

Health and Social Services Committee

HSS(2)-09-05(p.2)

Date: Wednesday 13 July 2005

Venue: Committee Rooms 3&4, National Assembly for Wales

Title: Schedule of Proposed Secondary Legislation

Purpose

1. This paper invites the Committee to identify forthcoming secondary legislation for scrutiny.

Forward look

2. The list is in two parts:

HSS(2)-09-05(p.2a) - Health and Social Care Secondary Legislation

HSS(2)-09-05(p.2b) - Food Standards Agency Secondary Legislation

Action

3. The Committee is invited to identify draft legislation for further scrutiny from the 'new additions' schedules only. Please note that any changes or additions since the last scrutiny by the Committee have been highlighted using shading.

Committee Service

July 2005

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

HSS(2)-09-05(p.2a)

2004

	NAME/WORKING TITLE	PURPOSE	PROJECTED MONTH LEGISLATION TO BE MADE	1. STANDING ORDER 2. PROCEDURE – STANDARD OR EXECUTIVE 3. WALES / UK OR EUROPE
HSS 9(03)	Carmarthenshire, Ceredigion and Mid Wales and North Glamorgan NHS Trusts Amendment Orders (Identified for scrutiny 16/07/03)	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	Not known this has been deferred in order to consider the position with the remaining Establishment Orders	1. SO 24 2. Standard 3. Wales
HSS 24 (03)	The Children (Performances) (Amendments) (Wales) Regulations 2004	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 2005 (deferred to allow prior consideration of Clwyd Report recommendations)	1. SO 24 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 as soon as possible	1. SO 24 2.
HSS 26 (03)	Independent Medical Agencies National Minimum Standards	Lays down the National Minimum Standards for Independent Medical Agencies	Not known as soon as possible	1. SO 29 2. 3.

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

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 "Essential Services" to be specified under the new pharmacy contractual framework which is currently being negotiated. The rurality element of these regs is still required. Regs now subject to a revised consultation exercise	Waiting for legislation timetable Anticipated Dec 2005	1.SO24/SO22 2. Standard/Excecutive 3.UKWales
HSS 38 (03)	The National Health Service (Pharmaceutical Services) Regulations 2005/The National Health Service (Charges for Drugs & Appliances) (Wales) Regulations 2005 (??)	Amendments to the appliance contractors contract and reduce opportunities for fraud and abuse.	Sept/Oct 2005	1. SO24/SO 22 2 Standard/Executive 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. SO24 2. Standard 4. UK

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

HSS(2)-09-05(p.2a)

HEALTH AND SOCIAL CARE

HSS 46 (03)	Independent Review of Determinations (Adoptions) (Wales) Regulations 2005 (Considered by Committee on 23/06/04)	To establish a mechanism for the independent review of determinations by adoption panels on assessment of adopters.	July 2005	1. SO24 2. Standard 3. Wales
HSS 48 (03)	The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 Identified for scrutiny	Regulation to specify the range of foods covered by the Healthy Start Scheme in Wales.	Spring 2006	1. Unknown 2. Standard 3. Wales
HSS 07 (04)	The Adoption Information and Intermediary Services (Pre Commencement Adoptions) (Wales) Regulations 2005	Regulations covering access and disclosure of information about adoption made before commencement of these regulations (30 December 2005)	September 2005	1. S024 2. Standard 3. Wales
HSS 08 (04)	Special Guardianship (Wales) Regulations 2005 Considered by Committee on 02/03/05 To be removed	Regulations establishing special guardianships and support services	Made 7 June 2005 SI 1513 (W117)	S024 Standard Wales
HSS 09 (04)	Adoption Support Agencies (Wales) Regulations 2005 To be Removed	Regulations concerning the operation and registration of adoption support agencies	Made 7 June 2005 SI 1514 (W118)	1. S024 2. Standard 3. Wales

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

HSS(2)-09-05(p.2a)

