

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

HSS(2)-15-06(p.4a)
HEALTH AND SOCIAL CARE

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2006-07

	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 16/07/03 for scrutiny)	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	This remains on hold	1. SO 24 2. Standard 3. Wales
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 Outcome of consultations are currently	timetable not yet fixed	1. SO24/SO22 2. Standard/Executive 3. UKWales

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		being summarised and proposals drafted for Minister's consideration		
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.	On hold awaiting outcome of further DH consultation	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 3.UK
HSS 48 (03)	The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 Scrutinised on 11.10.06	Regulation to specify the range of foods covered by the Healthy Start Scheme in Wales.	November 2006	1. SO 24 2. Accelerated 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	November 2006 CIF 31 December 2006	1. SO24 2. Standard 3. Wales

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HSS 28 (04)	The National Health Service Complaints Procedure (Wales) Regulations 2005 identified on 3 March 2004 for consideration. Identified on 3.3.04 for Scrutiny	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	No timescale at present but the Minister will keep the committee informed of developments	1. SO 24 2. Standard 3. Wales
HSS 36 (04)	The Water Act 2003 (Commencement No3) (Wales) Order 2005 Identified on 23.6.04 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	1. SO 24 2. Anticipated Standard 3. Wales
HSS 37 (04)	The Water Fluoridation (Wales Consultation) Regulations 2005 Identified on 23.6.04 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 This position remains unchanged	1. SO 24 2. Anticipated Standard (with debate) 3. Wales
HSS 39 (04)	The National Health Service (Pharmaceutical Services) Regulations	Original pack dispensing	No Timetable at present – On hold pending outcome of related	1. SO 24 2. Standard 3. Wales

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	Identified for Scrutiny		consultation	
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 Position remains the same	1. SO 24 2. Anticipated Standard 3. Wales
HSS 57 (04)	The National Health Service (Pharmaceutical Services) Regulations 2005 Identified on 16-2-06 for Scrutiny	Remove WP10s as a method of prescribing oxygen	Legislation postponed until April 2007	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	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 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 06-07	1. SO 24 2. Standard 3. Wales
HSS 71 (04)	Independent Prescribers Regulations 2005 Identified on 12 January 2005 for Scrutiny To be scrutinised on 15 November 2006	Introduce Independent Prescribing in Wales	Changes to primary Legislation came into force on 1 May 2006. NHS Regs will need to be changed to facilitate this in Wales. Target date to come into effect December 2006.	1. SO24 2. Standard 3. Wales
HSS 02	Mental Capacity Act (2005) Regulations	To specify the appropriate body to authorise research involving incapacitated	Target date for Plenary 13 March	1. SO24 2. Standard

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(05)	Identified on 25.05.05 for scrutiny To be scrutinised on 13 December	<p>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>	2007 To take effect from April 2007	3. Wales
HSS 05 (05)	Amendment to regulation 6 of The Health, Social Care and Well-being Strategies (Wales) Regulations 2003 Identified on 25-05-05 for Scrutiny	<p>Possible amendment to secondary care commissioning arrangements following review of NHS commissioning during 2005-06</p> <p>To amend the Health, Social Care & Well-being Strategy to a 3-year period from a 5-year period.</p>	<p>Was to take effect from April 2006 – but target coming into force date is now April 2007</p> <p>This timetable has slipped- a Commissioning Task & Finish Group (and 4 sub-groups) have</p>	<p>1. SO24 2. Standard/Executive 3. Wales</p>

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			<p>been established to consider changes to commissioning framework. These groups reported to the Director of Strategy at the end of March 2006.</p> <p>A new Commissioning Framework has been developed that strengthens the role of the Health, Social Care and Well-being Strategies.</p> <p>Additional changes to the regulations might also arise as part of the revision of the Health, Social Care and Wellbeing</p>	

