SO 27 2. Standard 3. Wales
HSS 28 (03)	Small Care Homes for Younger Adults National Minimum Standards <b>(Identified for further consideration 08/10/03)</b>	Lays down the National Minimum Standards for Small Care Homes for younger adults	March 2004	1. SO 27 2. Standard 3. Wales

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	<b>consideration 08/10/03)</b>			
HSS 30 (03)	Amendment of directions issued to health authorities and NHS trusts to fund implementation of national institute for clinical excellence (NICE) technology appraisal guidance	To reflect the organisational changes introduced into the NHS in Wales from April 03.  To exempt the NICE guidance about patient education models for Diabetes from the direction	<b>Made</b> Sept/October 03  <b>(to be removed)</b>	1. SO27 2. 3.
HSS 31 (03)	The Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2003 <b>(Identified for further consideration 08/10/03)</b>	Providing for the Establishment of Health Professions Wales as an Assembly Sponsored Public Body and the transfer of staff, property, assets and liabilities. Transfer of staff and assets will require a separate order	November / December 2004	1. SO27 2. Standard 3. Wales
HSS 32 (03)	Health and Social Care Act 2001 (Commencement No 4) (Wales) Order 2003	The Integrated Provision mechanism of the Health Act 1999 provides for a single management structure. This commencement order enables the transfer of staff from one organisation to a partner organisation under a formal partnership arrangement. <b>Previously</b> This commencement order provides the legal basis for the Minister for Health and	Unknown	1. 2. 3.

**Please note that any changes or additions have been highlighted using shading**

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		Social Services (or delegated official) to order the transfer of employees, and the effect of such a transfer order upon the employee's contract of employment, to another partner organisation through a formal s31 (of the Health Act 1999) partnership arrangement.		
HSS 33 (03)	The National Assistance (Assessment of Resources) (Wales) Regulations 2004 <b>(Identified for further consideration 16/07/03)</b>	To provide for an increase in the capital limits which form part of the assessment of an individual's ability to contribute to their care costs	February 2004	1. SO22 2. Standard 3. Wales
HSS 34 (03)	The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2004 <b>(Identified for further consideration 16/07/03 and 08/10/03)</b>	To revise the personal expenses allowance for everyone in residential care or nursing homes receiving help to meet costs from local authorities	February 2004	1. SO22 2. Standard 3. Wales
HSS 35 (03)	New Pharmacy Contract <b>(Identified for further consideration 08/10/03)</b>	Major change to the pharmacy contract, subject to agreement with the professionals	April 04	1. SO22 2. Standard 3. UK
HSS 36 (03)	Rurality changes to Pharmaceutical Services Regs	Changes regarding control of entry rules around controlled areas	April 04	1. SO22 2. Standard 3. UK
HSS 37	Tamiflu	Schedule 11 of the General Medical Services Regulations.	April 04	1. SO22 2. Standard

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(03)				
HSS 38 (03)	Appliance Contractors (changes to the contract) Pharmaceutical Services Regulations	Amendments to the appliance contractors contract and reduce opportunities for fraud and abuse.	April 04	1. SO22 2. Standard 3. UK
HSS 39 (03)	Repeat Dispensing	To introduce a repeat dispensing option for GPs to use with minimum disruption to existing systems and without increasing the potential for fraud or misuse	April 04	1. SO22 2. Standard 3. UK
HSS 42 (03)	CSA 2000 – various commencement orders	To effect the roll out of registration of social care workers	March 2003	1. SO22 2. Standard 3. Wales
HSS 43 (03)	CSA 2000 – regulations and commencement order	To effect the registration of student social workers	Feb 2004	1. SO22 2. Standard 3. Wales
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. SO22 2. Standard 3. UK
HSS 45 (03)	The Adoption Support Services (Transitional Provisions) (Wales) Regulations 2003 <b>(Identified for further consideration 08/10/03)</b>	To establish a framework of adoption support services under the Adoption and Children Act 2002	March 2003 <b>Previously</b> February 2004	1. SO22 2. Standard 3. Wales
HSS 46 (03)	(Adoption) Independent Review of Determinations (Adoptions)	To establish a mechanism for the independent review of determinations by adoption panels on assessment of	April 2004 <b>Previously</b> February 2004	1. SO22 2. Standard 3. Wales