HEALTH AND SOCIAL CARE

HSS 10 (04)	Adoption Support Services (Local Authorities) (Wales) Regulations 2005 To be removed	Regulations to extend the scope and coverage of adoption support services	Made 7 June 2005 SI 1512 (W116)	1. S024 2. Standard 3. Wales
HSS 11 (04)	Adoption and Children Act Register Order in Council	Order in Council made by the Secretary of State for Education and Skills, to establish the Adoption and Children Act Register. If the Order applies to Wales a draft must be laid before and approved by resolution of the Assembly	No action until 2006 at the earliest	1. S026 2. Standard 2. England and Wales
HSS 13 (04)	Adoption Agencies Fees (Wales) Regulations 2005	Regulations prescribing the fees that may be charged by adoption agencies	October 2005	1. S024 2. Standard 3. Wales
HSS 14 (04)	Independent Review of Determinations (Phase 2) (Wales) Regulations 2005	Regulations establishing independent reviews of adoption panel determinations in respect of the disclosure of protected information	On hold	1. SO24 2. Standard 3. Wales
HSS 27 (04)	The Social Services Complaints Procedures (Wales) Regulations 2005 Identified for scrutiny - Target date for Committee 5 Oct 2005	To provide a statutory framework for local authority social services complaints, using the Assembly's new powers in the Health and Social Care (Community Health and Standards) Act 2003	Now likely to be October 2005 timetable under review Target date for Plenary 6 Dec 2005	1. SO24 2. Standard 3. Wales

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

HSS 28 (04)	The National Health Service Complaints Procedure (Wales) Regulations 2005 identified on 3 March 2004 for consideration.	To give a statutory basis to the new NHS complaints procedure introduced on 1 st April 2003 presently contained in the Directions to the NHS	1 st April 2005 – now likely to be October 2005 – timetable under review Minister has now agreed to place these Regs on hold. Decision 3 rd March 2005	1. SO 24 2. Standard 3. Wales
HSS 36 (04)	The Water Act 2003 (Commencement No3) (Wales) Order 2005 Identified for scrutiny on 23.6.04	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	1. SO 24 2. Anticipated Standard 3. Wales
HSS 37 (04)	The Water Fluoridation (Wales Consultation) Regulations 2005 Identified for Scrutiny	To introduce regulations governing consultation arrangements for any water fluoridation scheme(s) that might be introduced in Wales	Not known Not planned for this year	1. SO 24 2. Anticipated Standard (with debate) 3. Wales
HSS 38 (04)	The National Health Service Travelling expenses and remission of charges Wales Regulations	To change the calculation of the requirements for someone over 60 in line with changes that were made in England and make other relevant changes to bring regs in to line with England and Scotland	July 2005	1. SO24 2. Accelerated 3. Wales

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

HSS 39 (04)	The National Health Service (Pharmaceutical Services) Regulations Identified for scrutiny	Original pack dispensing	October 2005	1. SO 24 2. Standard 3. Wales
HSS 40 (04)	The National Health Service (Travelling Expenses and Remission of Charges) Regulations 2005	To update the income allowances (required as part of the non-devolved tax credit system) for people eligible for help with health costs in line with England	July 2005	1. SO 24 2. Standard 3. Wales
HSS 44 (04)	The Health and Social Care (Community Health and Standards) Act 2003 (Healthcare Inspections) (Wales) Regulations 2005	Regulations prescribing persons to provide the Assembly with explanations of any documents or, records, provided or any related matters in connection with inspections, reviews and investigations into the provision of health care in Wales	March 2005	1. SO 24 2. Standard 3. Wales These regs have now been commenced
HSS 45 (04)	Proposed Primary care (charges to overseas visitors) Regulations 2005	To change and clarify the rules of eligibility of overseas visitor to receive free primary medical services	Not known – no timetable as yet Consultation completed. Ministerial decision to put on hold until further notice	1. SO 24 2. Anticipated Standard 3. Wales
HSS 46 (04)	Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005	Regulations covering access and disclosure of information about adoptions made after commencement of these	September 2005	1. SO 24 2. Standard 3. Wales

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

HSS(2)-09-05(p.2a)

HEALTH AND SOCIAL CARE

		regulations (30 December 2005)		
HSS 47 (04)	Adoption Agencies (Wales) Regulations 2005 To be removed	Regulations concerning the functions and duties of adoption agencies in Wales, both local authority and voluntary agencies	Made May 2005 SI 1313 (W95)	1. SO 24 2. Standard 3. Wales Freda Lewis
HSS 49 (04)	Adoption and Children Act 2002 (Commencement No 8) (Wales) Order 2005 To be removed	To bring into force those parts of the Act not yet commenced relating to Wales that must be commenced by Wales alone.	Commencement order agreed by Assembly plenary; made on 19/04/05 coming into force 06/06/05 Came into force 6/06/05	1. SO 24 2. Standard 3. Wales
HSS 52 (04)	(The General Medical Services (Wales) (Amendment) Regulations 2005.	Amendments to the GMS Contract Regulations	October 2005	1. SO 24 2. Standard 3. Wales
HSS 54 (04)	Adoption (Non Agency Cases) Regulations 2005	Regulations to cover adoption cases not within the remit of the Adoption Agency (Wales) Regulations 2005	October 2005	1. SO 24 2. Standard 3. Wales
HSS 55 (04)	Local Authority (Adoption Services) (Wales) Regulations 2005	Regulations to update the Local Authority Adoption Services (Wales) Regulations 2003	October2005	1. SO 2. Standard 3. Wales