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			Strategy Guidance, which is currently under review.	
HSS 24 (05)	LHB (Constitution, Membership & Procedures)(Amendment)(Wales)2006 (NB This title is provisional) Identified on 5-10-05 for Scrutiny	Amendment of LHB (Constitution, Membership & Procedures)(Wales) Regs 2003 to address appointment and tenure issues It is intended to go out to consultation in mid-September, pursuing a standard procedure. The drafting lawyer is Nicola Frodsham (DLS)	Slippage has occurred more likely date late 06 liaising with DLS & corporate governance colleagues	1. SO24 2. Standard 3. Wales
HSS 41 (05)	The Children Act 2004 (Commencement No 7)(Wales) Order 2005	To bring into force sections 25 and 31 of the Act in tandem with the provisions set out in CO No 6 above.	Approved in Plenary on 21 March 2006 and coming into force 1 September 2006	1. SO 25(2) 2. Accelerated 3. Wales
HSS 45 (05)	The National Health Service (General Medical Services Contracts) (Amendment) (Wales) Regulations 2006	Will provide amendments to the GMS Contracts Regulations to take account of policy developments	31 st December 2006	1. SO24 2. 3. Wales
HSS 49 (05)	The Local Health Board Medical Services (Amendment) Directions 2006	The Directions will contain consequential amendments to take account of the amendments made to the GMS Contract Amendment Regs 2006 – HSS 45 (05)	31 st December 2006	1. SO29 2. 3.

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		above refers		
HSS 51 (05)	The Alternative Provider Medical Services (Wales) (Amendment) Directions 2006	The Directions will contain consequential amendments to take account of the amendments made to the GMS Contract Amendment Regs 2006 – HSS 45 (05) above refers	31 st December 2006	1. SO29 2. 3.
HSS 53 (05)	The Commissioner for Older People in Wales Regulations 2006 (provisional title) Identified on 23.11.2005 for Scrutiny To be scrutinised on 30.11.06	Regulations to make provision in relation to the functions of the Commissioner for Older People in Wales established under the Commissioner for Older People (Wales) Act	February 2007	1. SO 24 2. Standard 3. Wales
HSS 1 (06)	The Commissioner for Older people in Wales (Appointment) Regulations 2006 (provisional title) Identified on 19.1.06 for Scrutiny To be scrutinised on 30.11.06	Regulations to make provision in relation to the appointment and term of office of the Commissioner for Older People in Wales established under the Commissioner for Older People (Wales) Act	February 2007	1. SO24 2. Standard 3. Wales
HSS 2 (06)	The Community Care (Services for Carers and Children’s Services) (Direct Payments) (Wales)	Regulations to extend the categories of people potentially eligible for direct payments to include all people aged 18 to 64 in receipt of community care services	Order planned to be made October 2006 coming into effect 1	1. SO24 1. Standard 2. Wales

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	Amendment Regulations 2006 Identified on 19-1-06 for Scrutiny Scrutinised on 5-12-06		November 2006	
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 4 (06)	The Care Standards Act 2000 and the Children Act 1989 Regulatory Reform and Complaints) (Wales) Regulations 2006 Identified for Scrutiny 19-1-06 Scrutinised on 28.9.06	To make across the board amendments to the regulations for services registered with CSIW, in the light of recent developments in the form of regulatory practice and the handing of complaints	HSSC scrutiny September 2006 Plenary November 2006	1. SO24 2. Standard 3. Wales
HSS 9 (06)	The Care Standards Act 2000-National Minimum Standards (NMS) for care homes for Younger Adults and for Older People Identified on 19-1-06for Scrutiny	To possibly introduce a limited number of relaxations to the NMS for care homes for younger adults as they apply to small care homes only, ie those with fewer that 3 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.	Estimated to go to Committee in March 2007	1.SO29 2.Standard 3.Wales

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HSS 16 (06)	Sex Discrimination (Public Authorities) (Statutory Duties) Order 2006	The Orders will impose an obligation upon public authorities to publish a gender equality scheme by 6 th April 2007. Ministers and Government have given numerous commitments that the gender duty provisions in the Equality Act 2006 will be operative from 6 April 2007 and that public authorities will be given 6 months to prepare for the gender duty obligations. If this commitment is not met Government's commitment to gender equality could be questioned and/or criticised.	10 October 2006	1. S.O 26 2. Not known 3. UK
HSS 17 (06)	The Commissioner for Older People Wales Act Commencement Order.	To formally commence the provisions in the Commissioner for Older People Wales Act 2006.	Came into force October 2006	1. SO 24 2. Accelerated 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)	No date yet	1. SO 29.3 2. Standard 3. Wales
HSS 23 (06)	NHS (Charges for Drugs and Appliances) Regulations Identified on 15.6.06 for Scrutiny	To abolish the prescription charge	Due to be made in January 2007.	1. SO24 2. Standard 3. Wales