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	(Wales) Regulations 2004 <b>Previously</b> Adoption Agencies (Independent Review of Determinations) (Wales) Regulations 2004 <b>(Identified for further consideration 08/10/03)</b>	adopters.		
HSS 47 (03)	The Wales Centre for Health Constitution, Membership and Procedures Regulations 2004. <b>Previously</b> 2003 and also the Functions Regulations 2003. <b>(Identified for further consideration 08/10/03)</b> Note: consideration is being given to the need for a separate SI to allocate additional functions to the WCH, but at present is thought to be unnecessary	To provide for the establishment of the Wales Centre for Health as an Assembly Sponsored Public Body with effect from 1 April 2005, <b>by making provisions relating to the WCH board (membership, appointments etc).</b>	End June 2004 <b>Previously</b> July 2004	1. SO22 2. Standard 3. Wales The consultation paper on the contents of the regulations will be copied to HSS Committee members before Christmas. A summary of the consultation responses and the draft SI will then be submitted to the Committee around Easter.
HSS 48 (03)	Healthy Start <b>(Identified for further consideration 08/10/03)</b>	Primary Legislation will enable Wales to prescribe food stuff for which the vouchers can be exchanged. Primary Legislation not yet made.	Autumn 2004	1. 2. 3.

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HSS 49 (03)	Domiciliary Care Agencies (Wales) National Minimum Standards	Lays down the national minimum standards for domiciliary care agencies	February 2004	1. SO27 2. Standard 3. Wales
HSS 50 (03)	<del>The National Health Service Wales. Local Government Wales. Health and Social Care Act 2004 (Commencement No 4) (Wales) Order 2003</del>	<del>The commencement of s48 of the Health and Social care Act 2001 provides the legal basis for the transfer of employees, and the effect of such a transfer upon the employee's contract of employment, to another partner organisation through a formal s 31 (of the Health Act 1999) partnership arrangement.</del>	<del>December 2003</del>	<del>1. _____ 2. _____ Executive 3. _____ Wales</del>
HSS 51 (03)	<b>Withdrawn – to be removed</b> The National Health Service Bodies and Local Authority Partnership Arrangements (Amendment) (Wales) Regulations 2003	1. Amendment will allow Welsh local authorities to place non-executive members and officers on the joint management committees overseeing partnership (as per s 31 Health Act 1999) projects. 2. Replace references to health Authorities with Local Health Boards <b>Previously</b> Amendment will allow Welsh local authorities to place non-executive members on the joint management committees overseeing partnership (as per s 31 Health Act 1999) projects.	December 2003	1. SO22 2. Unknown 3. Wales
HSS 52	Community care (Delayed Discharges) Act 2003	The regulation will require that certain community care services where currently		1. Unknown 2. Standard

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(03)	Qualifying Services (Wales) Regulations 2004 <b>Previously</b> Community care (Delayed Discharges) Act 2003	local authorities have a discretion to charge are provided free by local authorities for a limited period to assist in the process of a safe discharge from hospital. <b>Previously</b> The commencement order would require that certain community care services where currently local authorities have a discretion to charge are provided free by local authorities for a limited period to assist in the process of a safe discharge from hospital.		3. UK
HSS 53 (03)	Reimbursement of generic medicines – Amendment to the Pharmaceutical Services Regulations	Amendments required to changes the arrangements for the reimbursement and supply of generic medicines on the NHS	April 2004	1. SO22 2. Standard 3. UK
HSS 54 (03)	National Health Service (Charges for Drugs and Appliances) (Amendment) (Wales) Regulations 2003	Amendments required to reduce prescription charges to £5 and introduce free wigs and fabric supports for people aged under 25 years	July 2004 (CIF October 2004)	1. SO22 2. Standard 3. Wales
<b>New additions</b>				
HSS 55 (03)	NHS General Ophthalmic Services (Amendment) Regulations 2004	Uplifting voucher values for the GOS to come into force April 2004. The % increase not known until February 2004	April 2004	1. SO22 2. Executive 3. Wales
HSS 56	NHS General Dental Service(Amendment)	Uplifting Prior Approval Limit for course of dental treatment. The % increase not	April 2004	1. SO22 2. Executive

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(03) HSS 57 (03)	Regulations 2004 The Disqualification from caring for children (Wales) regulations	known until February 2004 Amendment to the automatic disqualification criteria and to provide for the power of waiver for CSIW if applicants for registration as childminders or day care providers who would otherwise be automatically disqualified	April 2004	1. S022 2. Standard 3. Wales
HSS 58 (03)	Health and Social Care Act 2001 Commencement No 6 (Wales) Order 2003	Section 6(3), which inserts a specific direction power in favour of the Assembly over terms and conditions of staff of NHS Trusts; Section 12, placing a duty on the Assembly to arrange for the provision of independent complaints advocacy services and Section 49, which excludes nursing care by a registered nurse from the services that can be provided by a local authority	January 2004	1. SO22 2. Standard 3. Wales