--	--	--	--	--

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

HSS 57 (04)	The National Health Service (Pharmaceutical Services) Regulations 2005	New Oxygen Contract	June 2005 (Commencement October 2005)	1. SO24 2. Standard 3. Wales
HSS 58 (04)	The National Health Service (Performers Lists) (Pharmacists) (Wales) 2005	To create a Performers list for Pharmacists	October 2005	1. SO 24 2. Standard 3. Wales
HSS 59 (04)	The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005 To be removed	To introduce an increase to the capital limits applied by local authorities in the residential care charging assessment. The capital limits have been increased to £14,750 (lower) and £21,00 (upper)	Made 8 March 2005 coming into force 11 April 2005 Came into force 11 April 2005	1. SO24 2. Accelerated 3. Wales
HSS 60 (04)	The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2005. To be removed	To introduce an increase to the amount of the personal expenses allowance given to local authority supported individuals in residential care. The personal expense allowance has been increased to £19.10	Made 8 March 2005 coming into force 11 April 2005. Came into force 11 April 2005	1. SO24 2. Accelerated 3. Wales

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

HSS(2)-09-05(p.2a)

HEALTH AND SOCIAL CARE

HSS 64 (04)	Revised Directions to NHS bodies on Counter Fraud Measures Considered by Committee 13 April 2005	The revised directions will clarify the roles and responsibilities of key stakeholders in NHS Wales, enabling a consistent, effective and professional approach to countering fraud and corruption. These directions build on the framework established by the 2001 counter fraud directions	Came into force 1 July 2005	1. SO29 2. Standard 3. Wales
HSS 66 (04)	The National Health Service (General Ophthalmic Services) and (Optical Charges and Payments) (Amendment) Wales Regulations 2005 To be removed	Uplift the value of the optical vouchers paid to groups claiming income support and uplift the value of the NHS sight test and domiciliary visit fee	June 2005 Came into force on 24 June	1. SO24 2. Accelerated 3. Wales
HSS 70 (04)	Shipman Inquiry Regulations 2005 Identified for scrutiny	Changes to existing regulations as a result 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.	Autumn/Winter 05 at the earliest	1. SO 24 2. Standard 3. Wales
HSS 71 (04)	Independent Prescribers Regulations 2005	Introduce Independent Prescribing in Wales	September 2005 Consultation process has only just started	1. SO24 2. Standard 3. Wales

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

HSS(2)-09-05(p.2a)

HEALTH AND SOCIAL CARE

HSS 72 (04)	GMS Transitional and Consequential Provisions (Wales) (No.2) (Amendment) Order 2005	Amendment to the GMS Transitional and Consequential Provisions (Wales) (No.2) Order 2004	October 2005	1. SO 24 2. Standard 3. Wales Claire Cullen
HSS 73 (04)	The Local Safeguarding Children Boards (Wales) Regulations 2005	To establish Local Safeguarding Children Boards in Wales under section 31 of the Children Act 2004	November 2005	1. SO 24 2. Standard 3. Wales
HSS 74 (04)	Adoption and Children Act 2002 (Commencement No ?) (Wales) Order 2005	To bring into force those parts of the Act not yet commenced relating to Wales that must be commenced by Wales alone	November 2005	1. SO 24 2. Standard 3. Wales
HSS 75 (04)	The National Assembly for Wales (Social Services Explanations) Regulations 2005 To be removed	Regulations prescribing persons to provide the Assembly with explanations of any documents or, records, provided or any related matters in connection with inspections, reviews and investigations into the provision of social services in Wales	Came into force 1 July 2005	1. SO 24 2. Standard 3. Wales
HSS 76 (04)	The Care Standards Act 2000 and Children Act 1989 (Abolition of Fees) (Wales) Regulations 2005	Regulations to abolish all requirements under these Acts to pay fees in connection with regulation by the National Assembly (CSIW)	Probably October 2005	1. SO 24 2. Standard 3. Wales
HSS 77 (04)	The Representations Procedure (Children) (Wales) Regulations 2005 Target date for committee scrutiny 5 Oct 2005	Regulations to reform the procedures for representations including complaints made in social services for children	Target date for Plenary 6 Dec 2005	1. SO 24 2. Standard 3. Wales