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	To be scrutinised on 15 November 2006.			
HSS 24 (06)	The National Health Service (Travelling Expenses and Remission of Charges) Regulations 2006 Identified on 15.6.06 for Scrutiny	To consolidate the existing Regulations	April 2007	1. SO24 2. Standard 3. Wales
HSS 25 (06)	Placement of Children and Miscellaneous Amendments (Wales) Regulations 2007 Identified on 5.07.06 for Scrutiny To be scrutinised on 13 December to comply with SO 31 requirements	To strengthen arrangements for placements, health and education of looked after children-details are included with the feasibility report tabled by Business Unit on 31 May 2006 and debated in plenary on 7 June 2006	July 2007	SO24 & SO29 Regs and statutory guidance will be issued under Children Act 2004 and Local Authority Social Services Act 1970
HSS 26(06)	The Wales Centre for Health (Statutory Health Advisory Committees) Transfer of Functions (W) Order 2007 To be removed: The Minister has decided that the management of the statutory committees is to remain in the Assembly	To transfer management responsibilities for these committees to the Wales Centre for Health	Subject to policy consultation between June and August 2006 HSSC will consider the legislation in November 06. It would come into force on 1 April	1. Standing Order 24 2. Accelerated 3. Wales

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			07	
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 primary legislation are included in the Health and Social Care Bill which will be ready for introduction in the 2006/07 session (November 2006 Relevant Regulations in the UK must be in place by June 2008 to fulfil the requirements of IHR 2005.	1. 2. 3.UK
HSS 28 (06)	The National Health Service Act 1977 Primary Care Trust Dental Services Directions 2006 Identified on 5.07.06 for Scrutiny	Sets out the requirements for LHBs if they directly provide primary dental services under section 16CA(2) of the 1977 Act	December 2006	1. SO29 2. Standard 3.

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HSS 29 (06)	The National Health Service (General Ophthalmic Services) Continuing Education and Training 2006	To allow payments to ophthalmic professionals for continuing education and training	November 2006	1. 2. Standard 3.
HSS 31 (06)	The Smoke-Free Premises etc (Wales) Regulations 2007 Identified on 28.09.06 for Scrutiny	Regulations to make enclosed public places and workplaces smoke-free, in line with the provisions of Chapter 1 of the Health Act 2006.	HSSC scrutiny 30 November 2006; Plenary January/February 2007 coming into force 2 April 2007	1. SO24 2. Standard 3. Wales Ginny Blakey
HSS 32 (06)	Local Authority Adoption Services (Wales) Regulations 2006 Identified on 28.09.06 for Scrutiny	Provide a regulatory framework for local Authority adoption services.	Plenary 28.03.07	1. SO24 2. Standard 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 34 (06)	The National Health Service (General Ophthalmic Services) Continuing Education and Training Directions to LHBs 2006	Sets out the requirements for LHBs to process payments for continuing education and training for optometrists and the ophthalmic medical profession	November	1. SO29 2. Standard 3.
HSS 35	Amendment Directions to Local Health Boards and	The Amendment Directions : 1. Extend the time allowed for LHBs and	Coming into force Early November	1. SO29 2. Accelerated

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(06)	NHS Trusts	NHS Trusts to implement NICE's technology appraisal guidance 'Parent Training/Education Programmes in the Management of Children with conduct disorder' from three months to two years. 2. Remove the statutory requirement on LHBs and NHS Trusts to implement NICE's guidance on laparoscopic surgery for colorectal cancer.	2006	Procedures (SO29.5) 3. Wales
HSS 36 (06)	The National Health Service (Travelling Expenses and Remission of Charges)Amendment (No2) Regulations 2006	To amend Regulations relating to student finance to take account of new funding arrangements	Plenary on 17 th October, if approved then coming into force 18 th October	1. SO24 2. Standard 3. Wales
HSS 37 (06)	The Children (Secure Accommodation) Amendment (Wales) Regulation 2007	To revoke regulation 3 to accommodate new inspection arrangements under the Care Standards Act 2000 undertaken by CSIW	November 2006	1. SO24 2. 3.
		NEW ADDITIONS		
HSS 38 (06)	The National Health Service (Dental Charges) (Wales) (Amendment) Regulations 2007	The Regulations remove the reference to 'crowns in other materials' in the list of appliances for which a Band 3 charge may be made and recovered in schedule 3 to the Regulations	December 2006	1. SO29 2. Standard 3. Wales

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HSS 39 (06)	National Health Service Wales The Pharmaceutical Services (Advanced and Enhanced Services) (Wales) (Amendment) Directions	To amend the 2005 Directions with regard to the criteria for undertaking Medicines Use Reviews	November 2006	1. SO29 2. Standard 3.