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

HSS 78 (04)	The Health and Social Care (Community Health and Standards) Act 2003 Commencement No X (Wales) Order 2005	Order to commence provisions of the 2003 Act, mainly those concerned with complaints procedures in social services	Target date for Plenary 6 Dec 2005	1. SO 24 2. Standard 3. Wales
HSS 79 (04)	The National Health Services (Charges for Drugs and Appliances) (Wales) Regulations 2005 Identified for scrutiny	1. Statutory WP10 Form 2. To apply Scottish and English prescription charges (as appropriate) at point of dispensing (subject to agreement from OCG) 3. 4. To exempt prisoners from prescription charges from April 2006 5. To no longer require patients exempt from charge on age grounds to sign declaration on prescription charge to £3 from April 2006.	July 2005	1. SO 24 2. Standard 3. Wales
HSS 01(0 5)	The Children (Private Arrangements for Fostering) Regulations 2005 Identified for scrutiny 13.4.05	To enhance the existing Children Act 1989 scheme of notification to local social services authorities of children subject to private fostering arrangements, under which authorities to satisfy themselves, by visits, that the welfare of privately fostered children is satisfactorily safeguarded and promoted. To require local authorities to monitor the way they discharge these duties	Nov 2005	1. SO24 2. Standard 3. Wales

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

HSS 02 (05)	Mental Capacity Act (2005) Regulations	<p>To specify the appropriate body to authorise research involving incapacitated person and matters regarding the continuation of research when a consenting person loses capacity.</p> <p>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</p> <p>To define the meaning of 'NHS Body' for specific sections in the Act</p> <p>To set the commencement date of these regulations for Wales (which must coincide with the commencement of the Act)</p>	2006	<ol style="list-style-type: none"> 1. SO24 2. Standard 3. Wales
HSS 03 (05)	<p>Integration of coterminous NHS Trusts and LHBs</p> <p>To be removed</p>	<p>Possibility of legislation for the integration of co-terminous NHS Trusts and LHBs. Awaiting expressions of interest by end May 2005</p> <p>No joint expressions of interest received</p>	To take effect from April 2006	<ol style="list-style-type: none"> 1. Standard/Executive 2. Wales

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

HSS(2)-09-05(p.2a)

HEALTH AND SOCIAL CARE

HSS 04 (05)	Transfer of community services from named NHS Trust to named To be removed	Possibility of legislation for the transfer of community services from certain NHS Trusts to certain LHBs. Awaiting expressions of interest by May 2005 No joint expressions of interest received requiring changes to legislation	To take effect from April 2006	1. Standard/Executive 2. Wales
HSS 05 (05)	Amendment to regulation 6 of The Health, Social Care and Well-being Strategies (Wales) Regulations 2003	Possible amendment to secondary care commissioning arrangements following review of NHS commissioning during 2005-06	To take effect from April 2006	1. Standard/Executive 2. Wales
HSS 06 (05)	Children (Prescribed Orders –NI, Guernsey and Isle of Man) (Amendment) Regulations	To deal with the need to ensure that care orders made in NI and Isle of Man have effect as if they were made in a court in England and Wales where the child comes to live in England or Wales. They amend the Children (Prescribed Orders-Northern Ireland, Guernsey and Isle of Man) Regulations 1991.	Not known liaising with DFES	1. SO25 2. Standard 3. England and Wales
HSS 07 (05)	Proposed new Community Health Councils (CHCs) Boundaries Order	To Abolish Carmarthen/Dinefwr and Llanelli/Dinefwr CHCs and create a new single CHC for Carmarthenshire in their place	To take effect from 1 April 2006	1. SO24 2. Accelerated 3. Wales
HSS 08 (05)	The Health Professions Wales Abolition Order 2005	The Order abolishes on 1 April 2006 the body known as Health Professions Wales established under section 4 of the Health (Wales) Act 2003	Not known. To enable closure at 31 March 2006	1. SO 24 2. Standard/Executive 3. Wales

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

HSS(2)-09-05(p.2a)

HEALTH AND SOCIAL CARE

HSS 09(05)	National Health Service Blood & Transplant Regulations	Regulations providing for the appointment and tenure of office of members and officers and disqualification termination of membership of the NHSBT	June 2005 (to come into force following laying in Parliament on 1 October 2005)	1.SO 25 3. Wales and England
HSS 10 (05)	National Health Service Blood & Transplant Establishment and Constitution Order	To be made in combination with the Secretary of State to establish and constitute the new NHS Blood and Transplant (Special Health Authority) formed to take on the functions of United Kingdom Transplant and National Blood Authority which are to be separately abolished..	June 2005 to come into force following laying in Parliament on 1 October 2005	1. SO25 4. Standard Wales & England
HSS 11 (05)	National Health Service Business Services Authority. a) Establishment and Constitution Order	To be made in combination with the Secretary of State to establish and constitute the new NHS Business Services Authority to take the functions of the Dental Pricing Board (DPB), Prescriptions Pricing Agency (PPA) and NHS Pensions Agency. The establishment of NHS BSA is a consequence of the re-configuration of Arms Length Bodies (ALBs) and is a move towards merging those ALB's whose primary function is payments to aid efficiency	October 2005	1. SO 25 2. Accelerated 3. Wales (& England) The DPB and NHS Pensions Agency operate on a statutory basis and therefore the BSA will be established as a cross border body.
		NEW ADDITIONS		
HSS 12 (05)	National Health Service Business Services Authority Regulations	Regulations providing for the appointment and tenure of office of members and officers and disqualification/termination of membership of the NHSBT	October 2005	1.SO25 2. Accelerated 3. Wales (& England) The DPB and the

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

HSS(2)-09-05(p.2a)

HEALTH AND SOCIAL CARE

				NHS Pensions Agency operate on statutory basis and therefore the BSA will be established as a cross border body.
HSS 13 (05)	National Health Service Blood and Transplant Directions	The Directions will provide greater details as regards the functions which are conferred upon the Authority by the Establishment and Constitution Order	To be in force by 1 October 2005	<ol style="list-style-type: none"> 1. SO29 2. Accelerated 3. Wales and England
HSS 14 (05)	National Health Service Business Services Authority Directions	The Directions will provide greater details as regards the functions which are conferred upon the Authority by the Establishment	To be in force by 1 October 2005	<ol style="list-style-type: none"> 1. SO29 2. Accelerated 3. Wales and England
HSS 15 (05)	Civil Partnership Act 2004	<ol style="list-style-type: none"> 1. The Act creates a new legal relationship of civil partnership, which two people of the same-sex can form by signing a registration document. It also provides same-sex couples who form a civil partnership with parity of treatment in a wide range of legal matters with those opposite-sex couples who enter into a civil marriage. 2. Important rights and responsibilities will flow from forming a civil partnership, helping same-sex couples to organise their lives together. Provisions in the Act include: <ul style="list-style-type: none"> • a duty to provide reasonable 	The Coming Into Force date of the Act is 5 December 2005.	<p>A SI titled The Civil Partnership Act 2004 (Consequential amendments) (Wales) Order 2005 will be scrutinised by the Equality of Opportunity Committee in September 2005.</p> <ol style="list-style-type: none"> 3. UK

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

		<p>maintenance for your civil partner and any children of the family;</p> <ul style="list-style-type: none"> • civil partners to be assessed in the same way as spouses for child support; • equitable treatment for the purposes of life assurance; • employment and pension benefits; • recognition under intestacy rules; • access to fatal accidents compensation; • protection from domestic violence; and • recognition for immigration and nationality purposes. 		
HSS 16 (05)	The NHS (General Ophthalmic Services Supplementary List) Regulations	To introduce the requirement for LHBs to produce a supplementary list for Ophthalmic Practitioners	Dec 05	<ol style="list-style-type: none"> 1. SO 22 2. Standard 3. Wales
HSS 17 (05)	The Local Health Boards (Functions) (Amendment) (Wales) Regulations	The amendment would be required to transfer responsibility for prison health to Local Health Boards in whose are the prison is located. However, consideration is also being given to the appropriateness of using Directions instead which should be known in the next couple of weeks.	To be in force by 1 April 2006	<ol style="list-style-type: none"> 1. 2. Accelerated 4. Wales

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

HSS 18 (05)	Children (Private Arrangements for Fostering) Regulations 2005	These regulations (the Children Private Arrangements for Fostering) (Wales) Regulations 2005) are to be made using the powers under the Children Act 1989 as amended by the Children Ac 2004. It is intended that they will replace the existing private fostering regulations (the Children (Private Arrangements for Fostering) Regulations 1991) in their application to Wales	Nov 2005	
HSS 19 (05)	The National Health Service (Travelling Expenses and Remission of Charges) Regulations 2006	To update the income allowances (required as part of the non-devolved tax credit system) for people eligible for help with health costs in line with England	April 2006	1. SO24 2. Standard 3. Wales
HSS 20 (05)	The National Health Service (Dental Charges) (Wales) Regulations 2006	Provide for the making and recovery of charges for the provision of dental treatment and the supply of dental appliances under the National Health Service Act 1977	March/April 2006	1. SO 24 2. Standard 3. Wales
HSS 21 (05)	The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006	Regulations will set out the framework for general dental services contracts under section 28K of the National Health Service Act 1977. Also: <ul style="list-style-type: none"> • Prescribe the conditions which must be met by a contractor before the Local Health Board may enter into a general dental services contract with it. • Prescribe the procedure for pre-contract dispute resolution 	March/April 2006	1. SO 24 2. Standard 3. Wales

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

		<ul style="list-style-type: none"> • Set out the procedures by which the contractor may obtain health service body status. • Prescribe the terms which must be included in a general dental services contract. Includes description of the services which must be provided to patients under a general dental services contract. 		
HSS 22 (05)	The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006	<p>Regulations will set out the framework for personal dental services contracts under the National Health Service Act 1977. Also:</p> <ul style="list-style-type: none"> • Prescribe the conditions which must be met by a contractor before the relevant body may enter into a personal dental services agreement with it. • Prescribe the procedure for pre-agreement dispute resolution • Provide for a contractor to be a health service body • Prescribe the terms which must be included in a personal dental services agreement. <p>Provide for the contractor to terminate its agreement and enter into a general dental services contract.</p>	March/April 2006	<ol style="list-style-type: none"> 1. SO 24 2. Standard 3. Wales

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

HSS(2)-09-05(p.2a)
HEALTH AND SOCIAL CARE

HSS 23 (05)	National Health Service (Appointment of Consultants) (Wales) (Amendment) Regulations 2005	Apply the provisions of the National Health Service (Appointment of Consultants (Wales) Regulations 1996 to NHS Trusts. The Regulations also change requirements in relation to Advisory Appointments Committees and provide that one of the advertisements for a consultant appointment can be in electronic form.	Regs to come into force on 31 October 2005.	SO 24 Standard Wales
----------------	---	--	---	------------------------------------

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

**HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY**

HSS(2)-09-05 (p.2b)

	NAME / WORKING TITLE	PURPOSE	PROJECTED MONTH LEGISLATION TO BE MADE	1. STANDING ORDER 2. PROCEDURE – STANDARD OR EXECUTIVE 3. WALES / UK OR EUROPE
FSA 12 (03)	The Meat Products and Minced Meat and Meat Preparations (Amendment) (Wales) Regulations	Corrects under-implementations of EC Directives identified following FVO Mission visit to UK. The amendments required are considered to be technical in nature and are expected to have minimal impact on industry and enforcement authorities.		<ol style="list-style-type: none"> 1. SO 24 2. Standard 3. Europe
FSA 23 (03)	EP & Council Regulation on Smoke Flavourings Used or Intended for Use in or on Foods	List the permitted source materials & specify reaction conditions under which smoke flavourings are prepared. Produce positive list of primary products & specify conditions of use. Evaluation & extension of authorisation at 10 yearly intervals. Place traceability requirements on businesses in sale of authorised smoke extracts/flavourings.	15 June 2005	<ol style="list-style-type: none"> 1. SO 24 2. Standard 3. Europe

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

**HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY**

	NAME / WORKING TITLE	PURPOSE	PROJECTED MONTH LEGISLATION TO BE MADE	1. STANDING ORDER 2. PROCEDURE – STANDARD OR EXECUTIVE 3. WALES / UK OR EUROPE
FSA 26 (03)	The Bovine Meat (Restriction on Sale)(Wales) Regulations 2004	Legislation required to give effect to Government's announcement on 1 st December 2004 to replace the over thirty month rule with BSE testing. The announcement followed a major policy review undertaken by FSA into the need for the UK's ban on meat from cattle aged over thirty months being allowed into the human food chain. Some form of change in legislation is anticipated.	Target CIF 31-10-05	1. SO 24 2. Standard 3. UK
FSA 35 (03)	EU Ingredient Listing for Alcoholic Drinks	Amendment at EU level on principle and mechanisms for extending ingredient listings. Revised text to be submitted to Commission Est – June 2005		1. SO24 2. Standard 3. Europe
FSA 43 (03)	The Food Labelling (Wales) Regulations	Consolidation of legislation to be captured as part of EU review – expected 2006.	2006	1. SO 24 2. Standard 3. UK
FSA 45 (03)	The Wild Game Meat (Hygiene and Inspection) (Amendment)	Correct under – implementation of EU Directives. Allow wild game to be handled in fresh meat premises.	2006	1. SO 24 2. Standard 3. Europe

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

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

**HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY**

	NAME / WORKING TITLE	PURPOSE	PROJECTED MONTH LEGISLATION TO BE MADE	1. STANDING ORDER 2. PROCEDURE – STANDARD OR EXECUTIVE 3. WALES / UK OR EUROPE
	Regulations			

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

**HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY**

FSA 49 (03)	EU proposal for a Regulation on the addition of nutrients to foods.	Provides a harmonised regulatory framework for fortification of food. Applies to vitamins & minerals only. Proposal not yet adopted by Commission. Implementation expected 2006.	2006	1. SO 24 2. Standard 3. Europe 4.
FS 04 (04)	Implementation of EU Food Hygiene Regulation(Food Hygiene (Wales) Regulations).	Legislation to provide for the enforcement of EU consolidation of food hygiene legislation and give effect to national measures permitted under legislation	October 2005	1. SO24 2. Standard 3. Europe
FS 12 (04)	Colours in Food Amendment Regulations	To lay down criteria for colourings to be added in certain foods	Came into Force 24 June 2005.	1. SO 24 2. Standard 3. Europe
FS 13 (04)	The Feeding Stuffs (Wales) 2005 Regulations	. Implements EC Regulation 1831 on additives for use in animal nutrition and (Consolidation of the Feeding Stuffs (Wales) 2001 Regulations)	2005	1. SO24 Standard 2. Europe
FS 16 (04)	The Food Labelling (Amendment) (Wales) Regs 2005.	Implements Directive 2004/77/EC amending Directive 94/54/EC on the labelling of foods containing glycyrrhizinic acid	Came into force 20 May 2005	1. SO24 2. Standard 3. Europe
FS 17 (04)	The Monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen	Which replaces Directive 92/1/EC	2005/2006	1. SO 24 2. Standard 3. Europe

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

**HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY**

	foodstuffs intended for human consumption			
FS 18 (04)	The materials and Articles in contact with food (Amendment) (Wales) Regulations 2005.	Implementation of Directives on Materials and Articles coming into Contact with foods. Implements Directive 2004/14 EC regenerated cellulose film, and Directive 1935/2004 (the framework agreement)	24 June 2005	1. SO 24 2. Standard 3. Europe
FS 19 (04)	Plastic Materials and Articles in contact with Food (Amendment) (Wales) Regulations 2005	Amending the list of substances that may be used in the manufacture of food contact plastics	24 June 2005	1. SO 24 2. Standard 3. Europe
FS 20 (04)	Amendment to the Animal By Product (ID) regulations	Extends staining requirements to dead, on farm poultry. May remove green offal exemption	2005	1. SO24 2. Standard 3. UK
FS 22 (04)	Implementation of EU Feed Hygiene Regulation	Legislation to provide for the enforcement of EU feed hygiene legislation 183/2005	01.01.06	1. SO 24 2. Standard 3. EU
FS 25 (04)	Miscellaneous Food Additives Amendments Regulations	Implements Commission decision 2003/114/EC authorising a new food additive and other changes	20 May 2005	1. SO 2. Standard 3. EU
FS 26 (04)	The Contaminants in Food Regulations Amendments	Sets down limits on aflatoxins B and M Orchratoxin A and nitrate in foods for infants and young children	Came into Force 14 June	1. SO24 2. Standard 3. EU
FS 27 (04)	The Tryptophan in Food (Wales) Regulations 2005.	Consolidates Tryptophan in Food Regulations 1990, as amended.	November 2005	1. SO24 2. Standard 3. Europe

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

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY

FS 28 (04)	The Meat (Hygiene and Inspection)(Charge) (Wales) Regulations 2005	Regulations to replace the Meat (Hygiene and Inspection) (Charges) Regs 1998.	Target CIF 1 January 2006	1. SO24 2. Standard 3. Europe
FS 30 (04)	The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2005	Implements provisions relating to the claim "suitable for the preparation of infant food".	July 2005	1. SO24 2. Standard 3. Europe
FS 31 (04)	The Honey (Wales) (Amendment)	Correct one transposition error in The Honeys (Wales) Regulations 2003	November 2005	1. SO24 2. Standard 3. Europe
FS 32 (04)	The Kava-Kava in Food (Wales) Regulations 2005	Regulations to prohibit the sale, possession for sale, offer, exposure or advertisement for sale and importation into Wales from outside the UK, any food consisting of or containing Kava Kava	2005	1. SO 2. Standard 3. UK
FS 33 (04)	Contaminants in Food Amendment Regulations 2005	New limits for ochratoxins in wine/coffee/grape juice Directive 2005/06. Consultation likely July/Aug 2005.	Uncertain	1. SO 24 2. Standard 3. Europe

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

**HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY**

FS 34 (04)	Contaminants in Food Amendment Regulations 2005	Revised maximum levels of poly aromatic hydrocarbons in foodstuffs Directive 2005/10	Uncertain	1. SO 24 2. Standard 3. Europe
FS 35 (04)	Miscellaneous Food Additives Amendments Regulations Wales	Amendments to Directive 95/2 EC on nitrates in meat and 94/35 on authorisation of a new sweetener	Uncertain	1. SO24 2. Standard 3. Europe
FS 36 (04)	The TSE (Amendment) (No 2) Regulations 2005 (Goat)	Proposes changes to EC regulation 999/2001 following announcement by EC on finding BSE in a goat. Proposals extend the list of tissues designated as SRM in goats and increases levels of TSE monitoring in goats	It is unlikely these regulations will be made in the near future – the commission has increased testing of goats for BSE and will consider whether to make any change to SRM controls once the results of testing are known.	1. SO 24 2. Standard 3. Europe
FS 37 (04)	Official Food and Feed Controls (Wales) Regulations 2005	Implements aspects of EC Regulation 882/2004, which sets out general requirements for competent authorities that are responsible for checking that businesses comply with feed and food legislation.	December 2005	1. SO 24 2. Standard 3. Europe

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY

FS 38 (04)	The Fishery Products (Hygiene Charges) (Wales) Regulations 2005	The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 are being revoked as part of the exercise to apply the EU Hygiene Regulations. The charging provisions have not been carried forward into the draft Food Hygiene Regulations 2005 currently out on public consultation. Without replacement (or retention of the relevant provisions) the charging arrangements will not be maintained from 1 January 2006.	Uncertain	1. SO 24 2. Standard 3. Europe
FS 40 (05)	The Fish Labelling (Amendment) (Wales) Regulations 2005	Amends the UK national list of commercial designations	2005	1. SO24 2. Standard 3. UK
FS 41 (05)	The Food Labelling (Amendment) (No 2) Regs 2005.	Directive 2005/26/EC of 21 st March establishes a list of food ingredients or substances provisionally excluded from Annex 111a of Directive 2000/13/EC	2005	1. SO24 1. Standard 2. Europe
FS 42 (05)	Microbiological Criteria for Foodstuffs	Implements draft EU Regulation setting microbiological criteria for foodstuffs	Unknown	1. SO24 1. Standard 2. Europe
FS43 (05)	The Feeding Stuffs (Amendments)(Wales) Regulations.	Implements EC Directive 2002/32/EC on undesirable substances in animal feed and EC Directive 2002/70/EC for determining levels of dioxins and dioxin-like PCBs in feedingstuffs.	Unknown	1. SO24 2. Standard 3. Europe

**HEALTH AND SOCIAL SERVICES PORTFOLIO
SUBORDINATE LEGISLATION PROGRAMME 2004/05**

**HSS(2)-09-05 (p.2b)
FOOD STANDARDS AGENCY**

FS44 (05)	EU proposal for a Regulation on nutrition and health claims.	This proposal is intended to harmonise the provisions in law which relate to nutrition and health claims on food.	2006	1. SO24 2. Standard 3. Europe
FS45 (05)	The Food (Chilli, Chilli Products, Curcuma and Palm Oil) Emergency Control Regulations Wales 2005.	Implement Commission Decision of 4 April 2005 on emergency measures regarding Chilli etc.	Came into Force 10 June 2005	1. SO24 2. Executive Procedure 3. Europe
		NEW ADDITIONS		
	The Feeding stuffs (Amendment) Regs 2006	Implements Commission Directives 2005/6, 2005/7 and 2005/8 which are principally technical measures, concerning analysis of dioxins and dioxin like PCB's, calculation for recovery of uncertainty in the analysis of same and minor amendments to MPLs for mercury, flourine and lead.	February 2006	1. SO 24 2. Standard 3. Europe
	The Food Hygiene (Wales)(No 2) Regulations 2005	Give effect to Commission Transitional and Implementing Measures Regulation (which is currently still being negotiated).	Awaiting finalisation and publication of EU Regulation. Likely to be December or January 2006.	1. SO24 2. Standard 3. Europe

